

Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments and new rules pertain to driver licenses and non-driver identification cards, interim credentials, and expedited transactions.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS, DUPLICATES, INTERIM DRIVER LICENSES AND NON-DRIVER IDENTIFICATION CARDS, AND RESTORATIONS

13:21-9.5 Definitions

As used in N.J.A.C. 13:21-9.5 through [9.18] **9.21**, the following words and terms shall have the following meanings:

...

“Central printing” means the process whereby licenses, non-driver identification cards, and/or permits are physically printed and produced from a central location either within or outside New Jersey.

...

13:21-9.19 Central printing and central issuance of licenses, non-driver identification cards and permits; interim licenses, non-driver identification card receipts, and interim permits

(a) The Commission may institute the practices of central printing and central issuance of driver licenses, commercial driver licenses, boat operator licenses, motorcycle licenses, non-driver identification cards, examination or special learner permits, or commercial learner permits, as determined by the Chief Administrator. An interim license, non-driver identification card receipt, or interim permit, may be issued by the Commission at such time that an applicant has met all the requirements for the issuance of a driver license, commercial driver license, boat operator license, motorcycle license, non-driver identification card, examination or special learner permit, or commercial learner permit in accordance with N.J.S.A. 39:3-10 et seq., 39:3-10.12 et seq., 39:3-13, and 39:3-29.2 et seq.; and N.J.A.C. 13:21-7, 8, and 23 and 13:82-8.20.

(b) The interim license and interim permit shall permit the applicant to drive while the interim document is in his or her possession and carried along with the most recent driver license issued by the Commission, unless the interim license or interim permit is marked **INITIAL** or **DUPLICATE**. The interim license and interim permit shall not be used for identification purposes. The interim license or interim permit shall indicate the class of license granted and any endorsements granted.

(c) The interim license, non-driver identification card receipt, or interim permit, shall be valid for up to 30 days, and shall become invalid when:

1. The driver license, commercial driver license, boat operator license, motorcycle license, non-driver identification card, examination or special learner permit, or commercial learner permit is received in the mail;
2. Operating privileges or rights to a non-driver identification card are suspended, cancelled, or revoked; or
3. The interim license, non-driver identification card receipt, or interim permit expires, if not already invalidated pursuant to (c)1 and 2 above.

13:21-9.20 Issuance of a driver license, commercial driver license, boat operator license, motorcycle license, non-driver identification card, examination or special learner

permit, or commercial learner permit on an emergent basis

A driver license, commercial driver license, boat operator license, motorcycle license, non-driver identification card, examination or special learner permit, or commercial learner permit, or the renewal of such listed credential, may be issued to an applicant on an emergent and expedited basis for which the applicant shall submit satisfactory proof of the emergent and immediate need for photo identification, at specified agency locations. An emergent and immediate need, to be determined at the discretion of the chief administrator includes, but is not limited to, need for identification for immediate airline or train travel, identification to enter restricted places, such as a hospital, or identification to complete a home purchase or rental.

13:21-9.21 Fee for driver licenses issued on emergent basis

(a) The fee for the expedited issuance of a license, non-driver identification card, or any renewal thereof on an emergent basis at an agency shall be as follows:

1. Standard Driver License - \$99.00
2. REAL ID Driver License - \$110.00
3. Commercial Driver License - \$117.00 plus the costs of any additional endorsements, if applicable
4. Commercial Learner's Permit - \$200.00
5. Non-Driver Identification Card - \$99.00
6. Motorcycle License - \$99.00
7. Boat Operator License - \$99.00

(a)

MOTOR VEHICLE COMMISSION

Commercial Driver Licensing

Proposed Amendments: N.J.A.C. 13:21-23.1, 23.2, 23.12, 23.24, and 23.28

Authorized By: Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Authority: N.J.S.A. 39:3-10.27; and 49 U.S.C. §§ 31310(d) and 31311.

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

Proposal Number: PRN 2020-075.

