

CHAPTER 115

AN ACT creating digital driver's licenses and digital non-driver identification cards, supplementing Title 39 of the Revised Statutes, and amending R.S.39:3-29.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.39:3-10q Definitions.

1. As used in sections 1 through 7 of P.L.2025, c.115 (C.39:3-10q through 39:3-10w):

“Attribute authentication” means the ability of a digital driver's license or digital non-driver identification card to affirmatively and accurately prove to a verifier that something the holder claims about themselves is true without revealing the underlying data associated with the license or card.

“Chief administrator” means the Chief Administrator of the New Jersey Motor Vehicle Commission.

“Commission” means the New Jersey Motor Vehicle Commission.

“Digital driver's license” means a digital basic driver's license, digital motorcycle license, or digital probationary driver's license issued by the commission that is accessible on an electronic device and includes all information found on a printed, hard-copy basic driver's license, motorcycle license, or probationary driver's license issued by the commission.

“Digital non-driver identification card” means a digital non-driver identification card issued by the commission that is accessible on an electronic device and includes all information found on a printed, hard-copy non-driver identification card issued by the commission.

“Digital wallet” means an application accessed on an electronic device or accessed remotely, which application permits a holder to present a digital driver's license or digital non-driver identification card in person, online, or through other remote means.

“Electronic device” means any mobile device capable of either communication or other transmission of information and includes, but is not limited to, a cellular telephone, wireless tablet, any device with Internet capability, or other wireless communication device.

“Holder” means a person who possesses a digital driver's license or digital non-driver identification card that establishes proof of that person's identity or of some attribute or authorization that the person possesses.

“Personal information” means any information that is linked or reasonably linked to an identified or identifiable person.

“Person” means a natural person.

“Presentation” means the act of revealing all or any portion of a digital driver's license or digital non-driver identification card to a verifier.

“Selective disclosure” means the sole discretion of a holder to choose which data fields from a digital driver's license or digital non-driver identification card to disclose during a presentation, provided that the holder discloses at least those data fields that are reasonably necessary for the purpose of a presentation.

“Verification tool” means a device that is used by verifiers to exchange data with the holder's digital wallet during a presentation and to verify the authenticity of that presentation.

“Verifier” means a person or an entity that checks a holder's digital driver's license or digital non-driver identification card in order to establish proof of a holder's identity or of some attribute or authorization that the holder possesses.

C.39:3-10r Digital driver's license, non-driver identification card, voluntary request.

2. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall create and issue, in addition to the printed, hard-copy driver's license or non-driver identification

card issued by the commission, a digital driver's license or digital non-driver identification card to a person who voluntarily requests a digital driver's license or digital non-driver identification card and who meets all requirements for the issuance of a printed, hard-copy basic driver's license, motorcycle license, probationary driver's license, or non-driver identification card, as applicable. The commission may charge and collect a reasonable fee for the issuance of either a digital driver's license or digital non-driver identification card. The commission shall retain such fee in accordance with subsection b. of section 105 of P.L.2003, c.13 (C.39:2A-36).

b. (1) The commission shall provide that the digital driver's license and digital non-driver identification card include features to ensure the security and integrity of the license and identification card and the protection of personal information, including protection against unauthorized access to such information. Such features shall ensure that:

(a) use of the digital driver's license or digital non-driver identification card does not require handing over one's electronic device to any other person or entity when using the digital driver's license or digital non-driver identification card;

(b) any remote access to the digital driver's license or digital non-driver identification card requires the express, affirmative, real-time consent of the holder of the digital driver's license or digital non-driver identification card that is being requested for each piece of information being requested and will be limited to only that information which is provided on a printed, hard-copy basic driver's license or printed, hard-copy non-driver identification card;

(c) the digital driver's license or digital non-driver identification card, as well as any mobile application required for the digital driver's license or digital non-driver identification card, does not contain or collect any information not strictly necessary for the functioning of the digital driver's license, digital non-driver identification card, or mobile application, including, but not limited to, location information;

(d) no part of the system or technology involved in a digital driver's license or digital non-driver identification card utilized by the commission will disclose any data regarding a holder's presentation of such license or identification card to the commission;

(e) the information transmitted to the digital driver's license or digital non-driver identification card, as well as any mobile application required for the digital driver's license or digital non-driver identification card, is encrypted and protected to the highest reasonable security standards that are broadly available and cannot be intercepted while being transmitted from the commission;

(f) a digital driver's license or digital non-driver identification card includes techniques and methodologies that ensure that multiple presentations of non-unique data by a holder cannot be linked together by one or more verifiers;

