

**Full text** of the proposal follows (additions indicated in boldface thus):

#### SUBCHAPTER 5. PETITIONS

14:1-5.12 Tariff filings or petitions which propose increases in charges to customers

(a) Tariff filings or petitions for the purpose of making effective or making revisions, changes, or alterations of existing tariffs which propose to increase any rate, fare, toll, rental, or charge or so to alter any classification, practice, rule, or regulation as to result in such an increase, other than filings to effectuate the operation of an existing fuel or raw materials adjustment clause, shall conform to the provisions of N.J.A.C. 14:1-4 and N.J.A.C. 14:1-5.1 through 5.4, to the extent applicable, and shall in the body thereof, or in attached exhibits, contain all applicable information and data set forth in N.J.A.C. 14:1-5.11 and, in addition, shall contain the following information and financial statements which shall be prepared in accordance with the applicable Uniform System of Accounts:

1.-10. (No change.)

**11. If a company is part of a family of companies that files a consolidated Federal income tax return, that company shall include in its petition a consolidated tax adjustment (CTA) calculation using the rate base method, which allows the parent company to keep certain tax savings, while requiring the petitioner to reflect the savings by reducing the rate base upon which the utility's return is determined. The CTA calculation must include all supporting information and documents necessary for the Board to determine and implement an appropriate CTA calculation pursuant to this section. A CTA provides a mechanism that the Board will utilize in rate cases, so that ratepayers should share a specified portion of the tax savings achieved from the filing of a consolidated tax return. Required information and supporting documents include, but are not limited to, a schedule showing each affiliate company's taxable income/loss by year, an indication whether the affiliate is a regulated utility company or not, the statutory Federal income tax requirement for each year, if any, and the alternative minimum tax requirement for each year, if any. The review period for the CTA calculation shall be for five consecutive tax years, including the complete tax year within the utility's proposed test year. The calculated CTA shall be allocated, so that the rate base may be reduced by up to 25 percent of the full CTA. The transmission portion of an electric distribution company's income shall not be included in the calculation of CTA.**

(b)-(e) (No change.)

## TRANSPORTATION

### (a)

#### MOTOR VEHICLE COMMISSION

#### Transportation Network Companies

#### Proposed New Rules: N.J.A.C. 13:21-26

Authorized By: Raymond P. Martinez, Chairman and Chief Administrator, Motor Vehicle Commission.

Authority: N.J.S.A. 39:2A-28 and 39:5H-27.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2018-010.

Submit written comments by April 6, 2018, to:

Kate Tasch, APO  
Regulatory and Legislative Affairs  
Motor Vehicle Commission  
225 East State Street  
PO Box 160  
Trenton, New Jersey 08666-0160  
or via e-mail to [rulecomments@mvc.nj.gov](mailto:rulecomments@mvc.nj.gov)

The agency proposal follows:

#### Summary

This notice of proposal is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5, since this notice is not listed in the agency rulemaking calendar and the public comment period for the notice will be 60 days.

The purpose of the proposed new rules is to set forth standards for Transportation Network Company (TNC) applicants to apply to the New Jersey Motor Vehicle Commission (Commission) to operate in the State pursuant to N.J.S.A. 39:5H-1 et seq., including standards for granting permits, as well as denying, suspending, or revoking permits, and including the issuance of fines. Additionally, the new rules set forth standards for investigations, inspections, and review of TNC records by the Commission.

The operation of TNCs in the State is subject to the Transportation Network Company Safety and Regulatory Act, N.J.S.A. 39:5H-1 (Act). While the Act sets forth the legal requirements for the operation of TNCs in the State, including recordkeeping requirements, the proposed new rules are authorized by the Act and are required to clarify the particulars of applying for the required permit to operate, and the Commission's oversight thereof.

