

ASSEMBLY, No. 171

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Space

SYNOPSIS

Requires Chief Administrator of MVC to conduct wanted person check of all applicants for licenses, permits, and identification cards.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A171 WIRTHS

2

1 AN ACT concerning driver's licenses and non-driver identification
2 cards and amending Title 39 of the Revised Statutes.

3

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

6

7 1. R.S.39:1-1 is amended to read as follows:

8 39:1-1. As used in this subtitle, unless other meaning is clearly
9 apparent from the language or context, or unless inconsistent with
10 the manifest intention of the Legislature:

11 "Alley" means a public highway wherein the roadway does not
12 exceed 12 feet in width.

13 "Authorized emergency vehicles" means vehicles of the fire
14 department, police vehicles and such ambulances and other vehicles
15 as are approved by the chief administrator when operated in
16 response to an emergency call.

17 "Autocycle" means a three-wheeled motorcycle designed to be
18 controlled with a steering wheel and pedals in which the operator
19 and passenger may ride in a completely or partially enclosed seating
20 area that is equipped with a roll cage or roll hoops, safety seat belts
21 for each occupant, and anti-lock brakes.

22 "Automobile" includes all motor vehicles except motorcycles.

23 "Berm" means that portion of the highway exclusive of roadway
24 and shoulder, bordering the shoulder but not to be used for
25 vehicular travel.

26 "Business district" means that portion of a highway and the
27 territory contiguous thereto, where within any 600 feet along such
28 highway there are buildings in use for business or industrial
29 purposes, including but not limited to hotels, banks, office
30 buildings, railroad stations, and public buildings which occupy at
31 least 300 feet of frontage on one side or 300 feet collectively on
32 both sides of the roadway.

33 "Car pool" means two or more persons commuting on a daily
34 basis to and from work by means of a vehicle with a seating
35 capacity of nine passengers or less.

36 "Chief Administrator" or "Administrator" means the Chief
37 Administrator of the New Jersey Motor Vehicle Commission.

38 "Commercial motor vehicle" includes every type of motor-driven
39 vehicle used for commercial purposes on the highways, such as the
40 transportation of goods, wares and merchandise, excepting such
41 vehicles as are run only upon rails or tracks and vehicles of the
42 passenger car type used for touring purposes or the carrying of farm
43 products and milk, as the case may be.

44 "Commission" means the New Jersey Motor Vehicle
45 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
46 4).

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.

A171 WIRTHS

1 "Commissioner" means the Commissioner of Transportation of
2 this State.

3 "Commuter van" means a motor vehicle having a seating
4 capacity of not less than seven nor more than 15 adult passengers,
5 in which seven or more persons commute on a daily basis to and
6 from work and which vehicle may also be operated by the driver or
7 other designated persons for their personal use.

8 "Crosswalk" means that part of a highway at an intersection,
9 either marked or unmarked existing at each approach of every
10 roadway intersection, included within the connections of the lateral
11 lines of the sidewalks on opposite sides of the highway measured
12 from the curbs or, in the absence of curbs, from the edges of the
13 shoulder, or, if none, from the edges of the roadway; also, any
14 portion of a highway at an intersection or elsewhere distinctly
15 indicated for pedestrian crossing by lines or other marking on the
16 surface.

17 "Curb extension" or "bulbout" means a horizontal extension of
18 the sidewalk into the street which results in a narrower roadway
19 section.

20 "Dealer" includes every person actively engaged in the business
21 of buying, selling or exchanging motor vehicles or motorcycles and
22 who has an established place of business.

23 "Deputy Chief Administrator" means the deputy chief
24 administrator of the commission.

25 "Driver" means the rider or driver of a horse, bicycle or
26 motorcycle or the driver or operator of a motor vehicle, unless
27 otherwise specified.

28 "Explosives" means any chemical compound or mechanical
29 mixture that is commonly used or intended for the purpose of
30 producing an explosion and which contains any oxidizing and
31 combustive units or other ingredients in such proportions, quantities
32 or packing that an ignition by fire, friction, by concussion, by
33 percussion, or by detonator of any part of the compound or mixture
34 may cause such a sudden generation of highly heated gases that the
35 resultant gaseous pressures are capable of producing destructive
36 effects on contiguous objects or of destroying life or limb.

37 "Farm tractor" means every motor vehicle designed and used
38 primarily as a farm implement for drawing plows, mowing
39 machines, and other implements of husbandry.

40 "Flammable liquid" means any liquid having a flash point below
41 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
42 pounds.

43 "Gross weight" means the combined weight of a vehicle and a
44 load thereon.

45 "High occupancy vehicle" or "HOV" means a vehicle which is
46 used to transport two or more persons and shall include public
47 transportation, car pool, van pool, and other vehicles as determined
48 by regulation of the Department of Transportation.

A171 WIRTHS

- 1 "Highway" means the entire width between the boundary lines of
2 every way publicly maintained when any part thereof is open to the
3 use of the public for purposes of vehicular travel.
- 4 "Horse" includes mules and all other domestic animals used as
5 draught animals or beasts of burden.
- 6 "Inside lane" means the lane nearest the center line of the
7 roadway.
- 8 "Intersection" means the area embraced within the prolongation
9 of the lateral curb lines or, if none, the lateral boundary lines of two
10 or more highways which join one another at an angle, whether or
11 not one such highway crosses another.
- 12 "Laned roadway" means a roadway which is divided into two or
13 more clearly marked lanes for vehicular traffic.
- 14 "Leased limousine" means any limousine subject to regulation in
15 the State which:
- 16 a. Is offered for rental or lease, without a driver, to be operated
17 by a limousine service as the lessee, for the purpose of carrying
18 passengers for hire; and
- 19 b. Is leased or rented for a period of one year or more
20 following registration.
- 21 "Leased motor vehicle" means any motor vehicle subject to
22 registration in this State which:
- 23 a. Is offered for rental or lease, without a driver, to be operated
24 by the lessee, his agent or servant, for purposes other than the
25 transportation of passengers for hire; and
- 26 b. Is leased or rented for a period of one year or more
27 following registration.
- 28 "Limited-access highway" means every highway, street, or
29 roadway in respect to which owners or occupants of abutting lands
30 and other persons have no legal right of access to or from the same
31 except at such points only and in such manner as may be
32 determined by the public authority having jurisdiction over such
33 highway, street, or roadway; and includes any highway designated
34 as a "freeway" or "parkway" by authority of law.
- 35 "Local authorities" means every county, municipal and other
36 local board or body having authority to adopt local police
37 regulations under the Constitution and laws of this State, including
38 every county governing body with relation to county roads.
- 39 "Low-speed electric bicycle" means a two or three-wheeled
40 vehicle with fully operable pedals and an electric motor of less than
41 750 watts, that meets the requirements of one of the following
42 classifications: "class 1 low-speed electric bicycle" which means a
43 low-speed electric bicycle equipped with a motor that provides
44 assistance only when the rider is pedaling, and that ceases to
45 provide assistance when the bicycle reaches the speed of 20 miles
46 per hour; or "class 2 low-speed electric bicycle" which means a
47 low-speed electric bicycle equipped with a motor that may be used
48 exclusively to propel the bicycle, and that is not capable of

A171 WIRTHS

1 providing assistance when the bicycle reaches the speed of 20 miles
2 per hour.

