

Title 34: Chapter 4 – Transportation Network Companies

STATEMENT

This ordinance is to establish requirements and procedures for the Transportation Network Companies that use digital network or software mobile applications to connect a passenger to a transportation network driver for the purpose of providing transportation within the City of Newark for profit by the Transportation Network Company. It requires TNC drivers and owners to use only TNC Software Platforms approved by the Commission and City of Newark Municipal Council.

34:4-1. DEFINITIONS.

Transportation Network Company (TNC): Transportation Network Company (TNC) shall mean an individual, corporation, partnership, sole proprietorship, or other entity that uses an online application program to connect drivers to passengers for the purpose of carrying passengers for hire or for ride-sharing services for a fee.

TNC Driver: An individual that uses a passenger vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers in exchange for payment of a fee to the transportation network company.

TNC Driver License: shall mean a license issued by the Commission to persons who meet the Commission's qualifications of a for-hire driver of a TNC vehicle.

Prearranged Transportation Services: Transportation services available by advance request excluding for-hire passenger vehicles soliciting passengers for immediate transportation. No minimum waiting period is required between the advance request and the provision of the transportation services.

TNC Service: Prearranged transportation service provided by a TNC driver in connection with a transportation network company. The TNC service begins when the TNC driver accepts a ride request on the transportation network company's online-enabled application or platform and ends at the later of the following:

- a. The time that the driver completes the transaction on the online-enabled application or platform.
- b. The time that all passengers exit the vehicle and complete unloading of the vehicle.

TNC Software Platform: shall mean the electronic information system that integrates and manages all of the shared components of the software operating system. Components shall include the functionality of the database system used, the credit and debit card payment system and the mobile application platform.

Applicant: shall mean a person who completes an application process for TNC Platform License, TNC Vehicle License or TNC Driver License.

Principal Place of Business: shall mean the place or location where the Transportation Network Company is registered to do business within the City of Newark.

TNC Business License: shall mean the Business License issued by the City of Newark.

TNC Vehicle License: shall mean a person to whom a TNC vehicle license has been issued who meets the Commission's requirements to operate a TNC vehicle.

PCI Standard: The Payment Card Industry Data Security Standards issued by the Payment Card Industry Security Standards Council as they may change from time to time. See www.pcisecuritystandards.org

Manager: shall mean the Manager of the Division of Taxicabs.

Division: shall mean the Division of Taxicabs within the Police Department of the City of Newark.

Commission: shall mean the Taxicab Commission within the Police Department of the City of Newark.

Business Administrator: shall mean the Business Administrator of the City of Newark.

Certificate of Compliance: shall mean a certificate of compliance issued by the Clerk of the City of Newark upon the filing of the required insurance policy.

City Clerk: shall mean the Clerk of the City of Newark.

Corporation Counsel: shall mean the Corporation Counsel of the City of Newark.

Hearing: shall mean a public hearing at which the licensee shall be given an opportunity to appear personally and represented by his/her chosen counsel and be heard and to present evidence in his/her behalf or otherwise answer the charges against him/her.

Holder: shall mean a person to whom a TNC vehicle license has been issued to.

34:4-2. TNC LICENSE AND CERTIFICATE OF COMPLIANCE REQUIREMENTS.

No person shall operate or permit a TNC owned or controlled by him or her to be operated as a TNC vehicle upon the streets of the City of Newark without first obtaining a TNC Business License, TNC Vehicle License and a TNC Driver's License from the Division of Taxicabs; a certificate of compliance from the City Clerk and meet the following requirements:

1. Cannot start operating unless they are approved.
2. His or her Principal Place of Business must be in the City of Newark.
3. Each TNC Driver operating a TNC vehicle within the City of Newark must be affiliated with a licensed and registered TNC.

34:4-3. PRINCIPAL PLACE OF BUSINESS; TNC SOFTWARE PLATFORM REQUIREMENTS.

- a. The TNC Software Platform must provide a Physical Street Address, a Phone Number and working email address for the principal place of business in the City of Newark. Any changes must be notified to the Division within five (5) days.
- b. The principal place of business or base can only be located in those districts located by local

zoning ordinances and shall not be combined with any residential property and/or businesses.

c. Each Transportation Network Company (TNC) Software Platform License must be approved by the Commission by submitting a Notarized initial or renewal Application for Operation to the Commission and meet the following requirements:

1. An applicant for a TNC Software Platform License can be an individual, corporation, partnership, sole proprietorship, or other business entity that uses an online application program to connect drivers to passengers.
2. An administrative fee of \$TBD shall be paid to the Division of Taxicabs.
3. Each TNC must open a Place of Business (base) in the City of Newark with an operating staff in order to maintain a business presence and to address all TNC issues.
4. Submit a copy of the Business License for the base (proving compliance with City and State laws) to transact business in the City of Newark.
5. Submit a copy of the Business Registration Certificate and Certificate of Incorporation for the State of NJ and/or Annual Certificate of Good Standing.
6. The Transportation Network Company should have Commercial Insurance for their principal place of business (base) – minimum amount of insurance required (TBD)
7. The Commission has the right to reject a TNC Software Platform's name if it finds it to be similar to any other existing licensed company.
8. All summonses issued under Title 23, Title 34, Transportation and/or N.J.S.A. Title 39 (State) during the calendar year must be settled in full prior to the issuance of a current license.
9. All outstanding fees and fines must be paid in full prior to submitting application, i.e. Payroll Taxes, Business License, Trade Waste Permit, Fire Inspections, etc.
10. Any modifications of the TNC Software Platform must be approved by the Commission prior to implementation and include an administrative fee of \$TBD to be made payable to the Division of Taxicabs.