Submit comments by September 18, 2020, to:

Kate Tasch, Director
Legal and Regulatory Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162
or via email to: rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

Recent changes to Federal law impose a life disqualification upon holders of commercial driver licenses (CDL) who are convicted of a felony involving “severe forms of trafficking in persons.” The life disqualification applies if the license holder or applicant used a commercial motor vehicle (CMV) in the offense. In this rulemaking action, the Motor Vehicle Commission (Commission) proposes amendments to the provisions of N.J.A.C. 13:21-23.1, 23.2, 23.12, 23.24, and 23.28, to bring these sections in line with the provisions of the new law, by adding the definition from 22 U.S.C. § 7102(11) of what constitutes an act or practice of “severe forms of trafficking in persons.”

Federal law, at 49 U.S.C. § 31310(d)(2), already required states to place a lifetime disqualification from CDL licensure on any individual who uses a CMV in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102(9)). A September 23, 2019 amendment to the Federal Motor Carrier Safety Regulations, at 49 CFR

383.51 and Table 1 thereto, effective September 23, 2019, added the lifetime ban for a person who uses a CMV to commit a felony involving an act or practice of “severe forms of trafficking in persons.” The term “severe forms of trafficking in persons” is defined and described at 22 U.S.C. § 7102(11), and includes: (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is less than 18 years old; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, or slavery. The Federal regulations further provide that, for a person disqualified for the conviction described, the life disqualification cannot be reduced. The proposed amendments will bring the language of the Commission’s rules in line with the language of the Federal requirement, as well as the State Police rules, which incorporate 49 CFR 383.51, at N.J.A.C. 13:60-2.1, adopted pursuant to N.J.S.A. 39:5B-32.

In addition, separate and apart from the above noted “severe forms of trafficking in persons” definition, these rules are proposed to be amended to clarify that an applicant for a CDL is required to meet the Federal standards for driver qualifications including, but not limited to, the physical qualifications enumerated in the Federal regulations, and that no person may operate a CMV if that person is disqualified from holding a CDL under Federal law, or if that person has failed to meet the requirements to operate a CMV under State law. Therefore, in addition to aligning these rules with the new Federal regulations regarding “severe forms of trafficking in persons,” these rules are proposed to be amended to include clarification of existing practice and align these rules with those of the State Police adopted at N.J.A.C. 13:60, which address physical requirements for both interstate and intrastate operation of CMVs.

N.J.A.C. 13:21-23.1 is proposed to be amended to set forth a definition for “severe forms of trafficking in persons.”

N.J.A.C. 13:21-23.2 is proposed to be amended to clarify existing practice and to align the language of the Commission’s rules with the requirements of rules adopted by the State Police at N.J.A.C. 13:60, pursuant to the authority granted by N.J.S.A. 39:5B-32, that whether a driver is operating interstate “or intrastate,” the driver must meet the physical requirements set forth at 49 CFR Part 391.

N.J.A.C. 13:21-23.12 is proposed to be amended to clarify that an applicant for a passenger endorsement, in addition to satisfying the requirements of this section, must also satisfy the requirements of N.J.A.C. 13:21-14.5, Passenger endorsement regulations, because passenger endorsements, and requirements for them, are addressed in both rules.

N.J.A.C. 13:21-23.24 is proposed to be amended to clearly state that a person who is convicted of the types of “severe forms of trafficking in persons” defined and described at 22 U.S.C. § 7102(11) receives a lifetime ban disqualification and the driver can never be reinstated.

N.J.A.C. 13:21-23.28 is proposed to be amended to clearly state that a person is not permitted to operate a CMV if that person is Federally disqualified from doing so or has failed to meet the State requirements for such operation. This amendment clarifies that the State’s interpretation and practice is, and has been, that a person is not eligible to drive a CMV if that person is not qualified to do so under State or Federal law.