(g) any data exchanged between the commission and any electronic device, between the commission and the provider of any electronic device, and between any electronic device and the provider of that electronic device, shall be limited to the data necessary to display the information necessary for a digital driver's license or digital non-driver identification card;

(h) a digital driver's license or digital non-driver identification card provides for selective disclosure and allows attribute authentication, including proof of meeting the minimum age for restricted product purchases; and

(i) any contract between the commission and another entity concerning digital driver's licenses or digital non-driver identification cards prohibits the use, sharing, sale, or disclosure of any information obtained as part of the contract, including, but not limited to, any information about the holder, except as is necessary to satisfy the terms of the contract, and provides that, upon the termination or expiration of the contract, the entity shall delete any data collected or generated in the course of activities pursuant to that contract within 30 days.

(2) A process, prescribed by the chief administrator, shall provide for the issuance of digital driver's licenses and digital non-driver identification cards to prevent and detect the alteration, duplication, counterfeiting, photographing, forging, or other modification of the digital driver's license and digital non-driver identification card.

c. The commission may not revoke or withdraw the holder's access to a digital driver's license or digital non-driver identification card unless the commission determines:

(1) the security or integrity of the digital driver's license or digital non-driver identification card has been compromised;

(2) the digital driver's license or digital non-driver identification card was procured in error or by fraud;

(3) the holder requests that such access be revoked or withdrawn; or

(4) the commission has grounds for revoking the holder's printed, hard-copy driver's license or printed, hard-copy non-driver identification card as otherwise provided pursuant to applicable law or regulation.

d. (1) The provisions of section 2 of P.L.1997, c.188 (C.39:2-3.4), subsection w. of R.S.39:3-10, subsection i. of section 4 of P.L.1950, c.127 (C.39:3-13.4), subsection a. of section 2 of P.L.1980, c.47 (C.39:3-29.3), and section 22 of P.L.2019, c.271 (C.39:3-10p) shall apply to digital driver's licenses, digital non-driver identification cards, and the motor vehicle records associated with such licenses and identification cards.

(2) A signed application for a digital driver's license or digital non-driver identification card shall constitute the applicant's informed consent for the sharing of the applicant's personal information for the sole purpose of issuing the applicant a digital driver's license or digital non-driver identification card.

e. The commission shall allow a person with a digital driver's license or a digital non-driver identification card, or a person applying for such driver's license or identification card, to update the person's motor vehicle record, including, but not limited to, a change of address and organ donor status. Such changes shall immediately become part of the person's official motor vehicle record.

f. The commission shall ensure that a digital driver's license or a digital non-driver identification card is accessible to, and usable by, persons with disabilities.

g. The commission shall, in consultation with the Attorney General, provide information on the commission's Internet website to educate the public on the availability and use of digital driver's licenses and digital non-driver identification cards.

C.39:3-10s Digital driver's license, non-driver identification card, holder's digital wallet, data selection, verification.

3. a. A digital driver's license or digital non-driver identification card shall include standard technical and administrative measures, as determined by the commission, that verifiers shall use to identify and authenticate themselves to a holder's digital wallet.

b. A digital wallet containing a New Jersey digital driver's license or digital non-driver identification card shall display to a holder which data is being requested by a verifier and the verifier's identity and shall allow the holder to select which data is and is not transmitted to the verifier.

c. A digital wallet containing a New Jersey digital driver's license or digital non-driver identification card shall keep a log of each requesting verifier, the data that was requested, and the data that was transmitted to that verifier, if any. The log shall be available exclusively to the holder, who may, at will, delete any or all of the information contained in the log.

d. A holder may carry a digital driver's license or digital non-driver identification card in any digital wallet of the holder's choice that complies with widely accepted standards for

security, including any appropriate encryption standards, consistent with P.L.2025, c.115 (C.39:3-10q et al.) and as identified by the commission or the Attorney General, as applicable.

C.39:3-10t Restrictions on retaining, use of information, digital driver's license, non-driver identification card.

4. a. No verifier or entity contracting with the commission may collect, retain, share, or use information from a digital driver's license or digital non-driver identification card for longer than what is strictly necessary for the purpose for which that information was presented.

b. No provider of a digital wallet or of a verification tool operating in this State shall access, collect, retain, share, or use personal information about a holder's digital driver's license or digital non-driver identification card or about the use of such license or identification card, except as required by State or federal law or regulation.

C.39:3-10u Holder not required to relinquish electronic device for verification, digital driver's license, non-driver identification card.