34:4-4. INSURANCE REQUIRED; PROOF OF INSURANCE.

a. In order to insure the safety of the public, it shall be unlawful for any person to operate or cause or permit a TNC vehicle to be operated, nor shall any TNC vehicle license or Certificate of Compliance be issued until an insurance policy has been approved by the Corporation Counsel. The insurance policy shall name the City of Newark as an additional insured and contain therein an endorsement indicating that their principal place of business is within the City of Newark. Upon the issuance of the license, the original insurance policy shall thereupon be filed forthwith with the Office of the City Clerk.

b. The following automobile insurance requirements apply while a TNC driver is logged on to the transportation network company's online-enabled application or platform but is not providing TNC service:

1. Primary automobile liability insurance in the amount of at least fifty thousand dollars (\$50,000) because of death of or bodily injury to one person in any one accident and, subject to said limit for one person, one hundred thousand dollars (\$100,000) because of death of or bodily injury to two or more persons in any one accident, and at least twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident.

2. Combined uninsured and underinsured motorist coverage, with limits for combined uninsured and underinsured motorist bodily injury coverage which at least equals the bodily injury liability limits of the policy as described in section (b.1.) and which otherwise complies with the requirements.

c. The following automobile insurance requirements apply while a TNC driver is engaged in TNC service:

1. Primary automobile liability insurance in the amount of at least one million five hundred thousand dollars (\$1,500,000) because of death of one or more persons, bodily injury to one or more persons, injury to or destruction of property of others, or any combination thereof, in any one accident.
2. Combined uninsured and underinsured motorist coverage, with limits for combined uninsured and underinsured motorist bodily injury coverage of at least one million dollars (\$1,000,000) and which otherwise complies with the requirements.

d. If insurance maintained by the TNC driver under subsection (c.1.) of this section has lapsed or does not provide the required coverage, insurance maintained by the transportation network company must provide the coverage required under subsection (c.1.) of this section beginning with the first dollar of a claim and must provide the defense of the claim.

e. Insurance coverage under an automobile insurance policy maintained by the transportation network company must not be dependent on a personal automobile insurer denying a claim.

f. Insurance required by this section may be placed with an insurer licensed in the State or with a surplus lines insurer eligible to write policies in the State.

g. Insurance satisfying the requirements of this section satisfies the financial responsibility requirement for a motor vehicle.

h. A TNC driver must carry proof of coverage satisfying the requirements of this section at all times during use of a vehicle in connection with a transportation network company's online-enabled application or platform. In the event of an accident, a TNC driver must provide insurance coverage information directly to interested parties, automobile insurers, and investigating police officers, upon request. Upon such request, a TNC driver must also disclose to directly interested parties, automobile insurers, and investigating police officers whether the TNC driver was logged on or off of the transportation network company's online-enabled application or platform at the time of the accident.

i. Before any vehicle is used in connection with a transportation network company's online-enabled application or platform, a TNC driver must notify both the insurer of the vehicle and any lienholder with an interest in the vehicle of the TNC driver's intent to use the vehicle in connection with a transportation network company's online-enabled application or platform.

j. Transportation network companies must disclose in writing to potential TNC drivers the following before the TNC driver provides TNC service:

1. The insurance coverage, including the types of coverage and the limits for each coverage that the transportation network company provides while the TNC driver uses a private

passenger vehicle in connection with a transportation network company's online-enabled application or platform.

2. The TNC driver may not have any coverage under a personal automobile insurance policy while using the transportation network company's online-enabled application or platform.
3. If the vehicle with which you provide transportation network company services has a lien against it, you must notify the lienholder prior to providing transportation network company services of your intent to provide transportation services with the vehicle. You may disclose to the lienholder all insurance coverage information provided to you by the transportation network company. If you fail to provide the required insurance coverage under the terms of your contract with the lienholder or show evidence to the lienholder of the coverage provided by the transportation network company, you may violate the terms of your contract.

k. Insurers that write automobile insurance in the State may exclude coverage under the policy issued to an owner or operator of a personal vehicle for any loss that occurs while the driver is logged on to a transportation network company's online-enabled application or platform or while the driver provides TNC service. This right to exclude all coverage applies to any coverage included in an automobile insurance policy, including all of the following:

1. Liability coverage for bodily injury and property damage.
2. Personal injury protection coverage.
3. Uninsured and underinsured motorist coverage.
4. Medical payments coverage.
5. Comprehensive physical damage coverage.
6. Collision physical damage coverage.

l. Automobile insurers that exclude the coverage described in subsection (i) of this section have no duty to defend or indemnify any claim expressly excluded. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy has a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of this section.

m. No insurer is required to sell a policy of insurance providing the coverage required by this section.

n. In a claims coverage investigation or accident, a TNC driver, transportation network companies, any insurer potentially providing coverage under this section, and other directly involved parties must exchange the following information:

1. Any accident and/or claim should be reported to the Division within 48 hours.
2. Description of the coverage, exclusions, and limits provided under any 1 (one) insurance policy.
3. Precise times that a TNC driver logged on and off of the transportation network company's online-enabled application or platform in the 12-hour 4 period immediately preceding and in the 12-hour period immediately following the accident.
4. Precise times that a TNC driver provided TNC service in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident.

o. Any license issued hereunder shall only be effective for as long as the insurance policy remains in force and in accordance with the statutory amounts. In the event that the insurance is cancelled, the

TNC vehicle license shall terminate on the effective date of the cancellation, unless the insurance has been reinstated and a withdrawal of the cancellation or a new policy of insurance has been submitted to the City Clerk prior thereto for the remainder of the license term.