3 "Low-speed electric scooter" means a scooter with a floorboard
4 that can be stood upon by the operator, with handlebars, and an
5 electric motor that is capable of propelling the device with or
6 without human propulsion at a maximum speed of less than 19
7 miles per hour.

8 "Low-speed vehicle" means a four-wheeled low-speed vehicle,
9 as defined in 49 C.F.R. s.571.3(b), whose attainable speed is more
10 than 20 miles per hour but not more than 25 miles per hour on a
11 paved level surface and which is not powered by gasoline or diesel
12 fuel and complies with federal safety standards as set forth in 49
13 C.F.R. s.571.500.

14 "Magistrate" means any municipal court and the Superior Court,
15 and any officer having the powers of a committing magistrate and
16 the chief administrator.

17 "Manufacturer" means a person engaged in the business of
18 manufacturing or assembling motor vehicles, who will, under
19 normal business conditions during the year, manufacture or
20 assemble at least 10 new motor vehicles.

21 "Metal tire" means every tire the surface of which in contact with
22 the highway is wholly or partly of metal or other hard nonresilient
23 material.

24 "Mid-block crosswalk" means a crosswalk located away from an
25 intersection, distinctly indicated by lines or markings on the
26 surface.

27 "Motorized bicycle" means a pedal bicycle having a helper motor
28 characterized in that either the maximum piston displacement is less
29 than 50 cc. or said motor is rated at no more than 1.5 brake
30 horsepower or is powered by an electric drive motor and said
31 bicycle is capable of a maximum speed of no more than 25 miles
32 per hour on a flat surface or a pedal bicycle having an electric
33 motor that is capable of propelling the bicycle in excess of 20 miles
34 per hour with a maximum motor-powered speed of no more than 28
35 miles per hour on a flat surface. This term shall not include a low-
36 speed electric bicycle or low-speed electric scooter as defined in
37 this section.

38 "Motorcycle" includes motorcycles, autocycles, motor bikes,
39 bicycles with motor attached and all motor-operated vehicles of the
40 bicycle or tricycle type, except motorized bicycles, low-speed
41 electric bicycles, and low-speed electric scooters as defined in this
42 section, whether the motive power be a part thereof or attached
43 thereto and having a saddle or seat with driver sitting astride or
44 upon it or a platform on which the driver stands.

45 "Motor-drawn vehicle" includes trailers, semitrailers, or any
46 other type of vehicle drawn by a motor-driven vehicle.

47 "Motor vehicle" includes all vehicles propelled otherwise than by
48 muscular power, excepting such vehicles as run only upon rails or

A171 WIRTHS

6

1 tracks, low-speed electric bicycles, low-speed electric scooters, and
2 motorized bicycles.

3 "Motorized scooter" means a miniature motor vehicle and
4 includes, but is not limited to, pocket bikes, super pocket bikes,
5 scooters, mini-scooters, sport scooters, mini choppers, mini
6 motorcycles, motorized skateboards and other vehicles with motors
7 not manufactured in compliance with Federal Motor Vehicle Safety
8 Standards and which have no permanent Federal Safety
9 Certification stickers affixed to the vehicle by the original
10 manufacturer. This term shall not include: electric personal
11 assistive mobility devices, motorized bicycles, low-speed vehicles,
12 low-speed electric bicycles, or low-speed electric scooters; or
13 motorized wheelchairs, mobility scooters or similar mobility
14 assisting devices used by persons with physical disabilities, or
15 persons whose ambulatory mobility has been impaired by age or
16 illness.

17 "Motorized skateboard" means a skateboard that is propelled
18 otherwise than by muscular power.

19 "Motorized wheelchair" means any motor-driven wheelchair
20 utilized to increase the independent mobility, in the activities of
21 daily living, of an individual who has limited or no ambulation
22 abilities, and includes mobility scooters manufactured specifically
23 for such purposes and designed primarily for indoor use.

24 "Noncommercial truck" means every motor vehicle designed
25 primarily for transportation of property, and which is not a
26 "commercial vehicle."

27 "Official traffic control devices" means all signs, signals,
28 markings, and devices not inconsistent with this subtitle placed or
29 erected by authority of a public body or official having jurisdiction
30 for the purpose of regulating, warning, or guiding traffic.

31 "Omnibus" includes all motor vehicles used for the
32 transportation of passengers for hire, except commuter vans and
33 vehicles used in ridesharing arrangements and school buses, if the
34 same are not otherwise used in the transportation of passengers for
35 hire.

36 "Operator" means a person who is in actual physical control of a
37 vehicle or street car.

38 "Outside lane" means the lane nearest the curb or outer edge of
39 the roadway.

40 "Owner" means a person who holds the legal title of a vehicle, or
41 if a vehicle is the subject of an agreement for the conditional sale or
42 lease thereof with the right of purchase upon performance of the
43 conditions stated in the agreement and with an immediate right of
44 possession vested in the conditional vendee or lessee, or if a
45 mortgagor of a vehicle is entitled to possession, then the conditional
46 vendee, lessee or mortgagor shall be deemed the owner for the
47 purpose of this subtitle.

A171 WIRTHS

1 "Parking" means the standing or waiting on a street, road or
2 highway of a vehicle not actually engaged in receiving or
3 discharging passengers or merchandise, unless in obedience to
4 traffic regulations or traffic signs or signals.

5 "Passenger automobile" means all automobiles used and
6 designed for the transportation of passengers, other than omnibuses
7 and school buses.

8 "Pedestrian" means a person afoot.

9 "Person" includes natural persons, firms, copartnerships,
10 associations, and corporations.

11 "Pneumatic tire" means every tire in which compressed air is
12 designed to support the load.

