

# SENATE, No. 773

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senators Gill and Zwicker**

**SYNOPSIS**

Requires MVC to create mobile driver's licenses and identification cards.

**CURRENT VERSION OF TEXT**

As reported by the Senate Transportation Committee with technical review.



**(Sponsorship Updated As Of: 5/9/2022)**

1 AN ACT creating mobile driver’s licenses and identification cards,  
2 supplementing Title 39 of the Revised Statutes, and amending  
3 R.S.39:3-29.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. (New section) a. As used in this section:

9 “Mobile driver’s license” means an electronic basic driver’s  
10 license, electronic motorcycle license, or electronic probationary  
11 driver’s license issued by the New Jersey Motor Vehicle  
12 Commission that is accessible on a mobile electronic  
13 communication device and includes all information found on a  
14 printed, hard-copy basic driver’s license, motorcycle license, or  
15 probationary driver’s license issued by the commission;

16 “Mobile electronic communication device” means any mobile  
17 device capable of communication or other transmission of  
18 information and includes, but is not limited to, a cellular telephone,  
19 wireless tablet, any device with Internet capability, or other wireless  
20 communication device; and

21 “Mobile identification card” means an electronic identification  
22 card issued by the New Jersey Motor Vehicle Commission that is  
23 accessible on a mobile electronic communication device and  
24 includes all information found on a printed, hard-copy identification  
25 card issued by the commission.

26 b. The Chief Administrator of the New Jersey Motor Vehicle  
27 Commission shall create and issue a mobile driver’s license and  
28 mobile identification card to an individual who voluntarily requests  
29 a mobile driver’s license or mobile identification card and who  
30 meets all requirements for the issuance of a driver’s license or  
31 identification card. The commission may charge and collect a  
32 reasonable fee for the issuance of a mobile driver’s license and  
33 mobile identification card. The commission shall retain such fee in  
34 accordance with subsection b. of section 105 of P.L.2003, c.13  
35 (C.39:2A-36).

36 c. The commission shall provide that the mobile driver’s  
37 license and mobile identification card include features to ensure the  
38 security and integrity of the license and identification card. A  
39 process, prescribed by the chief administrator, shall provide for the  
40 issuance of mobile driver’s licenses and mobile identification cards  
41 to prevent and detect the alteration, duplication, counterfeiting,  
42 photographing, forging, or other modification of the mobile driver’s  
43 license and mobile identification card.

44 d. The commission shall allow a person with a mobile driver’s  
45 license or a mobile identification card, or a person applying for such

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 driver's license or identification card, to update the person's motor  
2 vehicle record, including, but not limited to, a change of address  
3 and organ donor status. Such changes shall immediately become  
4 part of the person's official motor vehicle record and shall take  
5 precedence over information provided on a printed, hard-copy  
6 driver's license and identification card.

7

8 2. R.S.39:3-29 is amended to read as follows:

9 39:3-29. The driver's license, the registration certificate of a  
10 motor vehicle, and an insurance identification card shall be in the  
11 possession of the driver or operator at all times when the driver or  
12 operator is in charge of a motor vehicle on the highways of this  
13 State.

14 The driver or operator shall exhibit the driver or operator's  
15 driver's license and an insurance identification card, and the holder  
16 of a registration certificate or the operator or driver of a motor  
17 vehicle for which a registration certificate has been issued, whether  
18 or not the holder, driver or operator is a resident of this State, shall  
19 also exhibit the registration certificate, when requested so to do by a  
20 police officer or judge, while in the performance of the duties of  
21 their office, and shall write the driver or operator's name in the  
22 presence of the officer, so that the officer may thereby determine  
23 the identity of the licensee and at the same time determine the  
24 correctness of the registration certificate, as it relates to the  
25 registration number and number plates of the motor vehicle for  
26 which it was issued; and the correctness of the evidence of a policy  
27 of insurance, as it relates to the coverage of the motor vehicle for  
28 which it was issued.

29 The driver's license, registration certificate, or insurance  
30 identification card may be displayed or provided in either paper or  
31 electronic form. For the purposes of this section, "electronic form"  
32 means the display of images on an electronic device, such as a  
33 cellular telephone, tablet, or computer.

34 The use of a cellular telephone, tablet, computer, or any other  
35 electronic device to display the driver's license, proof of  
36 registration, or proof of insurance does not constitute consent for a  
37 police officer or judge to access any other contents on the device.  
38 Any police officer or judge presented with an electronic device  
39 pursuant to this section shall be immune from any liability resulting  
40 from damage to the device.

41 Any person violating this section shall be subject to a fine of  
42 \$150, except that if the person is a driver or operator of an omnibus,  
43 as defined pursuant to R.S.39:1-1, the amount of the fine shall be  
44 \$250. Of the amount of any such fine collected pursuant to this  
45 paragraph, \$25 shall be deposited in the Uninsured Motorist  
46 Prevention Fund established by section 2 of P.L.1983, c.141  
47 (C.39:6B-3).

S773 POU, DIEGNAN

1 If a person charged with a violation of this section can exhibit  
2 the person's driver's license, insurance identification card, and  
3 registration certificate, which were valid on the day the person was  
4 charged, to the judge of the municipal court before whom the  
5 person is summoned to answer to the charge, such judge may  
6 dismiss the charge. However, the judge may impose court costs.

7 In addition to and independent of any fine or other penalty  
8 provided for under law, the court shall impose a fine of \$150 on any  
9 driver or operator of an omnibus, convicted of a violation of this  
10 section, who does not have a certificate of public convenience and  
11 necessity as required pursuant to R.S.48:4-3. The State Treasurer  
12 shall annually deposit the monies collected from the fines imposed  
13 pursuant to this paragraph to the "Omnibus Safety Enforcement  
14 Fund" established pursuant to section 4 of P.L.2007, c.40 (C.39:3-  
15 79.23). The fine described herein shall not be deemed a fine,  
16 penalty, or forfeiture pursuant to R.S.39:5-41.

17 (cf: P.L.2021, c.258, s.2)

18

19 3. The Chief Administrator of the New Jersey Motor Vehicle  
20 Commission shall adopt, pursuant to the "Administrative Procedure  
21 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to  
22 implement the provisions of P.L. , c. (C. ) (pending before  
23 the Legislature as this bill).

24

25 4. This act shall take effect 72 months after enactment, but the  
26 Chief Administrator of the New Jersey Motor Vehicle Commission  
27 may take any administrative action in advance of that date as may  
28 be necessary for the timely implantation of this act.