- p. At the time of application, the owner of the TNC service and/or vehicle shall execute a Power of Attorney appointing the Chief Fiscal Officer of the City of Newark as his/her true and lawful attorney for the purpose of acknowledging service of any process for indemnity under the policy, which shall be filed, together with the insurance policy with the City Clerk.
- q. The insurance policy must provide therein that it shall not be cancelled except upon twenty (20) days prior written notice to the Manager of the Division.

34:4-5. ISSUANCE OF CERTIFICATE OF COMPLIANCE; DISPLAY.

- a. Upon approval of the insurance policy by the Corporation Counsel, the City Clerk shall issue a Certificate of Compliance in duplicate to the applicant showing that he/she has complied with the terms and provisions.
- b. The duplicate of the certificate shall be filed with the New Jersey Motor Vehicle Commission (NJMVC) before such vehicle is registered as a TNC vehicle.
- c. The original certificate shall be posted in a conspicuous place within the TNC vehicle.

34:4-6. EXPIRATION DATE AND FEES FOR TNC VEHICLE AND DRIVER'S LICENSE

- a. The term of each TNC Vehicle License and TNC Driver's License issued by the Division should not exceed (2) two years and shall expire on July 31st biannually.
- b. The biannual license fee for the owner to operate each TNC Vehicle in the City of Newark shall be six-hundred dollars (\$600.00) biannually and shall be paid up to 60 days prior to the expiration date. The fee shall be made payable to the Division of Taxicabs.
- c. The biannual license fee for each TNC driver to operate a TNC vehicle in the City of Newark shall be one-hundred dollars (\$100.00) biannually and shall be paid up to 60 days prior to the expiration date. The fee shall be made payable to the Division of Taxicabs.
- d. Such vehicle license fees shall be in addition to the twenty-five (\$25.00) dollars annual fee made payable to the Division of Taxicabs for the Certificate of Compliance issued by the City Clerk and any other fees or charges established by the City of Newark, which are applicable to TNC's.
- e. The TNC vehicle license fee, TNC driver license fee and the fee for the Certificate of Compliance shall be payable upon the presentation of the application to the Manager of the Division, who will forward the monies accordingly to the appropriate offices. In the event that the license is denied or the application is withdrawn, all fees shall be returned less the sum of fifty (\$50.00) dollars for administrative costs.

34:4-7. APPLICATION PROCEDURE; INFORMATION REQUIRED; RENEWALS OF TNC VEHICLE AND DRIVER

- a. An application for a TNC vehicle and/or driver's license shall be made by the owner, lessee, bailee or driver of the TNC vehicle and shall be filed with Manager of the Division upon forms provided by the Division, together with the TNC vehicle license fee of six-hundred (\$600.00) dollars, the TNC driver's license fee of one hundred (\$100.00) dollars, if applicable, and the twenty-five (\$25.00) dollar annual fee for the Certificate of Compliance payable as indicated in Section 34:4-6

above. The application shall be verified under oath and shall contain the following information:

1. Name and legal address of the applicant;
2. Resident addresses for the past three (3) years;
3. Age, height, color of eyes and hair;
4. Place and date of birth;
5. Marital status;
6. Previous employment and employers for the past three (3) years;
7. Whether the applicant has ever been convicted of a crime punishable by more than one (1) year imprisonment or a violation of this chapter;
8. Whether his or her driver's license, issued by any State, foreign country or municipality, has been suspended or revoked for any cause, and the particulars thereof;
9. The year, type, vin number and model of the TNC vehicle for which the license is desired;
10. The number of passengers the TNC vehicle is capable of transporting;
11. The principal place of business of the TNC service;
12. Any other pertinent information or documentation requested by the Manager of the Division.

b. Upon an initial application for a TNC vehicle license and TNC driver's license, an applicant shall submit to being fingerprinted by the Division of State Police in the Department of Law and Public Safety or by agents appointed by or under contract to the division and shall also provide written consent to the performance of a criminal history record background check unless the applicant was previously fingerprinted and had a criminal history background check conducted as part of an application for a Commercial Driver License or a passenger endorsement under a Commercial Driver License or both. The chief administrator is authorized to exchange fingerprint data and photographic identification with and receive criminal history record background information results from the Division of State Police. The division shall inform the chief administrator if an applicant's criminal history record background check reveals a conviction of a disqualifying crime as specified in subsection d. of this section. The applicant shall bear the cost of fingerprinting and the cost for the background checks, including all costs of administering and processing the checks. As used in this section, "criminal history record background check" means a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprint data with those on file with the State Bureau of Identification in the Division of State Police.

c. Each application must be accompanied by a certificate from a licensed and practicing physician of the State of New Jersey, certifying that the applicant has been examined on a certain date, within sixty (60) days prior to the filing of the application; and that, in his or her professional opinion, the applicant is of sound physique, with good eyesight, not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might make the applicant unfit to safely operate a TNC vehicle and/or put the safety of a passenger in jeopardy.

d. Each initial application shall be accompanied by two (2) passport-size photographs of the applicant taken within thirty (30) days of the application (front view size: 2x2 inches).

e. Each application shall be accompanied by an original and one (1) copy of a current Insurance

Policy Declaration Page in accordance with the requirements of this chapter and the Laws of the State of New Jersey.

f. All summonses issued under Title 23, Title 34, Transportation and/or N.J.S.A. Title 39 (State) during the calendar year must be settled in full prior to the issuance of a current license.

g. The biannual application for renewal of a TNC vehicle or driver's license shall be filed with the Division up to sixty (60) days prior to the expiration date of the license(s).