5. a. A holder shall not be required to give physical possession of the holder's electronic device to any other person or entity in order to use a digital driver's license or digital non-driver identification card for identity verification. No person or entity, including any law enforcement officer as defined in section 2 of P.L.1961, c.56 (C.52:17B-67), shall take physical possession of a holder's electronic device for the purposes of verifying the holder's identity.

b. If a holder displays or gives physical possession of the holder's electronic device to any other person or entity in order to use the license or identification card for identity verification, the display or surrender of physical possession of the holder's electronic device shall not constitute the holder's consent to a search of or the holder's consent for access to any information other than that which is immediately available on the digital driver's license or digital non-driver identification card. Information incidentally obtained in the process of viewing a digital driver's license or digital non-driver identification card to verify the identity of the holder shall not be used to establish probable cause for a warrant to search the holder's electronic device.

c. (1) Any request for remote access to a digital driver's license or digital non-driver identification card for the purposes of identity verification shall:

(a) require the express consent of the holder;

(b) be limited to the content of the digital driver's license or digital non-driver identification card specified in the request for remote access; and

(c) not exceed the information available on a printed, hard-copy driver's license or digital non-driver identification card.

(2) A holder's consent to grant remote access to the holder's digital driver's license or digital non-driver identification card shall not constitute consent to a search, nor shall it constitute consent for access to any information other than that which is immediately available on the digital driver's license or digital non-driver identification card. Information incidentally obtained in the process of remotely accessing a digital driver's license or digital non-driver identification card shall not be used to establish probable cause for a warrant to search the electronic device.

C.39:3-10v Holder not required to use digital driver's license, non-driver identification card in lieu of printed, hard copy.

6. a. A holder shall not be required to use a digital driver's license or digital non-driver identification card instead of a printed, hard-copy driver's license or printed, hard-copy non-driver identification card for the purpose of identity verification nor shall the holder's choice to obtain a digital driver's license or digital non-driver identification card preclude the holder's use of a printed, hard-copy driver's license or printed, hard-copy non-driver identification card under any circumstances.

b. A verifier shall not:

(1) condition the offer or use of a good or service on the presentation of a digital driver's license or digital non-driver identification card instead of a printed, hard copy driver's license or printed, hard-copy non-driver identification card;

(2) charge different prices or rates for a good or service, provide preferential treatment or a different level of quality of a good or service, or condition entry for or access to a good or service to any person who exercises or elects not to exercise the person's rights pursuant to P.L.2025, c.115 (C.39:3-10q et al.) or who presents a printed, hard-copy driver's license or printed, hard-copy non-driver identification card instead of a digital driver's license or digital non-driver identification card, as applicable, except as reasonably necessary for conducting a transaction online or through other remote means, taking into consideration available technology; or

(3) require or request presentation of more than the minimum data necessary to determine that a transaction meets legal requirements, including requiring more than a binary "yes/no" attribute authorization for age or other qualifications.

c. The provisions of section 2 of P.L.2017, c.124 (C.56:11-54) shall apply to a verifier during a holder's presentation of a digital driver's license or digital non-driver identification card, irrespective of the technical means of reading the license or identification card.

d. A State agency or political subdivision shall not:

(1) condition the offer of an in-person good or service on the presentation of a digital driver's license or digital non-driver identification card; or

(2) offer a different level of quality of an in-person good or service to any person based solely on the presentation of a digital or printed, hard-copy form of identification pursuant to P.L.2025, c.115 (C.39:3-10q et al.).

C.39:3-10w Cybersecurity incidents, verifiers, digital wallet providers required to report, information posted on commission website.

7. a. The commission shall display, on the appropriate webpage on its Internet website, information concerning the requirement for verifiers and digital wallet providers to report cybersecurity incidents pursuant to subsection b. of this section as well as information that encourages holders to remain alert for cybersecurity incidents when using a digital driver's license or digital non-driver identification card.

b. All verifiers and digital wallet providers shall report any and all cybersecurity incidents, as defined in section 1 of P.L.2023, c.19 (C.52:17B-193.2), to the commission in a form and manner prescribed by the commission, and to the New Jersey Office of Homeland Security and Preparedness consistent with the provisions of P.L.2023, c.19 (C.52:17B-193.2 et seq.). The reports shall adhere to the provisions of P.L.2023, c.19 (C.52:17B-193.2 et seq.).