Briefly, the Act sets forth TNC-related requirements and restrictions, including those regarding for-hire status, the issuance and revocation of permits, fees for permits and renewals, the appointment and maintenance of an agent for service of process in the State, a memorandum of understanding between a TNC and the Department of Transportation (DOT), collection of fares, providing riders with pictures of drivers and license plate numbers of the personal vehicles to be used for the prearranged ride, electronic receipts, automobile insurance required to be maintained by the TNC and/or TNC drivers, disclosures by TNCs to their drivers regarding automobile insurance, an insurance company option to exclude coverage to drivers under private passenger automobile policies, maintenance by a TNC of a digital network communication system, a TNC's adoption and disclosure of a zero tolerance policy on use of controlled dangerous substances and alcohol, a TNC's adoption and disclosure of a policy of non-discrimination, the submission of applications to TNCs by drivers, criminal background checks for drivers, driving record checks for drivers applying to TNCs, Social Security number traces for drivers applying to TNCs, the basis for prohibition on an applicant or driver's access to the TNC's digital network, prevention of access to the TNC's digital network by unauthorized drivers, personal vehicle inspection criteria, maintenance of electronic information by drivers and accessibility of same to law enforcement officers, a prohibition on drivers soliciting non-prearranged rides, a TNC's requirement to maintain records and make them available for inspection and investigation, and the exclusivity of the statute and any rules promulgated in relation thereto as governing TNCs and their drivers in the State.

The proposed new rules are designed to expedite and clarify the processes of applying for TNC permits, and the investigation and inspection of TNC records by the Commission.

New N.J.A.C. 13:21-26.1 sets forth definitions of words and terms used in the rules, including: "Commission," "identifying marker," "operate/operating in the State," "operation of a transportation network company/TNC," "permit holder," "State," and "transportation network company applicant."

New N.J.A.C. 13:21-26.2 sets forth the permit application requirements, including: forms to be used, submission of a tax identification number and State sales tax certificate of authority, identification and certification of proposed authorized signatories on behalf of the TNC, identification of the TNC's corporate officers, board members, partners, or members, identification of all names under which the applicant conducts and intends to conduct business, proof of insurance, proof that the TNC is registered as a business in the State, written descriptions of the TNC's zero tolerance and non-discrimination policies, proof that the Attorney General has approved the TNC's proposed criminal history background process method, identification of the TNC's contact person for inspection, investigation, and review of

records, establishment and submission to the Commission of an identifying marker, and payment of an application fee.

New N.J.A.C. 13:21-26.3 sets forth grounds for denial, suspension, or revocation of a TNC permit, along with fines and the issuance of cease and desist orders. Grounds for denial may be based upon nine enumerated factors, including the TNC's failure to comply with the statutory requirements of N.J.S.A. 39:5H-1 et seq., or the proposed new subchapter, failure to submit a complete application, submission of an application that contains fraudulent or false information, failure to maintain or provide evidence of policies of zero tolerance and non-discrimination, failure to establish or to submit an identifying marker, failure to make payment of all fees, failure to submit all required application attachments, or where the applicant or an employee of the applicant, was previously issued a TNC permit that was suspended or revoked, and the terms or penalties imposed with such suspension or revocation were not satisfied. Grounds for suspension or revocation, after notice and an opportunity to request a hearing are set forth and include the TNC's failure to comply with the statutory requirements of N.J.S.A. 39:5H-1 et seq., or the proposed new subchapter, and the other reasons enumerated for denial. The proposed new rule also provides that a fine or penalty may be imposed, where a TNC operates without a permit, in violation of N.J.S.A. 39:5H-4.

New N.J.A.C. 13:21-26.4 sets forth the procedure for suspension or revocation of a TNC permit, including notices and hearing requests.

New N.J.A.C. 13:21-26.5 sets forth the rules regarding investigations, inspections, and review by the Commission, of TNC documents and records, including a statutorily permitted penalty for a TNC's failure to cooperate or comply with an inspection, investigation, or review.

New N.J.A.C. 13:21-26.6 sets forth rules for emergency inspections and disciplinary action.

New N.J.A.C. 13:21-26.7 sets forth rules regarding the submission by the TNC to the Commission of the TNC's identifying marker and the registration thereof, the issuance of the identifying marker to TNC drivers, the display by TNC drivers of the identifying marker, and the prohibition of displaying a TNC's identifying marker without the authorization of the TNC.

#### **Social Impact**

The Commission anticipates the proposed new rules will have a positive social impact on the citizens of New Jersey. The proposed new rules are designed to address security-related issues regarding TNCs and their drivers. It is anticipated the proposed new rules will provide the general public, TNC users, and citizens of the State with a secure TNC industry that will ultimately benefit them, as well as TNCs and TNC drivers alike, by setting minimum standards for participation as a TNC in the State, which standards are accompanied by strong checks and balances.