34:4-8. MINIMUM QUALIFICATIONS.

No TNC vehicle license or TNC driver's license shall be issued or renewed unless the applicant meets the following requirements:

- a. Furnishes satisfactory evidence that he or she is the holder, for at least one (1) year prior to the date of application, of a valid automobile driver's license issued by the New Jersey Motor Vehicle Commission (NJMVC);
- b. Each applicant must submit a Certified Driver's Abstract from the New Jersey Motor Vehicle Commission (NJMVC) to be approved by the Manager of the Division;
- c. Is at least eighteen (18) years of age;
- d. Has been a legal resident of New Jersey for one (1) year or more;
- e. Is able to speak and understand the English Language;
- f. Is a citizen or legally documented resident of the United States;
- g. Furnishes written proof that the applicant is the owner, lessee, employee, agent or servant of the owner of the TNC service;
- h. Obtain a Certificate of Compliance from the City Clerk.
- i. No TNC vehicle license or TNC driver's license shall be issued unless the applicant therefor has completed an annual orientation class(es) provided by the Division. All drivers shall be required to attend subsequent orientation classes once every three (3) years if offered.
 1. Upon satisfactory completion of orientation class(es), the applicant shall sit for a TNC driver's license exam provided by the Division or by agents appointed by or under contract to the division by the Commission.
 2. No TNC driver's license shall be issued unless the applicant, thereof has taken a TNC driver's license exam, of which there is a fifteen (\$15.00) examination fee and has received a score of seventy (70%) or higher.
- j. Furnishes proof to the Manager of the Division that he/she has adequately provided for the safety of children under the age of five (5) years, who may be passengers in a TNC vehicle owned or operated by him/her. Such proof shall consist of a written policy or posted notice at the Principal Place of Business in the City of Newark, conspicuous to drivers, setting forth that prior to the operation of the TNC vehicle, children zero (0) months of age but under the age of five (5), who are passengers in a TNC vehicle, shall be placed in a Federally approved child restraint seat; children of age five (5) or older must be in a lap and/or lap and shoulder harness seat belt when riding in the rear seat of a TNC vehicle. A TNC service must at all times keep and maintain, either in vehicles or at the Principal Place of Business, a total number of Federally approved seats equal to twenty-five (25%) percent of the

number of licensed TNC vehicles, which shall be available at all times for use by drivers of licensed TNC vehicles. In the case of an independent owner, proof must be furnished to the Manager of the Division that he/she keeps and maintains a Federally approved car seat in the passenger compartment or trunk of the licensed TNC vehicle at all times for use in accordance with this section and Section 34:4-15.

34:4-9. INVESTIGATION OF APPLICANT; CONSIDERATION.

- a. Upon the filing of an initial or renewal application for a TNC vehicle license and/or TNC driver's license, the Transportation Network Company shall have every applicant for the TNC driver's license comply with the Division's Rules and Regulations. Each applicant shall submit to a criminal history record background check by the New Jersey Division of State Police in the Department of Law and Public Safety or by agents appointed by or under contract to the division and shall also provide written consent to the performance of a criminal history record background check unless the applicant was previously fingerprinted and had a criminal history background check conducted as part of an application for a Commercial Driver License or a passenger endorsement under a Commercial Driver License or both. A report of such investigation and a copy of the traffic and Police record of the applicant, if any, shall be attached to the application and returned for the consideration of the Commission.
- b. An applicant shall be disqualified from operating or driving a TNC vehicle or any other passenger automobile, as defined in R.S.39:1-1, provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, if the applicant's criminal history record background check reveals a record of conviction of any of the following crimes:
1. In New Jersey or elsewhere any crime as follows: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.2C:39-1, a crime pursuant to the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2.
 2. In any other state, territory, commonwealth or other jurisdiction of the United States, or any country in the world, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction or country is comparable to one of the crimes enumerated in paragraph (1) of subsection b. of this section.
- c. The chief administrator is authorized to adopt regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), to effectuate the purposes of this section.
- d. The provisions of this section shall apply to persons making applications for employment on or after the effective date of P.L.2001, c.416 (C.48:16-18.1 et al.).
- e. If an applicant who has been convicted of one of the crimes enumerated in subsection b. of this section can produce a certificate of rehabilitation issued pursuant to section 2 of P.L.2007, c.327 (C.2A:168A-8) or, if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, the criminal offense shall not disqualify the applicant from operating or driving a limousine or any other passenger automobile, as defined in

R.S.39:1-1, provided through a company or service which pairs a passenger automobile and a driver with a private customer to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route.

f. The Manager of the Division and/or Commission shall consider the application, the Police Investigation report, the physician's certificate and any other documentation required to be attached thereto, the character, driving experience and responsibility of the applicant and any other relevant facts whatsoever and shall approve or reject the application. However, no TNC driver's license shall be issued until a written Police investigation report is received from the New Jersey State Police, showing the result of the investigation of the applicant's prior Police history, if any, through an examination of the fingerprints. If, when received by the Division, all results of the fingerprint checks by the FBI and the New Jersey State Police show that the applicant is unfit to obtain a license, the Division may immediately revoke the applicant's license.

g. If the application is rejected, the applicant may make a written request, within thirty (30) days of such rejection for a hearing before the Commission to offer evidence why the application should be reconsidered.