8. a. No later than the last day of the second year following the effective date of P.L.2025, c.115 (C.39:3-10q et al.), the commission, or an entity designated by the commission, shall complete a report describing:

(1) the number of State residents who have obtained a digital driver's license or digital non-driver identification card;

(2) the number of cybersecurity incidents reported pursuant to section 7 of P.L.2025, c.115 (C.39:3-10w), a description of the cybersecurity incident types, and the categories of verifiers that submitted cybersecurity incident reports;

(3) the number of incidents reported concerning a verifier taking physical possession of a holder's electronic device in violation of P.L.2025, c.115 (C.39:3-10q et al.);

(4) the ways in which digital driver's licenses and digital non-driver identification cards have improved the privacy of holders, including the ability to decide which information is shared with verifiers, and the convenience for holders;

(5) best practices for the operation of a digital driver's license and digital non-driver identification card system;

(6) recommendations for supplemental legislation to P.L.2025, c.115 (C.39:3-10q et al.);

(7) the feasibility of requiring that should any fees be assessed by the commission for the issuance of a digital driver's license or digital non-driver identification card, such fees or a portion thereof shall be deposited into a fund used to offset or reimburse individuals against whom a surcharge has been levied for certain violations or for the accumulation of points, excluding violations of R.S.39:4-50 and section 2 of P.L.1981, c.512 (C.39:4-50.4a), which individuals have incomes at or below 185 percent of the federal poverty level;

(8) any effect of digital driver's licenses and digital non-driver identification cards on underserved or other vulnerable populations; and

(9) any other information as the commission deems necessary or appropriate.

b. The report required pursuant to this section shall be submitted to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

C.39:3-10x Penalties for violation; rules, regulations.

9. a. A verifier that violates any provision of section 4, 5, or 6 of P.L.2025, c.115 (C.39:3-10t, C.39:3-10u, or C.39:3-10v) shall be subject to civil penalties as provided in subsection a. of section 3 of P.L.2017, c.124 (C.56:11-55), which may be enforced by the Attorney General by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

b. The Attorney General may issue guidance or directives or promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as the Attorney General deems necessary to effectuate the purposes of P.L.2025, c.115 (C.39:3-10q et al.) and enforcement thereof.

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

License, registration certificate and insurance identification; possession; exhibit upon request; violations; fine; defense; certain fines to Omnibus Safety Enforcement Fund.

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

The driver or operator shall exhibit the driver or operator's driver's license and an insurance identification card, and the holder of a registration certificate or the operator or driver of a motor vehicle for which a registration certificate has been issued, whether or not the holder, driver, or operator is a resident of this State, shall also exhibit the registration certificate when requested so to do by a police officer or judge, while in the performance of the duties of their office, and shall write the driver or operator's name in the presence of the

officer so that the officer may thereby determine the identity of the licensee and at the same time determine the correctness of the registration certificate, as it relates to the registration number and number plates of the motor vehicle for which it was issued, and the correctness of the evidence of a policy of insurance, as it relates to the coverage of the motor vehicle for which it was issued.

The registration certificate or insurance identification card may be displayed or provided in either paper or electronic form. For the purposes of this section, “electronic form” means the display of images on an electronic device, such as a cellular telephone, tablet, or computer.

The driver’s license may be displayed or provided in either printed, hard-copy form or as a digital driver’s license authorized pursuant to P.L.2025, c.115 (C.39:3-10q et al.) and, regardless of which form, as issued by the commission. If the driver’s license is displayed or provided as a digital driver’s license, the driver’s license shall be presented in such a manner that there is no requirement to relinquish possession of the person’s electronic device, such as a cellular telephone, tablet, or computer. A digital copy, photograph, or image of a driver’s license that is not issued by the commission as a digital driver’s license and downloaded on an electronic device, pursuant to the requirements of the commission, shall not be a valid electronic form of a driver’s license under this section.

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

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

If a person charged with a violation of this section can exhibit the person’s driver’s license, insurance identification card, and registration certificate, which were valid on the day the person was charged, to the judge of the municipal court before whom the person is summoned to answer to the charge, such judge may dismiss the charge. However, the judge may impose court costs. A judge may permit a person charged with a violation of this section to provide a digital copy, photograph, or image of a valid driver’s license, registration certificate, and insurance identification card for the purposes of this section and nothing in this section or in P.L.2025, c.115 (C.39:3-10q et al.) shall be construed to prohibit such an allowance by a judge. Nothing in this section or in P.L.2025, c.115 (C.39:3-10q et al.) shall be construed to prohibit a municipal prosecutor, court clerk, or court administrator from viewing a digital driver’s license within the scope of their official duties related to this section.

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

11. The Chief Administrator of the New Jersey Motor Vehicle Commission shall, after consultation with the Administrative Office of the Courts and the Attorney General, adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), any

rules and regulations that the chief administrator deems necessary to implement the provisions of P.L.2025, c.115 (C.39:3-10q et al.).

12. This act shall take effect 44 months after enactment, but the Chief Administrator of the New Jersey Motor Vehicle Commission and the Attorney General may take any administrative action in advance of that date as may be necessary for the timely implementation of this act.

Approved July 23, 2025.