13 "Pole trailer" means every vehicle without motive power
14 designed to be drawn by another vehicle and attached to the towing
15 vehicle by means of a reach, or pole, or by being boomed or
16 otherwise secured to the towing vehicle, and ordinarily used for
17 transporting long or irregularly shaped loads, such as poles, pipes,
18 or structural members capable, generally, of sustaining themselves
19 as beams between the supporting connections.

20 "Private road or driveway" means every road or driveway not
21 open to the use of the public for purposes of vehicular travel.

22 "Railroad train" means a steam engine, electric or other motor,
23 with or without cars coupled thereto, operated upon rails, except
24 street cars.

25 "Recreation vehicle" means a self-propelled or towed vehicle
26 equipped to serve as temporary living quarters for recreational,
27 camping or travel purposes and used solely as a family or personal
28 conveyance.

29 "Residence district" means that portion of a highway and the
30 territory contiguous thereto, not comprising a business district,
31 where within any 600 feet along such highway there are buildings
32 in use for business or residential purposes which occupy 300 feet or
33 more of frontage on at least one side of the highway.

34 "Ridesharing" means the transportation of persons in a motor
35 vehicle, with a maximum carrying capacity of not more than 15
36 passengers, including the driver, where such transportation is
37 incidental to the purpose of the driver. The term shall include such
38 ridesharing arrangements known as car pools and van pools.

39 "Right-of-way" means the privilege of the immediate use of the
40 highway.

41 "Road tractor" means every motor vehicle designed and used for
42 drawing other vehicles and not so constructed as to carry any load
43 thereon either independently or any part of the weight of a vehicle
44 or load so drawn.

45 "Roadway" means that portion of a highway improved, designed,
46 or ordinarily used for vehicular travel, exclusive of the berm or
47 shoulder. In the event a highway includes two or more separate

A171 WIRTHS

1 roadway, the term "roadway" as used herein shall refer to any such
2 roadway separately, but not to all such roadways, collectively.

3 "Safety zone" means the area or space officially set aside within
4 a highway for the exclusive use of pedestrians, which is so plainly
5 marked or indicated by proper signs as to be plainly visible at all
6 times while set apart as a safety zone.

7 "School bus" means every motor vehicle operated by, or under
8 contract with, a public or governmental agency, or religious or other
9 charitable organization or corporation, or privately operated for the
10 transportation of children to or from school for secular or religious
11 education, which complies with the regulations of the New Jersey
12 Motor Vehicle Commission affecting school buses, including
13 "School Vehicle Type I" and "School Vehicle Type II" as defined
14 below:

15 "School Vehicle Type I" means any vehicle designed to transport
16 16 or more passengers, including the driver, used to transport
17 enrolled children, and adults only when serving as chaperones, to or
18 from a school, school connected activity, day camp, summer day
19 camp, summer residence camp, nursery school, child care center,
20 preschool center or other similar places of education. Such vehicle
21 shall comply with the regulations of the New Jersey Motor Vehicle
22 Commission and either the Department of Education or the
23 Department of Human Services, whichever is the appropriate
24 supervising agency.

25 "School Vehicle Type II" means any vehicle designed to
26 transport less than 16 passengers, including the driver, used to
27 transport enrolled children, and adults only when serving as
28 chaperones, to or from a school, school connected activity, day
29 camp, summer day camp, summer residence camp, nursery school,
30 child care center, preschool center or other similar places of
31 education. Such vehicle shall comply with the regulations of the
32 New Jersey Motor Vehicle Commission and either the Department
33 of Education or the Department of Human Services, whichever is
34 the appropriate supervising agency.

35 "School zone" means that portion of a highway which is either
36 contiguous to territory occupied by a school building or is where
37 school crossings are established in the vicinity of a school, upon
38 which are maintained appropriate "school signs" in accordance with
39 specifications adopted by the chief administrator and in accordance
40 with law.

41 "School crossing" means that portion of a highway where school
42 children are required to cross the highway in the vicinity of a
43 school.

44 "Semitrailer" means every vehicle with or without motive power,
45 other than a pole trailer, designed for carrying persons or property
46 and for being drawn by a motor vehicle and so constructed that
47 some part of its weight and that of its load rests upon or is carried
48 by another vehicle.

A171 WIRTHS

1 "Shipper" means any person who shall deliver, or cause to be
2 delivered, any commodity, produce or article for transportation as
3 the contents or load of a commercial motor vehicle. In the case of a
4 sealed ocean container, "shipper" shall not be construed to include
5 any person whose activities with respect to the shipment are limited
6 to the solicitation or negotiation of the sale, resale, or exchange of
7 the commodity, produce or article within that container.

8 "Shoulder" means that portion of the highway, exclusive of and
9 bordering the roadway, designed for emergency use but not
10 ordinarily to be used for vehicular travel.

11 "Sidewalk" means that portion of a highway intended for the use
12 of pedestrians, between the curb line or the lateral line of a
13 shoulder, or if none, the lateral line of the roadway and the adjacent
14 right-of-way line.

15 "Sign." See "Official traffic control devices."

16 "Slow-moving vehicle" means a vehicle run at a speed less than
17 the maximum speed then and there permissible.

18 "Solid tire" means every tire of rubber or other resilient material
19 which does not depend upon compressed air for the support of the
20 load.

21 "Street" means the same as highway.

22 "Street car" means a car other than a railroad train, for
23 transporting persons or property and operated upon rails principally
24 within a municipality.

25 "Stop," when required, means complete cessation from
26 movement.

27 "Stopping or standing," when prohibited, means any cessation of
28 movement of a vehicle, whether occupied or not, except when
29 necessary to avoid conflict with other traffic or in compliance with
30 the directions of a police officer or traffic control sign or signal.

31 "Suburban business or residential district" means that portion of
32 highway and the territory contiguous thereto, where within any
33 1,320 feet along that highway there is land in use for business or
34 residential purposes and that land occupies more than 660 feet of
35 frontage on one side or collectively more than 660 feet of frontage
36 on both sides of that roadway.

37 "Through highway" means every highway or portion thereof at
38 the entrances to which vehicular traffic from intersecting highways
39 is required by law to stop before entering or crossing the same and
40 when stop signs are erected as provided in this chapter.

41 "Trackless trolley" means every motor vehicle which is propelled
42 by electric power obtained from overhead trolley wires but not
43 operated upon rails.

44 "Traffic" means pedestrians, ridden or herded animals, vehicles,
45 street cars, and other conveyances either singly, or together, while
46 using any highway for purposes of travel.

A171 WIRTHS

10

1 "Traffic control signal" means a device, whether manually,
2 electrically, mechanically, or otherwise controlled, by which traffic
3 is alternately directed to stop and to proceed.