34:4-10. ISSUANCE OF TNC VEHICLE LICENSE AND TNC DRIVER'S LICENSE; CONTENTS; DISPLAY.

Upon approval of an application for a TNC vehicle license and a TNC driver's license by the Manager and/or Commission, the Manager shall issue the license to the applicant. The license shall bear the name, signature and photo of the applicant. It shall also contain the City of Newark's license number and bear the signature of the Manager of the Division, together with a notice that in case of a complaint, the Division shall be notified of the TNC vehicle license number and/or driver's license number.

Upon receipt, the TNC driver shall display the TNC license, together with the TNC driver's license, on the back of the driver's head rest secured by a Plastic License Holder in full view of any passenger(s) in the rear seat of the TNC vehicle at all times.

34:4-11. TRANSFER OF TNC VEHICLE LICENSE AND TNC DRIVER'S LICENSE.

a. No TNC vehicle license shall be assigned, mortgaged, pledged or otherwise transferred to secure a debt, loan, advance or other financing transaction.

b. All TNC drivers' licenses are nontransferable.

34:4-12. FARES.

The Commission must approve the Electronic Application Platform to be used by the Transportation Network Company and must meet the following requirements:

a. All fares/rates must be approved by the Commission and cannot exceed already established metered rates by the City of Newark Municipal Council.

1. Between points within the City: For conveying the first one (1) or more passengers between any two (2) points within the corporate limits of the City of Newark, the rates shall be computed as follows:

For the first 1/8 of a mile or any fraction thereof.....	\$2.15
For each additional 1/8 of a mile or fraction thereof.....	\$0.35
For each minute of waiting time	\$0.35

- b. The fare/rate charge must be calculated by time and distance and methodologies used to calculate such rate must be demonstrated and approved by the Commissioners and the City of Newark’s officials.
- c. A full schedule of fees must be filed and approved by the Newark Municipal Council prior to TNC Software Platform License approval.
- d. Surge Pricing is not permissible under any circumstances.
- e. All fare charges must be immediately transmitted to the passenger’s application platform at the conclusion of their trip.
- f. The Commission must approve the TNC’s pre-set payment options inclusive of tips and ensure that the passengers may select the pre-set tip allocation.
- g. The TNC Driver shall be compensated in full for all of his/her tips, the TNC Software platform may not withhold any portion of such tips.

34:4-13. ELECTRONIC PAYMENT PROCESSING SERVICE.

- a. TNC Software Platform must provide a compatible Electronic Payment Processing Service for payment of fares. The Electronic Payment Processing Service must be able to accept and process credit cards, debit cards and pre-paid cards.
- b. The TNC Software Platform shall provide a receipt to the passenger.
- c. The TNC Software Platform may offer a pre-set Electronic Payment options inclusive of tip, as long as the passenger may have the ability to change any of the pre-set options.
- d. The TNC Software Platform must provide Electronic Payments to its drivers within forty-eight (48) business hours of being processed.
- e. TNC’s must provide the platform users (drivers) with payment of their daily trips that were made by any cashless transaction (i.e. credit cards, debit card, PayPal, etc.) within forty-eight (48) business hours.
- f. The TNC Software Platform shall not require the passenger to pay a tip to the driver.
- g. The TNC Software Platform shall follow all applicable Payment Card Industry Data Security Standards issued by the Payment Card Industry Security Standards Council www.pcisecuritystandards.org.

34:4-14. TNC VEHICLE INSPECTION; DISPLAY OF INSPECTION STICKER.

- a. Prior to the use and operation of any TNC vehicle under the provisions of this chapter, the TNC vehicle must pass the New Jersey State Motor Vehicle Commission (NJMVC) inspection first, and then the TNC vehicle shall be thoroughly examined and inspected by the Division and must be found to comply fully with such reasonable rules and regulations of the Division. New TNC vehicles may use dealer inspection stickers if the vehicle is purchased in New Jersey.
- b. Every TNC vehicle operating under the provisions of this chapter shall be inspected not less than every six (6) months by the Division to insure the continued maintenance of safe operating conditions and full compliance of the TNC vehicle with the requirements of this section and the rules and regulations. All TNC vehicles shall have affixed, by the Division, on the rear right window of the TNC

vehicle, a sticker showing an approved inspection.

- c. The Division shall maintain a record of all such inspections.
- d. No TNC vehicle shall be operated upon the streets of the City of Newark without having affixed thereto, as herein provided, a current inspection sticker of such approval.

34:4-15. SAFETY REQUIREMENTS.

In addition to the requirements stated below, rules and regulations shall be promulgated by the Manager, upon the recommendation of the Commission, to provide safe transportation, and shall specify such supplementary safety equipment and regulatory devices as he/she shall deem necessary.

