

SPECIAL ADOPTION

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Transportation Network Companies

Special Adopted Amendments: N.J.A.C. 13:21-26.1, 26.2, 26.3, and 26.7

Special Adopted New Rules: N.J.A.C. 13:21-26.8 and 26.9 and 13:21-26 Appendix

Adopted: November 7, 2019, by Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: November 26, 2019, as R.2020 d.002.

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

Effective Date: November 26, 2019.

Expiration Date: November 26, 2020.

Take notice that in compliance with Sami's Law (P.L. 2019, c. 128), the Chair and Chief Administrator of the Motor Vehicle Commission (Commission) is promulgating new rules and amendments to the existing rules. The purpose of the rules is to improve safety for consumers of prearranged ride services requested through a digital network. This rulemaking makes 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 two permitted prearranged ride providers in New Jersey (referred to as "Transportation Network Companies" or "TNCs"), namely Uber and Lyft. 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. Sami's Law requires the Chief Administrator to adopt temporary rules immediately upon filing proper notice with the Office of Administrative Law. The Commission anticipates the TNCs will experience minimal economic impact related to the cost of issuing the new credentials to their drivers. Economic impact on the drivers is also expected to be minimal, since the job of creating and issuing the credentials falls on the TNCs. Any economic impact on the companies or drivers, however, is believed to be outweighed by the safety improvements for riders who will now have additional methods to verify the identity of their drivers and confirm that the drivers' vehicles are also correctly identified before entering them.

Federal Standards Statement

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

Full text of the special adopted amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 26. TRANSPORTATION NETWORK COMPANIES

13:21-26.1 Definitions

The following words and [ter(ms) **terms**, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

"Credential placard" means a removable sign issued by a TNC to every TNC driver who provides prearranged rides that originate in the State, the form of which complies with the uniform credential template designed pursuant to N.J.S.A. 39:5H-23, and includes the

first name of the driver; a high resolution, color picture of the driver; the license plate number of each personal vehicle associated with the driver and the state that issued the license plate; and the name of the TNC issuing the credential placard.

"High resolution picture" means a picture with a minimum resolution of 300 pixels per inch.

"Identifying marker" means a transportation network company's (TNC) distinctive sign, symbol, emblem, mark, and/or insignia, that is reflective, capable of being illuminated, or both, that identifies the TNC and that is issued to each TNC driver by the TNC.

"Machine-readable code or image" means an optical label provided by a TNC to a driver that can be scanned by a rider using a special scanner or personal mobile device with a built-in camera through the TNC's digital network.

"Mobile application" means a TNC's online-based technology application software that runs on a personal mobile device, such as a smartphone or tablet computer.

...

"Personal mobile device" means any mobile device that an individual uses to connect to a TNC platform.

...

"Times of darkness" means the time from a half-hour after sunset to a half-hour before sunrise; whenever rain, mist, snow, or other precipitation or atmospheric moisture requires the use of windshield wipers by motorists; and during any time when, due to smoke, fog, unfavorable atmospheric conditions, or for any other cause, there is not sufficient light to render clearly discernable persons and vehicles on the highway at a distance of 500 feet ahead.

...

"Two-dimensional barcode" means a machine readable image that is created and provided by the TNC and is unique to each individual driver and driver's personal vehicle used to provide prearranged rides, and is capable of being scanned by a rider with a special scanner or a personal mobile device through the TNC's digital network or mobile application to confirm the identity of the driver and the personal vehicle for the prearranged ride. The barcode must store information on both the horizontal and vertical planes.

13:21-26.2 Application

(a)-(i) (No change.)

(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, **a two-dimensional barcode or other machine-readable code or image as required by N.J.S.A. 39:5H-23.c, and a credential placard in compliance with, and as required by, N.J.S.A. 39:5H-23.1 and 39:5H-23.d**, and attachment of the TNC's identifying marker, **two dimensional barcode or other machine-readable code or image, and credential placard** in full color for recording by the Commission. The identifying marker, **two-dimensional barcode, or other machine-readable code or image, and credential placard** shall also be submitted to the Commission by [e-mail] **email**, to the address indicated on the application, in jpeg format, within 10 days of the TNC applicant's submission of the TNC application. **The two-dimensional barcode or other machine-readable code or image may be included on the credential placard or as a separate document.**

(k)-(n) (No change.)

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.-5. (No change.)

6. Failure to establish and submit an identifying marker as required by N.J.S.A. 39:5H-23.b; **two-dimensional barcode or other machine-**

readable code or image, as required by N.J.S.A. 39:5H-23.c; or credential placard as required by N.J.S.A. 39:5H-23.d;

7.-9. (No change.)

(b)-(c) (No change.)

(d) The Chief Administrator may suspend or revoke a permit, after notice and an opportunity to request a hearing, for a TNC's failure to create, submit to the Commission, and issue two of each of the following to every driver that utilizes the TNC's digital network as a driver: a compliant identifying marker pursuant to N.J.S.A. 39:5H-23.b(1); a compliant two-dimensional barcode or other machine-readable code or image pursuant to N.J.S.A. 39:5H-23.c(1); and a compliant credential placard pursuant to N.J.S.A. 39:5H-23.d(1).

(e) The Chief Administrator may suspend or revoke a permit, after notice and an opportunity to request a hearing, for a TNC's failure to prohibit a driver who has not displayed the identifying markers, barcodes or placards, as required from utilizing the TNC's digital network as a driver and from providing prearranged rides as required pursuant to N.J.S.A. 39:5H-23.g(1).

13:21-26.7 [Display] Issuance, display, and return of identifying markers

(a) A TNC shall issue [an] two identifying markers 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 front windshield and rear window of the driver's personal vehicle [when] while the driver [logs] is logged on to the TNC's digital network as a driver or [provides] is providing a prearranged ride. The identifying markers shall be reflective, capable of being illuminated, or both.