4 "Trailer" means every vehicle with or without motive power,
5 other than a pole trailer, designed for carrying persons or property
6 and for being drawn by a motor vehicle and so constructed that no
7 part of its weight rests upon the towing vehicle.

8 "Truck" means every motor vehicle designed, used, or
9 maintained primarily for the transportation of property.

10 "Truck tractor" means every motor vehicle designed and used
11 primarily for drawing other vehicles and not so constructed as to
12 carry a load other than a part of the weight of the vehicle and load
13 so drawn.

14 "Van pooling" means seven or more persons commuting on a
15 daily basis to and from work by means of a vehicle with a seating
16 arrangement designed to carry seven to 15 adult passengers.

17 "Vehicle" means every device in, upon or by which a person or
18 property is or may be transported upon a highway, excepting
19 devices moved by human power or used exclusively upon stationary
20 rails or tracks or low-speed electric bicycles, low-speed electric
21 scooters, or motorized bicycles.

22 "Wanted person check" shall have the same meaning as provided
23 in section 1 of P.L.2003, c.282 (C.30:4-91.3c).

24 (cf: P.L.2019, c.121, s.1)

25
26 2. R.S.39:3-10 is amended to read as follows:

27 39:3-10. A person shall not drive a motor vehicle on a public
28 highway in this State unless the person is under supervision while
29 participating in a behind-the-wheel driving course pursuant to
30 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
31 validated permit, or a probationary or basic driver's license issued to
32 that person in accordance with this article.

33 A person under 18 years of age shall not be issued a basic license
34 to drive motor vehicles, and a person shall not be issued a validated
35 permit, including a validated examination permit, until the applicant
36 has passed a satisfactory examination and other requirements as to
37 the applicant's ability as an operator. The examination shall
38 include: a test of the applicant's vision; the applicant's ability to
39 understand traffic control devices; the applicant's knowledge of safe
40 driving practices, including the dangers of driving a vehicle in an
41 aggressive manner, which shall include, but not be limited to,
42 unexpectedly altering the speed of a vehicle, making improper or
43 erratic traffic lane changes, disregarding traffic control devices,
44 failing to yield the right of way, and following another vehicle too
45 closely; the applicant's knowledge of operating a motor vehicle in a
46 manner that safely shares the roadway with pedestrians, cyclists,
47 skaters, riders of motorized-scooters, and other non-motorized
48 vehicles, which shall include, but not be limited to, passing a cyclist

A171 WIRTHS

1 on the roadway, recognizing bicycle lanes, navigating intersections
2 with pedestrians and cyclists, and exiting a vehicle without
3 endangering pedestrians and cyclists; the applicant's knowledge of
4 the effects that ingestion of alcohol or drugs has on a person's
5 ability to operate a motor vehicle; the applicant's knowledge of the
6 dangers of carbon monoxide poisoning from motor vehicles and
7 techniques for the safe operation and proper maintenance of a motor
8 vehicle; the applicant's knowledge of portions of the mechanism of
9 motor vehicles as is necessary to insure the safe operation of a
10 vehicle of the kind or kinds indicated by the applicant; and the
11 applicant's knowledge of the laws and ordinary usages of the road.

12 A person shall not sit for an examination for any permit without
13 exhibiting photo identification deemed acceptable by the
14 commission, unless that person is a high school student
15 participating in a course of automobile driving education approved
16 by the State Department of Education and conducted in a public,
17 parochial, or private school of this State, pursuant to section 1 of
18 P.L.1950, c.127 (C.39:3-13.1). The commission may waive the
19 written law knowledge examination for any person 18 years of age
20 or older possessing a valid driver's license issued by any other state,
21 the District of Columbia, or the United States Territories of
22 American Samoa, Guam, Puerto Rico, or the Virgin Islands. The
23 commission shall be required to provide that person with a booklet
24 that highlights those motor vehicle laws unique to New Jersey. A
25 road test shall be required for a probationary license and serve as a
26 demonstration of the applicant's ability to operate a vehicle of the
27 class designated. During the road test, an applicant may use a rear
28 visibility system, parking sensors, or other technology installed on
29 the motor vehicle that enables the applicant to view areas directly
30 behind the vehicle or alerts the applicant of obstacles while parking.

31 A person shall not sit for a road test unless that person exhibits
32 photo identification deemed acceptable by the commission. A high
33 school student who has completed a course of behind-the-wheel
34 automobile driving education approved by the State Department of
35 Education and conducted in a public, parochial, or private school of
36 this State, who has been issued a special learner's permit pursuant to
37 section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003,
38 shall not be required to exhibit photo identification in order to sit
39 for a road test. The commission may waive the road test for any
40 person 18 years of age or older possessing a valid driver's license
41 issued by any other state, the District of Columbia, or the United
42 States Territories of American Samoa, Guam, Puerto Rico, or the
43 Virgin Islands. The road test shall be given on public streets, where
44 practicable and feasible, but may be preceded by an off-street
45 screening process to assess basic skills. The commission shall
46 approve locations for the road test which pose no more than a
47 minimal risk of injury to the applicant, the examiner, and other

A171 WIRTHS

1 motorists. New locations for the road test shall not be approved
2 unless the test can be given on public streets.

3 A person who successfully completes a road test for a
4 motorcycle license or a motorcycle endorsement when operating a
5 motorcycle or motorized scooter with an engine displacement of
6 less than 231 cubic centimeters shall be issued a motorcycle license
7 or endorsement restricting the person's operation of the vehicles to
8 any motorcycle with an engine displacement of 500 cubic
9 centimeters or less. A person who successfully completes a road
10 test for a motorcycle license or motorcycle endorsement when
11 operating a motorcycle with an engine displacement of 231 or more
12 cubic centimeters shall be issued a motorcycle license or
13 endorsement without any restriction as to engine displacement.
14 Any person who successfully completes an approved motorcycle
15 safety education course established pursuant to the provisions of
16 section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a
17 motorcycle license or endorsement without restriction as to engine
18 displacement.

19 The commission shall issue a basic driver's license to operate a
20 motor vehicle other than a motorcycle to a person over 18 years of
21 age who previously has not been licensed to drive a motor vehicle
22 in this State or another jurisdiction only if that person has: (1)
23 operated a passenger automobile in compliance with the
24 requirements of this Title for not less than one year, not including
25 any period of suspension or postponement, from the date of
26 issuance of a probationary license pursuant to section 4 of
27 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two
28 motor vehicle points; (3) not been convicted in the previous year for
29 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
30 50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129,
31 N.J.S.2C:11-5, section 1 of P.L.2017, c.165 (C.2C:11-5.3),
32 subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related
33 violation the commission determines to be significant and
34 applicable pursuant to regulation; and (4) passed an examination of
35 the applicant's ability to operate a motor vehicle pursuant to this
36 section.