- a. No person shall operate a taxicab in which a child five (5) years of age or younger is a passenger unless the all requirements are complied with as stipulated in Section 34:4-8(j).
- b. Every TNC vehicle shall have installed, and shall have continuously thereafter maintained, a functioning help/distress signal light system in accordance with the following specifications:
 1. The help/distress signaling light system shall consist of two (2) turn signal ("lollipop") type lights;
 2. One (1) light shall be mounted on the front center of the vehicle, either on top of the bumper or in front of or behind the grill. A second light shall be mounted on top of the rear bumper, to the left of the license plate;
 3. Each light shall be three (3) to four (4) inches in diameter, have a total rated output of thirty-two (32) candle power and shall be the color amber or have an amber colored lens so that the light output of the device is the color amber at thirty-two (32) candle power;
 4. The activator shall be installed within easy reach of the driver, shall be silent when operating, and shall be fully solid-state;
 5. The lights shall flash between sixty (60) and one hundred twenty (120) times per minute;
- c. Every TNC Vehicle must meet inspection standards established by the Commission, which shall include, but need not be limited to , the following:
 1. Foot Brakes;
 2. Windshield;
 3. Rear Windows and other glass;
 4. Windshield Wipers;
 5. Head Lights;
 6. Tail Lights;
 7. Turn Indicator Lights;
 8. Stop Lights;
 9. Doors;
 10. Door Locks;
 11. Horn;
 12. Speedometer;
 13. Bumpers;
 14. Muffler and Exhaust System;
 15. Condition of the Tires, including tread depth;
 16. Interior and Exterior Rear View Mirrors; and
 17. Safety Belts and Air Bags for driver and Passengers.

34:4-16. MAINTENANCE IN SAFE CONDITION REQUIRED.

The inspectors of the Division shall maintain due vigilance over all of the TNC vehicles to insure that they are maintained in a condition that is safe and sanitary for the transportation of passengers and to this end, they shall have the right, at any and all times, to inspect any and all licensed TNC vehicles. The inspectors shall maintain a written record of the results of all such inspections.

34:4-17. AGE OF VEHICLES; REMOVAL FROM SERVICE.

When a TNC vehicle first becomes licensed as a TNC vehicle in the City of Newark, his or her TNC vehicle shall not be more than forty-two (42) months of age. Any TNC vehicle licensed under this chapter shall be removed from service as an TNC vehicle when such vehicle shall have attained the age of seven (7) years.

34:4-18. ADVERTISING.

Subject to Rules and Regulations of the Manager, any person owning or operating a TNC vehicle may permit advertising.

- a. The advertising apparatus shall not interfere with the operation of the taxicab nor the comfort of its passengers.
- b. The advertising matter shall not be of a lewd, lascivious or obscene nature.
- c. The advertising apparatus shall be approved by the Commission as a condition for issuance of the TNC vehicle, and annually thereafter, as a condition for renewal of same.

34:4-19. CONDUCT OF DRIVERS

- a. The driver, while engaged in the operation of a TNC Service, shall behave himself/herself in a courteous manner and he/she shall not use any indecent, profane or insulting language while engaged in such operations.
- b. All TNC drivers when operating their TNC vehicles must obey the rules and regulations with regards to dress and personal appearance as promulgated in the Division's Rules and Regulations.
- c. No driver of any TNC vehicle shall induce any passenger to employ him/her by knowingly misinforming or misleading any such prospective passenger, either as to time or place of the arrival or departure of any train, motor vehicle, or airplane or as to the location of any hotel, public place or private residence or as to the distance between any two (2) points, nor shall such driver deceive any prospective passenger or make any false representations to him/her.
- d. No driver shall convey any passenger to any other place or over any route contrary to a passenger's instructions.

34:4-20. TNC VEHICLE IDENTIFICATION; UNLICENSED VEHICLES; UNLICENSED DRIVERS.

- a. It shall be unlawful and a violation of this chapter for any person to operate a TNC vehicle not licensed under this chapter in such a manner as to be misleading or tend to deceive or defraud the public into believing the vehicle is an Autocab, Taxicab or a TNC vehicle or is being operated as an Autocab, Taxicab or TNC vehicle.

b. It shall be unlawful for any person owning or operating a licensed TNC vehicle to permit such vehicle to be operated by any person who does not hold a valid TNC driver's license required by this chapter.

34:4-21. TRANSPORTATION NETWORK COMPANY SERVICE

a. All persons engaged in the TNC business in the City of Newark operating under the provisions of this chapter shall render an over-all service to the public desiring to use TNC vehicles.

b. All TNC licensees or their representatives shall answer request for rides for TNC service inside the City limits as soon as they can do so.

c. Any TNC licensee or his/her representative who shall refuse to accept a request for a ride for TNC service anywhere within the City limits at any time when such holder has a TNC vehicle available, or who shall fail or refuse to give over-all service, shall be deemed a violator of this chapter.

34:4-22. PARKING OR STANDING PROHIBITED AT CERTAIN PLACES; RESTRICTED AREAS.

a. Subject to rules and regulations of the Manager, no TNC vehicle shall park or stand at designated taxicab stands, or in any prohibited areas, or in any area controlled by curb parking meters, or at the curb within fifteen (15) feet of the entrance to any railroad station, theatre, arena, hotel, restaurant or similar place of public accommodation or public resort.

b. The TNC vehicles are prohibited from operating at the following locations:

1. Newark Liberty International Airport
2. Newark Penn Station

34:4-23. RESTRICTION ON RENTAL; ILLEGAL OR IMMORAL USE OF TNC VEHICLE.

b. It shall not be unlawful for the owner of any TNC vehicle license to hire out or rent such TNC vehicle to a TNC driver or any other person for use within the City of Newark for a stipulated sum over a definite period of time, provided that:

1. The lessee hereunder is licensed by the Manager to drive a TNC vehicle upon the streets of the City of Newark; and
2. The owner files with the Manager a Certificate of Insurance that the operators and drivers of such TNC vehicles, pursuant to a lease hereunder, are covered by automobile liability insurance in accordance with the laws of the State of New Jersey. The period of insurance coverage as evidenced by the certificate shall be concurrent with the term of the license.

c. No holder of a TNC license or TNC driver shall knowingly permit his/her TNC vehicle to be used for any illegal or immoral purpose.