The Commission is focused on creating a process that reduces the possibility of TNCs operating outside the law, by creating a vigorous application process that calls for driver checks, security measures to help ensure the safety of riders, and inspection and investigation processes that hold TNCs accountable to the public-at-large.

#### **Economic Impact**

The proposed new rules are expected to have an adverse economic impact on the Commission. Although TNCs will pay initial and renewal permit fees of \$25,000 each year, it is as yet unknown how many TNCs will apply for permits, and it is believed that there may be as few as a handful. Thus, it is expected that the permit fees collected from TNC applicants will be insufficient to cover the costs of developing and maintaining the Commission's TNC program, which will consist of application review, analysis, and follow up, as well as auditing, and enforcement responsibilities including investigation, and inspection and review of records. Commission expenses include an expected one-time system modification cost. Additional Commission personnel are also expected to be necessary and at a minimum, Commission resources will be distracted from their primary functions to fulfill the needs of the new TNC program.

Overall, the Commission anticipates that the proposed new rules will have an adverse economic impact on the Commission, the extent of which will depend in part on the number of TNC applicants.

There may be some cost to TNCs associated with the statutory requirements related to the \$25,000 annual permit fee, mandatory insurance, criminal history background checks, application preparation, and identifying marker, but these costs should be more than offset by the financial benefit a TNC permit would bring to a TNC.

#### **Federal Standards Statement**

A Federal standards analysis is not required because the subject matter of the proposed new rules is authorized under State law and is not subject to Federal requirements or standards. There are no equivalent Federal law standards concerning TNCs.

#### **Jobs Impact**

The Commission anticipates minimal to moderate job growth in relation to the proposed new rules. Several TNCs are already operating in the State and it is anticipated that they will continue to do so. It is anticipated that additional TNCs may apply to operate in the State as well, but the number of new TNCs cannot be quantified at this time. Additional TNC drivers are anticipated, but the number of new TNC drivers also cannot be quantified at this time. The proposed new rules, in accordance with the Act, impose a thorough application, vetting, follow up, auditing, inspection, and enforcement process on all TNCs operating in the State, and this is expected to result in a need for additional staff and resources within the Commission.

#### **Agriculture Industry Impact**

The proposed new rules have no impact on the agriculture industry in New Jersey.

#### **Regulatory Flexibility Analysis**

It is believed that two TNCs currently operating in the State are not small businesses, and one TNC currently operating is a small business. It is further anticipated that there will or may be additional small businesses that apply to operate as TNCs in the future, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules do not themselves impose recordkeeping requirements beyond those set forth in the Act, specifically at N.J.S.A. 39:5H-25. The Act requires a transportation network company to maintain the following records: (1) individual prearranged ride records for at least six years following the date of the prearranged ride; and (2) individual records of each transportation network company driver, including, but not limited to, any records provided to the transportation network company pursuant to N.J.S.A. 39:5H-16 through 19 (driver applications, driver criminal background checks, driver driving records checks, and driver social security number traces), for at least five years after the driver terminates status as a transportation network company driver. N.J.A.C. 13:21-24.6 also requires the TNC, in the case of an emergency, to make all books, records, documents, papers, reports, or data relating to the operation of the TNC immediately available to the Commission for investigation or review. This provision does not require recordkeeping beyond what is required under the Act. The proposed new rules are not expected to require small businesses to engage additional professional services for compliance therewith. The records are of a kind that would be maintained in the ordinary course of business. Therefore, the proposed new rules do not impose unduly burdensome reporting or recordkeeping requirements on small businesses, nor do they necessitate initial capital and annual expenditures for reporting or recordkeeping compliance. The additional compliance requirement must be uniform for all TNC applicants in order to ensure adherence to regulatory requirements. Accordingly, an exemption from the reporting, recordkeeping, and compliance requirements of the proposed new rules is not warranted.

#### **Housing Affordability Impact Analysis**

The proposed new rules will not have any impact on the affordability of housing in New Jersey, and the proposed new rules will not evoke a change in the average costs associated with housing because the proposed new rules pertain solely to TNCs.

#### **Smart Growth Development Impact Analysis**

The proposed new rules will have no impact on smart growth and will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and

Redevelopment Plan in New Jersey because the rules pertain solely to TNCs.

**Full text** of the proposed new rules follows:

SUBCHAPTER 26. TRANSPORTATION NETWORK COMPANIES

13:21-26.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Commission” means the New Jersey Motor Vehicle Commission.