37 The commission shall expand the driver's license examination by
38 20 percent. The additional questions to be added shall consist solely
39 of questions developed in conjunction with the Department of
40 Health concerning the use of alcohol or drugs as related to highway
41 safety. The commission shall develop, in conjunction with the
42 Department of Health, supplements to the driver's manual which
43 shall include information necessary to answer any question on the
44 driver's license examination concerning alcohol or drugs as related
45 to highway safety.

46 Up to 20 questions may be added to the examination on subjects
47 to be determined by the commission that are of particular relevance
48 to youthful drivers, including the importance of operating a motor

A171 WIRTHS

13

1 vehicle in a manner that safely shares the roadway with pedestrians,
2 cyclists, skaters, riders of motorized-scooters, and other non-
3 motorized vehicles, which shall include, but not be limited to,
4 passing a cyclist on the roadway, recognizing bicycle lanes,
5 navigating intersections with pedestrians and cyclists, and exiting a
6 vehicle without endangering pedestrians and cyclists, and the
7 dangers of driving a vehicle in an aggressive manner, which shall
8 include, but not be limited to, unexpectedly altering the speed of a
9 vehicle, making improper or erratic traffic lane changes,
10 disregarding traffic control devices, failing to yield the right of way,
11 and following another vehicle too closely, after consultation with
12 the Director of the Division of Highway Traffic Safety in the
13 Department of Law and Public Safety.

14 The commission shall expand the driver's license examination to
15 include a question asking whether the applicant is aware of the
16 provisions of the "Revised Uniform Anatomical Gift Act,"
17 P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on
18 the driver's license the intention to make a donation of body organs
19 or tissues pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

20 The commission shall expand the driver's license examination to
21 include a question asking whether the applicant is aware of the
22 dangers of failing to comply with this State's motor vehicle traffic
23 laws and the "STOP for Nikhil Safety Pledge" set forth in
24 subsection e. of R.S.39:3-41.

25 The commission shall expand the driver's license examination to
26 include questions concerning the dangers of carbon monoxide
27 poisoning from motor vehicles and techniques for the safe operation
28 and proper maintenance of a motor vehicle.

29 Any person applying for a driver's license to operate a motor
30 vehicle or motorized bicycle in this State shall surrender to the
31 commission any current driver's license issued to the applicant by
32 another state or jurisdiction upon the applicant's receipt of a driver's
33 license for this State. The commission shall refuse to issue a
34 driver's license if the applicant fails to comply with this provision.
35 An applicant for a permit or license who is less than 18 years of
36 age, and who holds a permit or license for a passenger automobile
37 issued by another state or country that is valid or has expired within
38 a time period designated by the commission, shall be subject to the
39 permit and license requirements and penalties applicable to State
40 permit and license applicants who are of the same age; except that if
41 the other state or country has permit or license standards
42 substantially similar to those of this State, the credentials of the
43 other state or country shall be acceptable.

44 The commission shall create classified licensing of drivers
45 covering the following classifications:

46 a. Motorcycles, except that for the purposes of this section,
47 motorcycle shall not include any three-wheeled motor vehicle
48 equipped with a single cab with glazing enclosing the occupant,

A171 WIRTHS

1 seats similar to those of a passenger vehicle or truck, seat belts and
2 automotive steering or any vehicle defined as a motorcycle pursuant
3 to R.S.39:1-1 having a motor with a maximum piston displacement
4 that is less than 50 cubic centimeters or a motor that is rated at no
5 more than 1.5 brake horsepower with a maximum speed of no more
6 than 35 miles per hour on a flat surface.

7 b. Omnibuses as classified by R.S.39:3-10.1 and school buses
8 classified under N.J.S.18A:39-1 et seq.

9 c. (Deleted by amendment, P.L.1999, c.28)

10 d. All motor vehicles not included in classifications a. and b. A
11 license issued pursuant to this classification d. shall be referred to
12 as the "basic driver's license."

13 Every applicant for a license under classification b. shall be a
14 holder of a basic driver's license. Any issuance of a license under
15 classification b. shall be by endorsement on the basic driver's
16 license.

17 A driver's license for motorcycles may be issued separately, but
18 if issued to the holder of a basic driver's license, it shall be by
19 endorsement on the basic driver's license. The holder of a basic
20 driver's license or a separately issued motorcycle license shall be
21 authorized to operate a motorcycle having a motor with a maximum
22 piston displacement that is less than 50 cubic centimeters or a motor
23 that is rated at no more than 1.5 brake horsepower with a maximum
24 speed no more than 35 miles per hour on a flat surface.

25 The commission, upon payment of the lawful fee and after it or a
26 person authorized by it has examined the applicant and is satisfied
27 of the applicant's ability as an operator, may, in its discretion, issue
28 a license to the applicant to drive a motor vehicle. The license shall
29 authorize the person to drive any registered vehicle, of the kind or
30 kinds indicated.

31 The license shall expire, except as otherwise provided, during the
32 fourth calendar year following the date in which the license was
33 issued and on the same calendar day as the person's date of birth. If
34 the person's date of birth does not correspond to a calendar day of
35 the fourth calendar year, the license shall expire on the last day of
36 the person's birth month.

37 The commission may, at its discretion and for good cause shown,
38 issue licenses which shall expire on a date fixed by it. If the
39 commission issues a license to a person who has demonstrated
40 authorization to be present in the United States for a period of time
41 shorter than the standard period of the license, the commission shall
42 fix the expiration date of the license at a date based on the period in
43 which the person is authorized to be present in the United States
44 under federal immigration laws. The commission may renew the
45 license only if it is demonstrated that the person's continued
46 presence in the United States is authorized under federal law. The
47 fee for licenses with expiration dates fixed by the commission shall

A171 WIRTHS

15

1 be fixed by the commission in amounts proportionately less or
2 greater than the fee herein established.

3 The required fee for a license for the license period shall be as
4 follows:

5 Motorcycle license or endorsement: \$18.

6 Omnibus or school bus endorsement: \$18.

7 Basic driver's license: \$18.

8 The commission shall waive the payment of fees for issuance of
9 omnibus endorsements whenever an applicant establishes to the
10 commission's satisfaction that the applicant will use the omnibus
11 endorsement exclusively for operating omnibuses owned by a
12 nonprofit organization duly incorporated under Title 15 or 16 of the
13 Revised Statutes or Title 15A of the New Jersey Statutes.