34:4-24. TNC VEHICLE MUST BE CLEAN AND SANITARY; PENALTY; DISPLAY OF

OTHER STICKERS PROHIBITED.

- a. Every TNC vehicle operating under this chapter shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the Manager.
- b. When a TNC vehicle shall be found to be in an unclean or unsanitary condition in violation of this section by an inspector of the Division, the driver of that TNC vehicle shall be punished by a fine of twenty-five (\$25.00) dollars for each day during or on which a violation occurs or continues.
- c. No other sticker or poster, except the certificate of compliance, the inspection sticker or any other decal previously approved by the Commission shall be affixed to the TNC vehicle without Commission approval.

34:4-25. LOST ARTICLES.

- a. At the termination of each trip, every driver of a TNC vehicle shall thoroughly search the interior of such vehicle for any property lost or left therein by a passenger. Such property, unless sooner claimed or delivered to the owner(s), must be reported in writing by the driver or holder to the Division of Taxicabs with full particulars and description of the property within twenty-four (24) hours after the finding thereof.
- b. If the owner of an article can be determined, he/she shall be notified immediately, by the Division within forty-eight (48) hours of its notification, and the article must be brought in to the Division by the driver within forty-eight (48) hours. If claimed within ninety (90) days, the article shall immediately be given to the owner. If after ninety (90) days the owner does not claim the article, it shall be donated to charity by Division.
- c. If the owner of an article cannot be determined, the article must be kept by the Division for ninety (90) days. If the article is claimed within ninety (90) days by its owner, the article shall immediately be given to the owner. If after ninety (90) days the article is unclaimed, it shall be donated to charity by the Division.
- d. TNC's must be able to provide 24 hour-365 days a year customer service in order to receive and respond to communications and requests of Found Property.

34:4-26. RECORDKEEPING; DATA; DATA RETENTION.

- a. The TNC Software Platform must collect and retain complete trip information which shall include the following information:
 - Date
 - Time
 - Pick-up location and Drop-off Location
 - Fare Amount
 - TNC Vehicle License Number
 - TNC Driver License Number
- b. The TNC Software Platform shall require the driver to retain daily trip records for a period of one (1) year, the driver's record must include the TNC vehicle number, license number of the driver, time

and place of origin and destination of each trip and the amount of fare received for each trip.

c. The Commission has the right to inspect all data collected by the TNC Software Platform; the TNC must provide data to the Commission upon request and/or offer access to the Back Office Website 24 hours 7 days a week.

d. Transportation Network Companies must retain data records for (5) years or as prescribed by City/State Ordinance.

e. All records provided for in this section shall be open to inspection by representatives of the Newark Police Department and the Division.

34:4-27. SECURITY BREACH.

a. The TNC Software Platform must notify the Division in writing of any Security Breaches within forty-eight (48) hours of its occurrence.

b. Must provide proof that the passenger's information collected by the Electronic Application Platform is secure and hacker tested. If a security breach occurs, the Transportation Network Company must make the disclosure to the Commission within forty-eight (48) hours.

34:4-28. LICENSE REVOCATIONS; SUSPENSIONS.

a. TNC Software Platform Licenses granted under the preceding sections of this chapter may be revoked or suspended at any time by the Commission if at any time the TNC Software Platform does not meet all requirements in this Chapter. It is the responsibility of the TNC Software Platform Licensee to notify the Division of any suspensions or revocations of any local, state or federal licenses needed to operate.

b. TNC Vehicle Licenses granted under the preceding sections of this chapter may be revoked or suspended at any time by the Manager if the vehicle shall not be in a safe and sanitary condition for the transportation of passengers and kept in conformity with the terms of this chapter, or for the violation of any of the rules and regulations promulgated by the Manager.

34:4-29. TNC SERVICE LICENSE HOLDER'S RESPONSIBILITY FOR OPERATION.

Every holder of a TNC service license shall be responsible for the operation of any TNC vehicle for which the license has been granted regardless of the legal relationship between such holder and the driver of the TNC vehicle.

34:4-30. ENFORCEMENT BY POLICE DEPARTMENT.

The Newark Police Department is authorized and instructed to observe the operations of the holders of TNC vehicle licenses and TNC driver's licenses for the purpose of enforcing compliance with the provisions of this chapter. Upon discovering any violation of this chapter, the Newark Police Department shall immediately take all appropriate Police action, including the issuance of summonses, to this end.

34:4-31. REPORTS AND COMPLAINTS FORWARDED.

Any and all complaints and all reports from the Newark Police Department received by the Manager shall be forwarded to the Commission.

34:4-32. HEARINGS AND NOTICE OF HEARINGS; REVIEW OF DECISION.

- a. Except as provided in paragraph b. of this section, prior to the suspension or revocation of a license or the imposition of a monetary penalty as provided in Section 34:4-33, the licensee shall be given written notice of the charge against him/her and shall be given the opportunity for a hearing before the Commission. The licensee may be represented by legal counsel at any such hearing. The Manager shall be present at all hearings, and, at the conclusion of the hearing shall make a recommendation to the Commission concerning the charge made against the licensee. Upon consideration of the recommendation of the Manager, the Commission shall make a determination concerning the charge against the licensee. If the Commission determines that the licensee did commit the offense charged, the Manager shall impose a penalty in accordance with Section 34:4-33 after a consideration of the charge and the record of the licensee. Any decision of the Commission shall be subject to appeal to the Business Administrator. All such hearings, appeals and decisions shall not be unduly delayed.
- b. The Manager may suspend, pending a hearing, any TNC vehicle license and/or TNC driver's license under this section if the insurance requirements of 34:4-4 or the inspection requirements under 34:4-14 are not complied with by the licensee. Any TNC license may be suspended, pending a hearing, if the licensee fails to appear at a hearing before the Commission after receiving notice thereof.
- c. Nothing in this section shall be deemed to preclude the removal of a TNC vehicle from service if it is found to be unsafe or unsanitary in violation of the provisions of this chapter.