(b) (No change.)

(c) If the identifying markers are capable of being illuminated, the driver shall have the identifying markers illuminated and visible from the outside of the vehicle from a distance of 500 feet during times of darkness while the driver is logged on to the TNC's digital network as a driver or when the driver is providing a prearranged ride.

(d) A driver shall not allow the identifying markers on the driver's vehicle to be obstructed at any time when the driver is logged on to the TNC's digital network as a driver or when the driver is providing a prearranged ride.

(e) The [TNC's] identifying markers may be removable, but no [person shall operate their] driver shall log on to the digital network as a driver or provide a prearranged ride in his or her personal vehicle as a [TNC] driver without displaying the [TNC] TNC's identifying markers in accordance with this section.

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

(g) A driver shall return the identifying markers issued pursuant to this section to the TNC within 30 days of the date the driver notifies the TNC that the driver is terminating status as a driver, or within 24 hours if the driver's status is terminated by the TNC and shall not provide prearranged rides using the TNC's digital network.

(h) The TNC shall notify the driver of this requirement to return identifying markers, and the timeframe in which the driver is to return them within 15 days after the date that the driver notifies the TNC that the driver is terminating status as a driver, or simultaneously with the notice of termination if the TNC terminates the driver.

13:21-26.8 Issuance, display, and return of two-dimensional barcodes or other machine-readable codes or images

(a) A TNC or its third-party designee shall create, and the TNC shall issue, two copies of a two-dimensional barcode or other machine-readable code or image to every driver, which shall be displayed by the driver in accordance with N.J.S.A. 39:5H-23.c, on the driver and passenger side rear windows of the driver's personal vehicle, and shall be scannable by a rider from the exterior of the vehicle while the driver is logged on to the TNC's digital network as a driver or is providing a prearranged ride. The two-dimensional barcode or other machine-readable code or image may be included on the credential placard required at N.J.A.C. 13:21-26.9.

(b) The two-dimensional barcode or other machine-readable code or image shall be unique to each driver and to the driver's personal vehicle that is being used to provide prearranged rides, and it shall be capable of being scanned by a rider through the digital network or mobile application from the exterior of the vehicle to confirm the identity of the driver for a prearranged ride and the personal vehicle being used to provide the prearranged ride before the rider enters the vehicle.

(c) A driver shall not allow the two-dimensional barcode or other machine-readable code or image on the driver's vehicle to be obstructed at any time when the driver is logged on to the TNC's digital network as a driver or when the driver is providing a prearranged ride.

(d) The two-dimensional barcode or other machine-readable code or image may be removable, but no driver shall log on to the TNC's digital network as a driver or provide a prearranged ride in their personal vehicle as a driver without displaying the two-dimensional barcode or other machine-readable code or image in accordance with this section.

(e) A driver shall return all copies of the two-dimensional barcode or other machine-readable code or image to the TNC within 30 days of the date that the driver notifies the TNC that it is terminating status as a driver, or within 24 hours if the driver's status is terminated by the TNC, and shall not provide prearranged rides using the TNC's digital network.

(f) The TNC shall notify the driver of this requirement to return all copies of the two-dimensional barcode or other machine-readable code or image and the timeframe in which the driver is to return them within 15 days after the date that the driver notifies the TNC that the driver is terminating status as a driver, or simultaneously with the notice of termination if the TNC terminates the driver.

13:21-26.9 Issuance, display, and return of credential placards

(a) The Chief Administrator shall design a uniform credential placard template, as set forth at N.J.A.C. 13:21-26 Appendix, incorporated herein by reference. A TNC or its third-party designee shall create credential placards in a minimum size of four inches by six inches conforming to the template for each driver, which shall include the following information:

1. The first name of the driver, which name must be identical to the driver's name as it appears on the TNC's digital network and mobile application;
2. A high resolution, color picture of the driver, which picture must be identical to the driver's picture as it appears on the TNC's digital network and mobile application;
3. The license plate number of each personal vehicle associated with the driver and the state that issued the license plate;
4. The name of the TNC issuing the credential placard; and
5. As an option, the two-dimensional barcode or other machine-readable code or image required at N.J.A.C. 13:21-26.8.

(b) A TNC shall issue two credential placards to every driver, which shall be displayed by the driver in accordance with N.J.S.A. 39:5H-23.d, on the driver and passenger side rear windows of the driver's personal vehicle clearly legible and the barcode shall be scannable by the rider from the exterior of the vehicle while the driver is logged on to the digital network as a driver or is providing a prearranged ride.

(c) The credential placards must be legible and the barcode scannable and a driver shall not allow the credential placards on the driver's vehicle to be obstructed at any time when the driver is logged on to the TNC's digital network as a driver or when the driver is providing a prearranged ride.

(d) The credential placards may be removable, but no driver shall log on to the TNC's digital network as a driver or provide a prearranged ride in their personal vehicle as a driver without displaying the credential placards in accordance with this section.

(e) A driver shall return all copies of the credential placards to the TNC within 30 days of the date that the driver notifies the TNC that the driver is terminating status as a driver, or within 24 hours, if the

driver's status is terminated by the TNC, and shall not provide prearranged rides using the TNC's digital network.

(f) The TNC shall notify the driver of this requirement to return all copies of the credential placard and the timeframe in which the driver is to return them within 15 days after the date a driver notifies the TNC that the driver is terminating status as a driver, or

simultaneously with the notice of termination if the TNC terminates the driver.

(Agency Note: N.J.A.C. 13:21-26 Appendix published below is not boldfaced as new text in order for the boldface elements of the document to be depicted correctly.)

APPENDIX