14 The commission shall issue licenses for the following license
15 period on and after the first day of the calendar month immediately
16 preceding the commencement of the period, the licenses to be
17 effective immediately.

18 All applications for renewals of licenses shall be made in a
19 manner prescribed by the commission and in accordance with
20 procedures established by it.

21 The commission in its discretion may refuse to grant a permit or
22 license to drive motor vehicles to a person who is, in its estimation,
23 not a proper person to be granted a permit or license, but a defect of
24 the applicant shall not debar the applicant from receiving a permit
25 or license unless it can be shown by tests approved by the
26 commission that the defect incapacitates the applicant from safely
27 operating a motor vehicle.

28 In addition to requiring an applicant for a driver's license to
29 submit satisfactory proof of identity and age, the commission also
30 shall require the applicant to provide, as a condition for obtaining a
31 permit and license, satisfactory proof that the applicant's presence
32 in the United States is authorized under federal law.

33 In addition to the requirements provided in this section, the chief
34 administrator shall conduct a wanted person check for every
35 applicant for a permit, and probationary or basic driver's license.

36 If the commission has reasonable cause to suspect that any
37 document presented by an applicant as proof of identity, age, or
38 legal residency is altered, false, or otherwise invalid, the
39 commission shall refuse to grant the permit or license until the time
40 when the document may be verified by the issuing agency to the
41 commission's satisfaction.

42 A person violating this section shall be subject to a fine not
43 exceeding \$500 or imprisonment in the county jail for not more
44 than 60 days, but if that person has never been licensed to drive in
45 this State or any other jurisdiction, the applicant shall be subject to
46 a fine of not less than \$200 and, in addition, the court shall issue an
47 order to the commission requiring the commission to refuse to issue
48 a license to operate a motor vehicle to the person for a period of not

1 less than 180 days. The penalties provided for by this paragraph
2 shall not be applicable in cases where failure to have actual
3 possession of the operator's license is due to an administrative or
4 technical error by the commission.

5 Nothing in this section shall be construed to alter or extend the
6 expiration of any license issued prior to the date this amendatory
7 and supplementary act becomes operative.

8 As used in this section:

9 "Parking sensors" means proximity sensors which use either
10 electromagnetic or ultrasonic technology and are designed to alert
11 the driver to obstacles while parking.

12 "Rear visibility system" means devices or components installed
13 on a motor vehicle at the time of manufacture that allow a forward
14 facing driver to view a visual image of the area directly behind the
15 vehicle.

16 (cf: P.L.2017, c.374, s.1)

17

18 3. R.S.39:3-13 is amended to read as follows:

19 39:3-13. The chief administrator may, in the chief
20 administrator's discretion, issue to a person over 17 years of age an
21 examination permit, under the hand and seal of the chief
22 administrator, allowing such person, for the purpose of fitting the
23 person to become a licensed driver, to operate a designated class of
24 motor vehicles other than passenger automobiles and motorcycles
25 for a specified period of not more than 90 days, while in the
26 company and under the supervision of a driver licensed to operate
27 such designated class of motor vehicles.

28 The chief administrator, in the chief administrator's discretion,
29 may issue for a specified period of not less than one year a
30 passenger automobile or motorcycle-only examination permit to a
31 person over 17 years of age regardless of whether a person has
32 completed a course of behind-the-wheel automobile driving
33 education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
34 An examination permit applicant who is under 18 years of age shall
35 obtain the signature of a parent or guardian for submission to the
36 commission on a form prescribed by the chief administrator. The
37 chief administrator shall postpone for six months the driving
38 privileges of any person who submits a fraudulent signature for a
39 parent or guardian.

40 For six months immediately following the validation of an
41 examination permit, and until the holder passes the road test, the
42 holder who is less than 21 years of age shall operate the passenger
43 automobile only when accompanied by, and under the supervision
44 of, a New Jersey licensed driver who is at least 21 years of age and
45 has been licensed to drive a passenger automobile for not less than
46 three years. The holder of an examination permit who is at least 21
47 years of age shall operate the passenger automobile for the first
48 three months under such supervision and until the holder passes the

1 road test. The supervising driver of the passenger automobile shall
2 sit in the front seat of the vehicle. Whenever operating a vehicle
3 while in possession of an examination permit, the holder of the
4 permit shall operate the passenger automobile with only one
5 additional passenger in the vehicle excluding dependents of the
6 permit holder, except that this passenger restriction shall not apply
7 when the permit holder is at least 21 years of age or when the
8 permit holder is accompanied by a parent or guardian. Further, the
9 holder of the passenger automobile permit who is less than 21 years
10 of age shall not drive during the hours between 11:01 p.m. and 5
11 a.m.; provided, however, that this condition may be waived for an
12 emergency which, in the judgment of local police, is of sufficient
13 severity and magnitude to substantially endanger the health, safety,
14 welfare, or property of a person, or for any bona fide employment
15 or religion-related activity if the employer or appropriate religious
16 authority provides written verification of such activity in a manner
17 provided for by the chief administrator. The holder of the
18 examination permit shall not use any hand-held or hands-free
19 interactive wireless communication device, except in an emergency,
20 while operating a moving passenger automobile on a public road or
21 highway. "Use" shall include, but not be limited to, talking or
22 listening on any hand-held or hands-free interactive wireless
23 communication device or operating its keys, buttons, or other
24 controls. The passenger automobile permit holder shall ensure that
25 all occupants of the vehicle are secured in a properly adjusted and
26 fastened seat belt or child restraint system.

27 The holder of an examination permit subject to the provisions of
28 section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a
29 motorcycle at any time from a half-hour after sunset to a half-hour
30 before sunrise. A motorcycle operated by the holder of an
31 examination permit shall carry only the operator and shall not be
32 operated on any toll road over which the New Jersey Turnpike
33 Authority or the South Jersey Transportation Authority has
34 jurisdiction or on any limited-access interstate highway.

35 The holder of any examination permit shall not operate a
36 motorcycle having a motor with a maximum piston displacement
37 that is less than 50 cubic centimeters or a motor that is rated at no
38 more than 1.5 brake horsepower with a maximum speed of no more
39 than 35 miles per hour on a flat surface at anytime from a half-hour
40 after sunset to a half-hour before sunrise and shall not operate the
41 motorcycle with any other passenger. The holder of any
42 examination permit shall not operate such a motorcycle upon
43 limited-access interstate highways or public roads or highways with
44 a posted speed limit greater than 35 miles per hour.