34:4-33. CIVIL PENALTIES.

- a. All TNC vehicle licenses and/or TNC driver's licenses issued under this chapter, after a hearing before the Commission, may be revoked or suspended or a monetary penalty imposed, not to exceed one-thousand (\$1,000.00) dollars for the first offense; two-thousand five hundred (\$2,500.00) dollars for the second offense; and five-thousand (\$5,000.00) dollars for the third or subsequent offenses by the Manager, after review of the recommendations of the Commission if the holder or driver:
1. Violated any of the provisions of this chapter;
 2. Discontinued operations for more than one hundred eighty (180) consecutive days;
 3. Violated any other ordinance of the City or laws of the State of New Jersey or the United States, the violation of which reflects unfavorably on the fitness of the licensee to offer public transportation;
 4. Has been found guilty of a high misdemeanor within the licensed year;
 5. Knowingly permitted the licensed TNC vehicle to be used for any illegal purpose;
 6. Violated any rule or regulation promulgated pursuant to this chapter.
- b. Penalties imposed under this section for any violations of paragraph a. above may be imposed on the holder of the TNC Software Platform License, the TNC Vehicle License, and/or the TNC drivers, except for violations of Section 34:4-4 (Insurance Required).
- c. The holder of a TNC vehicle license shall receive a mandatory monetary penalty of one-thousand (\$1,000.00) dollars. In addition to suspension or revocation of the license for violations of Section 34:4-4 (Insurance Required).

34:4-34. FALSE STATEMENTS.

Any person who shall make false statements in any application for a license or in any record that he/she be required to maintain under this chapter shall be subject to penalties as provided in Section

34:4-35. TNC VEHICLES RULES AND REGULATIONS.

- a. The Manager upon the recommendation of the Commission shall promulgate reasonable rules and regulations, maintenance and safety requirements not inconsistent with this chapter, to implement this chapter and to carry out its intent and keep same on file in the Office of the City Clerk.
- b. The Manager upon the recommendation of the Commission shall cause the promulgated rules and regulations, maintenance and safety requirements, together with this chapter to be printed and distributed to all licensees under this chapter.

Willie L. Parker, Esq., L.L.M.
Corporation Counsel

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Taxi, Limousine and Car-Sharing Services

February 22, 2016

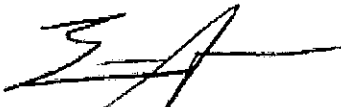
RE: Advisement of City Ordinance Enforcement

To whom it may concern:

The City of Newark's Public Safety Director and the Municipal Prosecutor's Office met today to discuss a framework to enforce the city's ordinance against operators of ride-sharing services.

By way of this notice, please be advised that the city of Newark's police department will take all appropriate action, including the ticketing and towing of unauthorized vehicles engaged in the business of carrying passengers for hire, to enforce the city's ordinance.

Sincerely yours,



Evans C. Anyanwu, Esq.
Chief Prosecutor
City of Newark, New Jersey

Cc: Anthony F. Ambrose, Acting Public Safety Director, City of Newark
Willie Parker, Esq., L.L.M., Newark Corporation Counsel

Department of Law

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Salle Yoo, Esq.
General Counsel
Uber Technologies, Inc.
1455 Market Street
San Francisco, CA 94103

Dear Ms. Yoo:

The Prosecutor's office of the City of Newark writes to inform you of the repeated violations of the City's ordinance by your drivers in and around Newark Airport and Newark Penn Station. The City regulates the pick-up and drop-off of passengers in and around Newark Airport and Newark Penn Station by holders of taxicab and drivers' licenses. To enforce our regulations, the Municipal Council adopted Article 11 of Title 34 (Transportation) which reads:

34:1-51. ENFORCEMENT BY POLICE DEPARTMENT

The Police Department is authorized and instructed to observe the operations of the holders of taxicab and drivers' licenses for the purpose of enforcing compliance with the provisions of this chapter. Upon discovering any violation of this chapter, the Police Department shall immediately take all appropriate Police action, including the issuance of summons, to this end.

The City of Newark is welcoming to technology companies and innovators. We are home to one of the country's largest technology companies and recently launched an early-stage social impact venture fund for start-ups. Although Newark is home to, and an incubator for, innovative technologies, it is not accommodating to practices and companies disruptive to our laws and ordinances. Accordingly, by way of this letter, I have instructed our Police Department, effective February 22, 2016, to immediately tow Uber drivers operating in and around Newark Airport and Newark Penn Station.

After February 22, 2016, the continued violation of the City's laws will result in civil and criminal penalties for Uber and its drivers.

I thank you in advance for your anticipated cooperation.

Sincerely yours,



Evans C. Anyanwu, Esq.
Chief Prosecutor
City of Newark, New Jersey

Cc: Ana Mahony, Uber NJ General Manager (Hoboken)
Anthony F. Ambrose, Acting Public Safety Director, City of Newark
Willie Parker, Esq., L.L.M., Newark Corporation Counsel