“Identifying marker” means a transportation network company’s (TNC) distinctive sign, symbol, emblem, mark, and/or insignia, that identifies the TNC and that is issued to each TNC driver by the TNC.

“Operate in the State” or “operating in the State” means the prearrangement of a ride by use of the TNC digital network, when the ride originates within the State or terminates within the State, beginning when a TNC driver accepts a ride requested by a TNC rider, continuing while the TNC driver transports a requesting TNC rider, and ending when the last requesting TNC rider departs from the TNC driver’s vehicle.

“Operation of a transportation network company” or “operation of a TNC” means engaging in the business of operating a digital network in the State to connect a TNC rider to a TNC driver to provide a prearranged ride.

“Permit holder” means a TNC that currently holds or, in the past, held a permit to operate in the State.

“State” means the State of New Jersey.

“Transportation network company applicant” or “TNC applicant” means a TNC applying for an initial or renewal permit to operate a digital network in the State to connect a TNC rider to a TNC driver to provide a prearranged ride, and shall include all partners, officers, directors, and persons having a controlling interest in the sole proprietorship, limited liability company, corporation, or other business entity that is applying for a permit.

13:21-26.2 Application

(a) The Commission shall prescribe a form of application for a TNC to apply to the Commission for a TNC permit to operate pursuant to N.J.S.A. 39:5H-4. This application will be made available and must be used by all TNC applicants. The application must be accompanied by a certification as to the accuracy of the application and all supporting materials.

(b) At the time of initial and renewal application, the TNC applicant shall submit a copy of the Federal notice of the TNC’s tax identification number and the TNC’s New Jersey sales tax certificate of authority.

(c) At the time of initial and renewal application, the TNC applicant shall submit a list of all proposed authorized signatories on behalf of the TNC. The TNC applicant shall notify the Commission within 10 days of any change in that list. Every application shall include a certification by each authorized signatory that he or she has not previously held a permit issued by the Chief Administrator or the Commission that was suspended or revoked and on which the terms or penalties imposed with such suspension or revocation have not been satisfied. Upon request from the Chief Administrator, the TNC applicant shall produce documentation demonstrating that each authorized signatory is authorized to execute documents on behalf of the TNC applicant.

(d) At the time of initial and renewal application, the TNC applicant shall submit a list of all TNC corporate officers, board members, partners, or members, as applicable, and any proposed authorized signatory. The Commission may deny, suspend, or revoke a TNC’s permit if any individual identified by the TNC pursuant to (c) above, previously held a permit, or was an officer, board member, partner, member, or authorized signatory in a TNC that held a permit that was suspended or revoked and the terms or penalties imposed with such suspension or revocation have not been satisfied.

(e) All TNC applicants shall disclose all names under which they conduct business and all other names under which they intend to trade or to do business. The TNC shall have an ongoing duty to report to the

Commission, in writing, any names or changes in existing names under which the TNC intends to do business, and shall not conduct business under a new name until the Commission has acknowledged receipt of the notification of change in business or trade name.

(f) Each application must be accompanied by satisfactory proof of insurance pursuant to N.J.S.A. 39:5H-10, which shall be a certificate of insurance that displays the name, address, telephone, and facsimile numbers of the insurance provider, the policy number and dates of coverage, the named and any additional insured parties or entities, and the limits of coverages provided under the policy.

(g) Each application must be accompanied by satisfactory proof that the TNC applicant is registered as a business in the State pursuant to N.J.S.A. 39:5H-4. Proof of registration shall be an original or a copy of the TNC applicant’s registration certificate that displays the business name, trade name, if applicable, business address, certification number, certification issuance date, and effective date. TNC applicants that are business entities established outside New Jersey must register with the Secretary of State as a foreign business pursuant to Title 14A or 42 of the New Jersey Statutes, as applicable.

(h) An application for a TNC permit shall be accompanied by a written description of the TNC’s zero tolerance policy on the use of controlled dangerous substances and alcohol, as required by N.J.S.A. 39:5H-14. The written description of the TNC applicant’s zero tolerance policy shall be submitted to the Commission on official letterhead of the TNC applicant.

(i) Each application for a TNC permit shall be accompanied by a written description of the TNC applicant’s non-discrimination policy, as required by N.J.S.A. 39:5H-15. The TNC applicant’s written description of its non-discrimination policy shall be submitted to the Commission on official letterhead of the TNC applicant.