45 An applicant for an examination permit subject to the provisions
46 of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less than 18
47 years of age, shall be required to successfully complete a
48 motorcycle safety education course established pursuant to the

1 provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a
2 condition for obtaining a motorcycle license or endorsement.

3 The chief administrator shall provide the holder of an
4 examination permit with two removable, transferable, highly
5 visible, reflective decals indicating that the driver of the vehicle
6 may be the holder of an examination permit. The decals shall be
7 designed by the chief administrator, in consultation with the
8 Division of Highway Traffic Safety in the Department of Law and
9 Public Safety. The chief administrator may charge a fee for the
10 decals not to exceed the actual cost of producing and distributing
11 the decals. The decals shall be displayed in a manner prescribed by
12 the chief administrator, in consultation with the Division of
13 Highway Traffic Safety in the Department of Law and Public
14 Safety, and shall be clearly visible to law enforcement officers. The
15 holder of an examination permit shall not operate a vehicle unless
16 the decals are displayed. The decal shall be removed once the
17 driver's examination permit period has ended.

18 When notified by a court of competent jurisdiction that an
19 examination permit holder has been convicted of a violation which
20 causes the permit holder to accumulate more than two motor vehicle
21 points or has been convicted of a violation of R.S.39:4-50; section 2
22 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
23 R.S.39:4-129; N.J.S.2C:11-5; section 1 of P.L.2017, c.165
24 (C.2C:11-5.3), subsection c. of N.J.S.2C:12-1; or any other motor
25 vehicle-related law the chief administrator deems significant and
26 applicable pursuant to regulation, in addition to any other penalty
27 that may be imposed, the chief administrator shall, without the
28 exercise of discretion or a hearing, suspend the examination permit
29 holder's examination permit for 90 days. The chief administrator
30 shall restore the permit following the term of the permit suspension
31 if the permit holder satisfactorily completes a remedial training
32 course of not less than four hours which may be given by the
33 commission, a driving school licensed by the chief administrator
34 pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any
35 Statewide safety organization approved by the chief administrator.
36 The course shall be subject to oversight by the commission
37 according to its guidelines. The permit holder shall also remit a
38 course fee prior to the commencement of the course. The chief
39 administrator also shall postpone without the exercise of discretion
40 or a hearing the issuance of a basic license for 90 days if the chief
41 administrator is notified by a court of competent jurisdiction that
42 the examination permit holder, after completion of the remedial
43 training course, has been convicted of any motor vehicle violation
44 which results in the imposition of any motor vehicle points or has
45 been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981,
46 c.512 (C.39:4-50.4a); P.L.1992, c.182 (C.39:4-50.14); R.S.39:4-
47 129; N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1; or any other
48 motor vehicle-related law the chief administrator deems significant

1 and applicable pursuant to regulation. When the chief administrator
2 is notified by a court of competent jurisdiction that an examination
3 permit holder has been convicted of any alcohol or drug-related
4 offense unrelated to the operation of a motor vehicle and is not
5 otherwise subject to any other suspension penalty therefor, the chief
6 administrator shall, without the exercise of discretion or a hearing,
7 suspend the examination permit for six months.

8 An examination permit for a motorcycle or a commercial motor
9 vehicle issued to a person with a disability, as determined by the
10 New Jersey Motor Vehicle Commission after consultation with the
11 Department of Education, shall be valid for nine months or until the
12 completion of the road test portion of the license examination,
13 whichever period is shorter.

14 Each permit shall be sufficient license for the person to operate
15 such designated class of motor vehicles in this State during the
16 period specified, while in the company of and under the control of a
17 driver licensed by this State to operate such designated class of
18 motor vehicles, or, in the case of a commercial driver license
19 permit, while in the company of and under the control of a holder of
20 a valid commercial driver license for the appropriate license class
21 and with the appropriate endorsements issued by this or any other
22 state. Such person, as well as the licensed driver, except for a motor
23 vehicle examiner administering a driving skills test, shall be held
24 accountable for all violations of this subtitle committed by such
25 person while in the presence of the licensed driver. In addition to
26 requiring an applicant for an examination permit to submit
27 satisfactory proof of identity and age, the chief administrator also
28 shall require the applicant to provide, as a condition for obtaining
29 the permit, satisfactory proof that the applicant's presence in the
30 United States is authorized under federal law. If the chief
31 administrator has reasonable cause to suspect that any document
32 presented by an applicant as proof of identity, age, or legal
33 residency is altered, false, or otherwise invalid, the chief
34 administrator shall refuse to grant the permit until such time as the
35 document may be verified by the issuing agency to the chief
36 administrator's satisfaction.

37 The holder of an examination permit shall be required to take a
38 road test in order to obtain a probationary license. No road test for
39 any person who has been issued an examination permit to operate a
40 passenger vehicle shall be given unless the person has met the
41 requirements of this section. No road test for a probationary license
42 shall be given unless the applicant has first secured an examination
43 permit and no such road test shall be scheduled for an applicant
44 who has secured an examination permit for a passenger vehicle or a
45 motorcycle for which an endorsement is not required until at least
46 six months for an applicant under 21 years of age or three months
47 for an applicant 21 years of age or older shall have elapsed
48 following the validation of the examination permit for practice

1 driving or, in the case of an examination permit for other vehicles,
2 until 20 days have elapsed. In the case of an omnibus endorsement
3 or school bus, no road test shall be scheduled until at least 10 days
4 shall have elapsed. Every applicant for an examination permit to
5 qualify for an omnibus endorsement or an articulated vehicle
6 endorsement shall be a holder of a valid basic driver's license.

7 The required fees for special learner's permits and examination
8 permits shall be as follows:

- 9 Basic driver's license.....up to \$10
- 10 Motorcycle license or endorsement.....\$ 5
- 11 Omnibus or school bus endorsement.....\$25

12 The chief administrator shall waive the payment of fees for
13 issuance of examination permits for omnibus endorsements
14 whenever the applicant establishes to the chief administrator's
15 satisfaction that said applicant will use the omnibus endorsement
16 exclusively for operating omnibuses owned by a nonprofit
17 organization duly incorporated under Title 15 or 16 of the Revised
18 Statutes or Title 15A of the New Jersey Statutes.

19 The specified period for which a permit is issued may be
20 extended for not more than an additional 60 days, without payment
21 of an added fee, upon application made by the holder thereof, where
22 the holder has applied to take the examination for a driver's license
23 prior to the expiration of the original period for which the permit
24 was issued and the chief administrator was unable to schedule an
25 examination during said period.