Additionally, N.J.A.C. 13:21-23.28 is proposed to be amended to clarify that no person may operate a CMV in interstate or intrastate commerce if the person has failed to meet the physical qualifications under Federal law. It also makes clear that a medical variance or waiver from the physical qualifications under Federal law, which is granted by the Federal Motor Carrier Safety Administration for interstate commerce, is limited to interstate commerce. The variance does not operate as a variance or waiver of any physical requirement for the purposes of intrastate commerce, that is, driving within New Jersey.

Additionally, N.J.A.C. 13:21-23.28 is proposed to be amended to clarify that whenever a person uses a CMV in the commission of a felony involving an act or practice of “severe forms of trafficking in persons,” as defined at 22 U.S.C. § 7102(11), the person’s commercial driving privileges shall be revoked for life.

The public comment period for this notice of proposal will be 60 days. This notice of proposal is, therefore, excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments enhance the safety of the public by mandating, in accordance with Federal law, that when a person has used a CMV in the commission of a felony involving an act or practice of “severe forms of trafficking in persons,” that person is subject to a mandatory lifetime disqualification sanction, with no opportunity for any reduction of the disqualification, and that person’s commercial driving privileges shall also be revoked for life. “Severe forms of trafficking in persons” includes sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is less than 18 years old, or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, or slavery. The mandatory lifetime disqualification protects the public by preventing persons convicted of these heinous offenses from ever being eligible to operate a CMV post-conviction. This in turn will enhance the public’s confidence in the security of the operation of certain conveyances including school and commercial buses.

The proposed amendments also clarify that an applicant for a CDL is required to meet the Federal standards for driver qualifications including, but not limited to, the physical qualifications enumerated in the Federal regulations, and that no person may operate a CMV interstate or intrastate, if that person is disqualified from holding a CDL under Federal law, or if that person has failed to meet the requirements to operate a CMV under State law. Here too, public safety is heightened because persons are held to the Federal standard to be qualified to operate a CMV, both within the State and outside the State, thus minimizing the public’s exposure to unqualified CMV operators. In addition, passenger endorsements in the State are subject to regulations that address qualifications, and those requirements, which include experience, physical fitness, and good character promote safety on the roads. This, in turn, will enhance the public’s confidence in the safe operation of CMVs in the State.

The proposed amendments do not place any burden on the public, and to the contrary, they benefit the public by ensuring that persons who ride in or encounter CMVs will not be exposed to persons who have used a CMV in the commission of a felony involving “severe forms of trafficking in persons,” or who are disqualified or have not been qualified under both State and Federal standards to operate a CMV.

Economic Impact

The proposed amendments will not have a direct economic impact on the general public or the Commission. Further, the proposed amendments do not place any burden on the public, and to the contrary, they benefit the public by ensuring that persons who ride in or encounter CMVs will not be exposed to persons who were convicted of using a CMV in the commission of a felony involving “severe forms of trafficking in persons,” or who are disqualified or have not been qualified under both State and Federal standards to operate a CMV.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost as a result of the adoption of the proposed amendments, since these proposed amendments relate to the lifetime ban on the operation of CMVs by persons who were convicted of using a CMV in the commission of the felony involving “severe forms of trafficking in persons,” and the prohibition of operating a CMV for persons who are disqualified or have not been qualified under both State and Federal standards to operate a CMV.

Federal Standards Statement

The proposed amendments at N.J.A.C. 13:21-23.2 clarify that a person operating in intrastate commerce must meet the physical requirements of 49 CFR Part 391 and must meet the requirements of Federal law, at 49 U.S.C. § 31311, the Commercial Motor Vehicle Safety Act. The proposed amendments meet the requirements of Federal regulations and are limited to clarifying existing requirements; they do not impose any new requirements for the operation of commercial motor vehicles.

The proposed amendments clarifying the requirements for a passenger endorsement at N.J.A.C. 13:21-23.12, also meet the Federal requirements set forth above. In addition, the proposed amendments are limited to

clarifying existing requirements and do not impose any new requirements for passenger endorsements. Requirements for passenger endorsements are set forth in both N.J.A.C. 13:21-14.5 and 23.12.