(j) Each application for a TNC permit shall be accompanied by proof that the TNC has established an identifying marker as required by N.J.S.A. 39:5H-23.b, and attachment of the TNC’s identifying marker in full color for recording by the Commission. The identifying marker shall also be submitted to the Commission by e-mail, to the address indicated on the application, in jpeg format, within 10 days of the TNC applicant’s submission of the TNC application.

(k) An application for a TNC permit submitted by a TNC registered as a business in the State or operating in the State prior to May 1, 2017, shall be accompanied by proof of approval by the Attorney General of the TNC applicant’s proposed criminal history background process method as required by N.J.S.A. 39:5H-17. If proof of approval by the Attorney General is not submitted, the TNC applicant shall be required to comply with N.J.S.A. 39:5H-17.e(2). An application for a TNC permit submitted by a TNC that was not registered as a business in the State or operating in the State prior to May 1, 2017, shall be accompanied by proof of approval by the Attorney General of the TNC applicant’s proposed criminal history background process method as required by N.J.S.A. 39:5H-17. If proof of approval by the Attorney General is not submitted, the TNC shall be required to comply with N.J.S.A. 39:5H-17.e(1).

(l) A TNC applicant shall provide the Commission with the name, address, and phone number of its registered agent for service of process. The TNC applicant shall also provide the name, address, and phone number of a contact person who is familiar with the TNC’s records and properly empowered, so that he or she can arrange for inspection, investigation, and review of records consistent with N.J.S.A. 39:5H-25.

(m) An application for an initial TNC permit or renewal thereof must be accompanied by the \$25,000 permit fee required by N.J.S.A. 39:5H-27.4. Payment of the permit fee shall be accepted in only the following forms: business check, certified bank check, or money order.

(n) Upon approval of an application submitted by a TNC applicant, which includes payment of all fees and presentation of all required proofs, an initial or renewal permit shall be issued by the Commission. Each initial permit and each renewal permit shall be effective for one year from the date of issuance. No later than 60 days before expiration of a permit, a renewal application, which includes payment of all fees and presentation of all proofs required by this section, shall be submitted for each permit sought to be renewed.

13:21-26.3 Grounds for denial, suspension, or revocation of transportation network company permit; fines; issuance of a cease and desist order

(a) The Chief Administrator may deny an application for a permit or a renewal, permit, or issue a cease and desist order for:

1. Failure to comply with the requirements of N.J.S.A. 39:5H-1 et seq.;
2. Failure to comply with this subchapter;
3. Failure to submit a completed application;
4. Submission of an application that contains fraudulent or false information;
5. Failure to establish or maintain or provide the Commission with evidence of the policies required pursuant to N.J.S.A. 39:5H-1 et seq.;
6. Failure to establish and submit an identifying marker as required by N.J.S.A. 39:5H-23.b;
7. Failure to make payment of all fees;
8. Failure to submit all required application attachments; and
9. If the TNC applicant or any officer, board member, partner, member, or authorized signatory of the TNC applicant was previously issued a permit, or was an officer, board member, partner, member, or authorized signatory in a TNC that was previously issued a permit, that was suspended or revoked and the terms or penalties imposed with such suspension or revocation were not satisfied.

(b) The Chief Administrator may suspend or revoke a permit, after notice and an opportunity to request a hearing, for an applicant's failure to comply with the requirements of N.J.S.A. 39:5H-1 et seq., or for failure to comply with these regulations, or for any of the reasons for which an application can be denied as set forth in (a) above.

(c) The Chief Administrator may impose a penalty or fine in accordance with N.J.S.A. 39:5H-4 of \$500.00 per day against any TNC that operates without a permit in violation of the Act.

13:21-26.4 Suspension and revocation proceedings; penalties; hearings

(a) Except as provided in N.J.A.C. 13:21-26.3(a) and 26.6, prior to revoking or suspending a permit, or imposing any penalty, the Chief Administrator will send a notice of proposed action to the permit holder's registered agent or contact person identified by the TNC pursuant to N.J.A.C. 13:21-26.2(m).

(b) Within 25 days of the date of the notice, the permit holder or TNC applicant may request a hearing concerning the proposed administrative action.

(c) Any hearing request under (b) above must be in writing and must list all contested issues of material fact, issues of law, and mitigating circumstances that the permit holder or TNC applicant intends to demonstrate.

