
STATE OF NEW JERSEY

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MOTOR VEHICLE ADVISORY

NEW JERSEY LIMOUSINE COMPANIES AND RENTAL CAR CHAUFFEUR SERVICE COMPANIES

Please be advised that legal requirements affecting the limousine and rental car chauffeur service industry in New Jersey have changed. Law changes found primarily in N.J.S.A. 48:16-22-3.a were enacted on January 18, 2010 and become effective on April 19, 2010. Limousine and Rental Car Chauffeur Service companies who are not compliant with law changes as of the effective date may be issued summonses. This advisory will provide you with information necessary to ensure compliance with certification requirements.

The Motor Vehicle Commission (MVC) is responsible for implementing changes to the driver background check and certification process. MVC will continue to certify drivers based on a live scan of fingerprints for the processing of a criminal background check. Generally, employers, including owner/operators, will submit an application to MVC for uncertified drivers pending employment as well as those already employed. Key changes are as follows:

- The updated law has eliminated the federal level (Federal Bureau of Investigation) check but will retain a state level check coordinated by the State vendor and the State Bureau of Identification. This will reduce the cost of a new background check to \$50.70.
- The updated law establishes a \$500 fine on the employer or owner/operator if the driver is not certified by MVC. Employers and owner/operators should therefore ensure each driver operating company vehicles has completed a criminal background check and has been certified by MVC. This does not include drivers exempted from certification requirements who were continuously employed as a limousine driver prior to January 18, 2002.

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- Drivers holding an active Commercial Drivers License (A, B or C Class) with passenger endorsement (P) can now be certified as a chauffeur without an additional background check. A limousine driver is also referred to as a chauffeur. Drivers meeting requirements for CDL with P endorsement have already completed and satisfied the state level background check required for limousine driver. Employers and owner/operators should submit a Limousine Driver or Rental Car Chauffeur Employer Certification Application to the MVC for any new driver applicant or current driver holding a CDL with P endorsement. In addition, CDL holders must comply with the federal medical requirements under 49 CFR 391.41.
- As required by law, no one will be permitted to drive a limousine unless they are 21 years of age or older and not until the limousine or rental car chauffeur company has received written certification from the Chief Administrator of the MVC that the applicant is qualified for employment. To be qualified for employment as a limousine driver or rental car chauffeur, a person cannot be convicted of 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.

INSTRUCTIONS FOR EMPLOYERS:

- This notice includes all forms necessary to qualify drivers. The forms are also located on MVC's website at www.njmvc.gov **Employers receiving this notice should begin the qualification process for employees without delay.**
- Employers should first identify all drivers who have a current certification letter from MVC. MVC maintains a permanent record for these drivers and can identify them as qualified under the law. Drivers should carry the certification letter when operating company vehicles. A notation will be placed on their driving record to indicate they have been qualified and will be available to law enforcement (lookup screens). If an employer or driver is unable to locate the certification letter issued by MVC please call the MVC CDL Unit at 609-292-7500 ext 5077 Mon – Fri between 8:30 – 4:15 and request a duplicate certification letter.
- **Employers should identify drivers who have not been certified.** This includes:
 - Drivers employed prior to January 18, 2002 can be exempt from background check requirements. These drivers may need documentation for law enforcement. Therefore, MVC is providing a form allowing the employer to certify employee's date of employment and that the driver is exempt from background checks under the revised law. The form should be carried by the driver when operating a company vehicle until a certification letter is received from the MVC. A notation will not be placed on the driver's record unless a Limousine Driver or Rental Car Chauffeur Employer Certification Application is submitted to MVC.

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- Drivers holding an active CDL with P endorsement do not need another background check. However, employers should complete and submit to MVC the Limousine Driver or Rental Car Chauffeur Employer Certification Application Form that is attached. The form includes a check off box indicating the driver holds a CDL with P endorsement. MVC will verify driver status and mail the employer a certification letter. A notation will be also placed on the driving record to indicate the driver is qualified.
- Drivers who operate company vehicles but do not need a CDL with P endorsement need to complete a background check. Employers should complete and submit to MVC the Limousine Driver or Rental Car Chauffeur Employer Certification Application. Drivers also need to complete form NJAPS2, Version 4.0 fingerprint application form and contact Identigo, the state fingerprint vendor to arrange for fingerprinting at 877-503-5981. Drivers can also schedule fingerprinting on the internet at www.bioapplicant.com/nj. The vendor requires payment of the \$50.70 fee prior to fingerprinting. Drivers must use the application form IDG_NJAPP_110113 attached to this notice or now available on MVC's website. Use of the older form will result in a federal level background check and higher fee. The MVC will verify the background check results and mail the employer a qualification or disqualification letter. MVC will also place a notation on the driving record to indicate qualification.

OTHER IMPORTANT INFORMATION FOR EMPLOYERS

- Drivers who are employed by more than one employer need only one background check. In addition, after providing a qualification letter, the Motor Vehicle Commission will continue to notify employer(s) of any disqualifying state level convictions if MVC has the employers' current address.
- Applications must be submitted by mail or fax to the address or fax number listed on the application form. The deadline for compliance with the law is April 19, 2010. Due to anticipated volume, MVC may not be able to fully process and mail qualification letters for applications received after April 12, 2010.
- Instructions for completing the fingerprint application are listed on the back of the application. Once the fingerprints have been submitted, the MVC will receive the results and a notice of qualification will be mailed to the employer. The entire process takes approximately two weeks. The certification letter will only be sent to the employer, not the driver.
- Out of state drivers need to complete the process to be qualified as chauffeurs.
- The MVC does not charge a fee for administering this program.
 - The MVC understands the importance of professional drivers and the support they provide to transportation in New Jersey. We have attempted to make it easy for all employers and drivers to meet requirements of the law. Should you have any questions please contact the MVC Commercial Drivers License Unit at 609-292-7500, extension 5077 Mon – Fri between 8:30 – 4:15. This information, including the documents, applications and Frequently Asked Questions are available on our website at www.njmvc.gov.