The proposed amendments at N.J.A.C. 13:21-23.24 meet the requirements of Federal regulations relating to the lifetime ban on the reinstatement of a CDL to a person who is disqualified from holding a CDL for life if that person used a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000. The proposed amendments relating to qualifications to operate a CMV and interstate operation are equivalent to the Federal requirements that were adopted by the State at N.J.S.A. 39:5B-32 and N.J.A.C. 13:60-2.1.

The proposed amendments at N.J.A.C. 13:21-23.28(a) clarify New Jersey's requirement that those operating CMVs in intrastate commerce must meet the physical requirements of 49 CFR 391.41. This is not a new requirement and it meets the Federal requirements as discussed above. The proposed amendment also clarifies that the State of New Jersey does not have a medical variance or waiver program for intrastate commerce. Accordingly, those operating in intrastate commerce must comply with the physical requirements at 49 CFR 391.41 and are not eligible for a waiver of those requirements.

Proposed new N.J.A.C. 13:21-23.28(m) also meets Federal requirements set forth at 49 U.S.C. § 31310 and the recent amendment to the Federal Motor Carrier Safety Regulations at 49 CFR 383.51.

Agriculture Industry Impact

The Commission does not anticipate that there will be any impact on the agriculture industry as a result of the proposed amendments, since these proposed amendments relate exclusively to the lifetime ban on the operation of CMVs by persons who used a CMV in the commission of a felony involving "severe forms of trafficking in persons," and the prohibition of operating a CMV for persons who are disqualified or have not been qualified under both State and Federal standards to operate a CMV.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing and will not evoke a change in the average costs associated with housing, since these proposed amendments relate exclusively to the lifetime ban on the operation of CMVs by persons who used a CMV in the commission of a felony involving "severe forms of trafficking in persons," and the prohibition of operating a CMV for persons who are disqualified or have not been qualified under both State and Federal standards to operate a CMV.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth and there is an extreme unlikelihood that the rules would 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, since these proposed amendments relate exclusively to the lifetime ban on the operation of CMVs by persons who used a CMV in the commission of a felony involving "severe forms of trafficking in persons," and the prohibition of operating a CMV for persons who are disqualified or have not been qualified under both State and Federal standards to operate a CMV.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State, since these proposed amendments relate exclusively to the lifetime ban on the operation of CMVs by persons who used a CMV in the commission of a felony involving "severe forms of trafficking in persons," and the prohibition of operating a CMV for persons who are disqualified or have

not been qualified under both State and Federal standards to operate a CMV. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

13:21-23.1 Definitions

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

...

"Severe forms of trafficking in persons" means those acts as defined in the Federal law at 22 U.S.C. § 7102(11).

...

13:21-23.2 Driver application procedures; initial; examination permit; transfer from another State; renewal; upgrade; endorsements; form; fee; legal name defined

(a) To obtain a CDL, a person must meet the following requirements:

1.-2. (No change.)

3. If a person operates, or expects to operate, in interstate **or intrastate** commerce, meet the driver qualification requirements set forth [in] **at 49 CFR Part 391 and N.J.A.C. 13:60;**

4.-8. (No change.)

(b)-(l) (No change.)

13:21-23.12 Requirements for passenger endorsement

(a) An applicant for the passenger endorsement must satisfy both of the following additional knowledge and skills test requirements, **in addition to the requirements specified at N.J.A.C. 13:21-14.5:**

1.-2. (No change.)

13:21-23.24 Ineligibility for reduction of lifetime revocation

(a) [No] A person whose CMV driving privilege has been revoked pursuant to section 12(e) or 12(h) of the New Jersey Commercial Driver License Act or the similar law of any other State or jurisdiction because of his or her use of a CMV in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or controlled substance analog, or possession with intent to manufacture, distribute, or dispense a controlled substance or controlled substance analog, shall be [eligible] **ineligible** to have his or her CMV driving privilege restored pursuant to N.J.A.C. 13:21-23.23.