(d) If the Chief Administrator finds that there is one or more genuine issues of material fact, the matter will be referred for a hearing at the Office of Administrative Law. The hearing shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the Motor Vehicle Commission Cases, N.J.A.C. 1:13.

(e) Prior to referring the matter for a hearing, the Chief Administrator may, in his or her sole discretion, elect to conduct a prehearing conference.

(f) If there are no material facts in dispute or if the permit holder or TNC applicant does not respond to the notice of proposed action within 25 days from the date of the notice, the Chief Administrator shall issue a final order appealable only to the Appellate Division of the Superior Court.

(g) Nothing in this subchapter shall prevent the Chief Administrator from seeking to resolve any proposed administrative matters through informal means at any stage of the proposed administrative matters described in this section.

13:21-26.5 Investigations; inspections; review

(a) All requests for inspection, investigation, or review pursuant to N.J.S.A. 39:5H-25, and all statutory notices required under the Transportation Network Company Safety and Regulatory Act, P.L. 2017, c. 26, and this subchapter, shall be mailed to the TNC registered agent or the contact person identified in the TNC's application pursuant

to N.J.A.C. 13:21-26.2. After notice, the TNC shall immediately notify the Commission of the location of all information and material sought by the Commission. The Commission shall thereafter contact the TNC to determine a mutually agreeable location for the inspection, investigation, or review to occur within 14 days of the request.

(b) When an inspection or investigation is to be conducted pursuant to N.J.S.A. 39:5H-25.c, a request for extension of an inspection or investigation shall be in writing and must be received by the Commission at least two business days prior to the scheduled inspection or investigation. A request for extension must be based on the imposition of an undue burden on the TNC, and must be accompanied by all supporting evidence.

(c) The Chief Administrator, or his or her designee, shall have the authority to enter onto the premises where any TNC operates or maintains records for the purpose of inspecting records or conducting an investigation or review of the TNC in accordance with N.J.S.A. 39:5H-25. The TNC shall require all employees and drivers to cooperate with MVC investigators.

(d) Pursuant to N.J.S.A. 39:5H-25, if a TNC fails to cooperate in or comply with an inspection, investigation, or review, or to appear at a hearing, the Chief Administrator may suspend or revoke, or decline to issue or to renew, the TNC's permit, and may in addition, impose a fine of \$500.00 per day, and a penalty of temporary suspension, until the failure is remedied to the satisfaction of the Chief Administrator.

13:21-26.6 Emergency inspection and disciplinary action

(a) In the event that the Chief Administrator considers there to be an emergent situation in which ongoing activities of a TNC or a TNC driver may constitute a danger or risk to individual or public health and safety, the Commission may issue an immediate suspension of the TNC's permit and may require a TNC to immediately make all books, records, documents, papers, reports, or data relating to the operation of the TNC available to the Commission for inspection, investigation, or review.

(b) Along with the notice of immediate suspension, the Commission will issue a notice of preliminary hearing to be held by the Office of Administrative Law no later than the 10th day after mailing of the notice. At the preliminary hearing, the Office of Administrative Law will determine whether or not there exists probable cause to find that the alleged conduct that served as a basis for the preliminary suspension occurred, and whether or not that conduct constitutes sufficient basis to find an emergent situation justifying the continuation of a preliminary suspension.

(c) Along with the notice of immediate suspension, the Commission will issue a notice of proposed final suspension, revocation, or other agency action.

(d) The TNC will be afforded an opportunity to request a hearing concerning the proposed final agency action pursuant to N.J.A.C. 13:21-26.4.

13:21-26.7 Display of identifying marker

(a) A TNC shall issue an identifying marker to every TNC driver, which shall be displayed by the TNC driver in accordance with N.J.S.A. 39:5H-23.b, on the driver's personal vehicle when the driver logs on to the TNC's digital network as a driver or provides a prearranged ride.

(b) The identifying marker shall be sufficient to allow a passenger, government official, or member of the public to identify the TNC with which the vehicle is affiliated, and shall be of such size, shape, and color or color-contrast as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness.

(c) The TNC's identifying marker may be removable, but no person shall operate their personal vehicle as a TNC driver without displaying the TNC identifying marker in accordance with this section.

(d) No person shall operate a vehicle bearing a TNC's identifying marker issued in accordance with this section without the authorization of the TNC issuing the identifying marker.