(b) A person whose CMV driving privilege has been revoked in this or any other state or jurisdiction because of his or her use of a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons shall be ineligible to have his or her CMV driving privilege restored pursuant to N.J.A.C. 13:21-23.23.

13:21-23.28 Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act; requirement for current medical examiner's certification

(a) No person may operate a CMV while his or her CDL is suspended or revoked in this State. No person may operate a CMV while his or her basic driver license is suspended or revoked in this State. No person properly licensed in another state may operate a CMV in this State while his or her CDL is suspended in that state. **No person may operate a CMV if the person is disqualified from holding a CDL pursuant to 49 CFR 383.51. No person may operate a CMV if the person has failed to meet the requirements of this subchapter or N.J.A.C. 13:60. No person may operate a CMV if the person has failed to meet the physical qualifications at 49 CFR 391.41, Physical Qualifications for Drivers. A waiver from the physical qualifications of 49 CFR 391.41, granted by the Federal Motor Carrier Safety Administration for interstate commerce pursuant to 49 U.S.C. § 31315, is limited to interstate commerce only. The Commission shall not issue waivers to persons who do not meet the physical requirements of 49 CFR 391.41.**

(b)-(l) (No change.)

(m) Whenever a person uses a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons, the person's commercial driving privileges shall be revoked for life.

(a)

MOTOR VEHICLE COMMISSION

Transportation Network Companies

Proposed Readoption of Specially Adopted Amendments with Amendments: N.J.A.C. 13:21-26.1, 26.2, 26.3, and 26.7

Proposed Readoption of Specially Adopted New Rules with Amendments: N.J.A.C. 13:21-26.8 and 26.9 and 13:21-26 Appendix

Authorized By: Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Authority: N.J.S.A. 39:5H-23 and 39:5H-23.1.

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

Proposal Number: PRN 2020-076.

Submit comments by September 18, 2020, to:

Kate Tasch, Director
Legal and Regulatory Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162
or via email to: rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

Effective November 7, 2019, the New Jersey Motor Vehicle Commission (Commission), specially adopted amendments at N.J.A.C. 13:21-26.1, 26.2, 26.3 and 26.7 and new rules at N.J.A.C. 13:21-26.8 and 26.9 and 13:21-26 Appendix, as authorized by and in compliance with P.L. 2019, c. 128 (Sami's Law). The specially adopted rules were scheduled to expire on November 26, 2020 (one year after the effective date of the rulemaking), pursuant to Sami's Law. As the Commission filed this notice of readoption prior to the expiration of the specially adopted amendments and new rules, this expiration date is extended 180 days to May 25, 2021, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The Commission proposes to readopt the specially adopted amendments to N.J.A.C. 13:21-26.1, 26.2, 26.3 and 26.7 and new rules at N.J.A.C. 13:21-26.8 and 26.9 and an appendix to the rules at 13:21-26 Appendix. The purpose of the rules is to improve safety for consumers of prearranged ride services requested through a digital network. The amendments and new rules make it easier and clearer for riders to confirm the identity of an Uber, Lyft, or other prearranged ride vehicle before the rider enters the vehicle. There are currently only three permitted prearranged ride providers in New Jersey (referred to as "Transportation Network Companies" or "TNCs"), namely Uber, Lyft, and River North Transit (VIA). All current and future permitted providers of prearranged rides (TNCs) must comply with these important consumer safety rules. The amendments and new rules implement statutory requirements that mandate that TNC drivers have reflective or illuminated identifying markers, or both, two-dimensional barcodes or other machine-readable codes or images, and identifying credential placards displayed on their personal vehicles.

Although the specially adopted new rules and amendments are already effective, the following information is intended to all the public to offer public comment at this point in time and to discuss further amendments the Commission is proposing at this time to the specially adopted new rules and amendments.

The specially adopted amendments proposed herein for readoption at N.J.A.C. 13:21-26.1 include new definitions relevant to the new and amended rules, including, "credential placard," "high resolution picture,"

"machine-readable code or image," "mobile application," "personal mobile device," "times of darkness," and "two-dimensional barcode," and amendment to the definition of "identifying marker." Notably, the "credential placard" definition is clarified to make clear that the rule applies to every TNC driver who provides prearranged rides that begin/originate in New Jersey, end/terminate in New Jersey, or both begin/originate and end/terminate in New Jersey.

The specially adopted amendments proposed herein for readoption at N.J.A.C. 13:21-26.2 reflect that each TNC applicant must include, as part of its application, proof that the TNC has established three things: an identifying marker in compliance with N.J.S.A. 39:5H-23.b; two-dimensional barcodes or other machine-readable codes or images in compliance with N.J.S.A. 39:5H-23.c; and credential placards in compliance with N.J.S.A. 39:5H-23.1.a. The credential placards, pursuant to N.J.S.A. 39:5H-23.1.a, must comply with the uniform credential placard template designed by the Chief Administrator of the Commission. The two-dimensional barcodes or other machine-readable codes or images may be included on the credential placards or produced as separate documents.

Proof of establishment of all three credentials is required to be supplied to the Commission as part of each TNC applicant's application. Each TNC applicant shall also attach to the application, and send by email to the Commission, full color copies for recording by the Commission, of the TNC's identifying marker, two-dimensional barcode or other machine-readable code or image, and credential placard.

The specially adopted amendments proposed herein for readoption at N.J.A.C. 13:21-26.3 reflect that the Chief Administrator may suspend or revoke a permit after notice and an opportunity to be heard for failure of a TNC to create, submit to the Commission, and issue two of each of the markers to each driver, specifically, reflective or illuminated identifying markers, or both, two-dimensional barcodes or other machine-readable codes or images, and identifying credential placards. In addition, the Chief Administrator may suspend or revoke a permit after notice and an opportunity to be heard for failure of a TNC to prohibit a driver who fails to display the markers, specifically, reflective or illuminated identifying markers, or both, two-dimensional barcodes or other machine-readable codes or images, and identifying credential placards, from utilizing the TNC's digital network as a driver or from providing prearranged rides.

The specially adopted amendments proposed herein for readoption at N.J.A.C. 13:21-26.7 clarify the location and illumination of the identifying markers, that the markers may not be obstructed, when they must be returned, and the TNC's obligation to notify TNC operators regarding the requirement to return the identifying markers. Notably, it is clarified that two identifying markers shall be displayed by the TNC driver in accordance with N.J.S.A. 39:5H-23.b(2), one on the front windshield and one on the rear window of the driver's personal vehicle while the driver is logged on to the TNC's digital network as a driver or is providing a prearranged ride. Additionally, each identifying marker must be either reflective, or capable of being illuminated, or both reflective and capable of being illuminated.

The specially new rule proposed herein for readoption at N.J.A.C. 13:21-26.8 addresses requirements regarding the issuance, display, and return of two-dimensional barcodes or other machine-readable codes or images.

The specially new rule proposed herein for readoption at N.J.A.C. 13:21-26.9 addresses requirements regarding the issuance, display, and return of credential placards. Specifically, N.J.A.C. 13:21-26.9(a)3 clarifies that the credential placards are required to include the license plate number of the personal vehicle associated with the driver and the state that issued the license plate, for each vehicle used by a driver while logged on to the TNC's digital network as a driver. The license plate number identified on the credential placard should match the license plate number of the vehicle being operated by the TNC driver. If a TNC driver operates more than one vehicle as a TNC driver, the credential placard on each vehicle operated shall have a credential placard that identifies the license plate number of that vehicle.

N.J.A.C. 13:21-26.9(b) states that a TNC shall issue two credential placards to every driver for each vehicle used. If a driver operates more than one vehicle as a TNC driver, the TNC shall issue credential placards for each vehicle operated by that driver.