26 As a condition for the issuance of an examination permit under
27 this section, the chief administrator shall secure a digitized picture
28 of the applicant. The picture shall be stored in a manner prescribed
29 by the chief administrator and may be displayed on the examination
30 permit.

31 In addition to the requirements provided in this section, the chief
32 administrator shall conduct a wanted person check for every
33 applicant for an examination permit.

34 The chief administrator may require that whenever a person to
35 whom an examination permit has been issued has reconstructive or
36 cosmetic surgery which significantly alters the person's facial
37 features, the person shall notify the chief administrator who may
38 require the picture of the person to be updated.

39 Specific use of the examination permit and any information
40 stored or encoded, electronically or otherwise, in relation thereto
41 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
42 the federal "Driver's Privacy Protection Act of 1994," Pub.L.103-
43 322. Notwithstanding the provisions of any other law to the
44 contrary, the digitized picture or any access thereto or any use
45 thereof shall not be sold, leased, or exchanged for value.

46 (cf: P.L.2017, c.165, s.11)

1 4. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to
2 read as follows:

3 1. The Chief Administrator of the New Jersey Motor Vehicle
4 Commission may issue to a person over 16 years of age a special
5 learner's permit, under the hand and seal of the chief administrator,
6 allowing such person, for the purpose of preparing himself to
7 qualify for a probationary license for a passenger automobile by
8 operating a dual pedal controlled motor vehicle while taking a
9 required course of behind-the-wheel automobile driving education
10 approved by the State Department of Education and conducted in a
11 public, parochial or private school of this State or a course of
12 behind-the-wheel automobile driving instruction conducted by a
13 drivers' school duly licensed pursuant to the provisions of P.L.1951,
14 c.216 (C.39:12-1 et seq.). The special learner's permit shall be
15 issued in lieu of the examination permit provided for in R.S.39:3-
16 13. In addition to requiring an applicant for a permit to submit
17 satisfactory proof of identity and age, the chief administrator also
18 shall require the applicant to provide, as a condition for obtaining a
19 permit, satisfactory proof that the applicant's presence in the United
20 States is authorized under federal law. If the chief administrator
21 has reasonable cause to suspect that any document presented by an
22 applicant as proof of identity, age or legal residency is altered, false
23 or otherwise invalid, the chief administrator shall refuse to grant the
24 permit until such time as the document may be verified by the
25 issuing agency to the chief administrator's satisfaction.

26 In addition to the requirements provided in this section, the chief
27 administrator shall conduct a wanted person check for every
28 applicant for a special learner's permit.

29 The special learner's permit described above, when issued to a
30 person taking a course of behind-the-wheel driving education
31 conducted in a public, parochial or private school, shall be retained
32 in the office of the school principal at all times except during such
33 time as the person to whom the permit is issued is undergoing
34 behind-the-wheel automobile driving instruction. The chief
35 administrator may make such rules and regulations as he may deem
36 necessary to carry out the provisions of this section.

37 (cf: P.L.2009, c.38, s.7)

38

39 5. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to
40 read as follows:

41 4. a. The holder of a special learner's permit shall be entitled
42 to a probationary driver's license (1) upon attaining the age of 17
43 years, (2) upon the satisfactory completion of an approved behind-
44 the-wheel driver training course as indicated upon the face of the
45 special permit over the signature of the principal of the school or
46 the person operating the driving school in which the course was
47 conducted, (3) upon the completion of six months' driving
48 experience with a validated special learner's permit in compliance

1 with the provisions of section 6 of P.L.1977, c.25 (C.39:3-13.2a),
2 and (4) upon passing the road test pursuant to R.S.39:3-10.

3 b. The holder of a probationary license shall be permitted to
4 operate the passenger automobile with only one additional
5 passenger in the vehicle besides any dependent of the probationary
6 license holder, except that this passenger restriction shall not apply
7 when the holder of the probationary license is at least 21 years of
8 age or the probationary license holder is accompanied by a parent or
9 guardian. Further, the holder of the probationary license who is
10 under 21 years of age shall not drive during the hours between
11 11:01 p.m. and 5 a.m.; provided however, that this condition may
12 be waived for an emergency which, in the judgment of local police,
13 is of sufficient severity and magnitude to substantially endanger the
14 health, safety, welfare, or property of a person or for any bona fide
15 employment or religion-related activity if the employer or
16 appropriate religious authority provides written verification of such
17 activity in a manner provided for by the chief administrator.

18 c. The holder of the probationary license shall not use any
19 hand-held or hands-free interactive wireless communication device,
20 except in an emergency, while operating a moving passenger
21 automobile on a public road or highway. "Use" shall include, but
22 not be limited to, talking or listening on any hand-held or hands-
23 free interactive wireless communication device or operating its
24 keys, buttons, or other controls. In addition, the holder of the
25 probationary license shall ensure that all occupants of the vehicle
26 are secured in a properly adjusted and fastened seat belt or child
27 restraint system.

28 d. In addition to any other penalties provided under law, the
29 holder of a probationary license who accumulates more than two
30 motor vehicle points or is convicted of a violation of R.S.39:4-50;
31 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
32 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of
33 P.L.2017, c.165 (C.2C:11-5.3); subsection c. of N.J.S.2C:12-1; or
34 any other motor vehicle law the chief administrator deems to be
35 significant and applicable pursuant to regulation shall, for the first
36 violation, be required to satisfactorily complete a remedial training
37 course of not less than four hours which may be given by the
38 commission, a driving school licensed by the chief administrator
39 pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any
40 Statewide safety organization approved by the chief administrator.
41 The course shall be administered pursuant to rules and regulations
42 promulgated by the chief administrator and subject to oversight by
43 the commission. The authority of the chief administrator to
44 suspend, revoke, or deny issuance of an initial or renewal license to
45 operate a driving school or an instructor's license, and to assess
46 fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to
47 any violations related to the administration of a remedial training

1 course. The license holder shall also remit a course fee prior to the
2 commencement of the course.

3 e. When notified by a court of competent jurisdiction that a
4 probationary license holder has been convicted of a second or
5 subsequent violation, in addition to any other penalties provided
6 under law, the chief administrator shall, without the exercise of
7 discretion or a hearing, suspend the probationary license for three
8 months, and shall postpone eligibility for a basic license for an
9 equivalent period. In addition, when the chief administrator is
10 notified by a court of competent jurisdiction that a probationary
11 license holder has been convicted of any alcohol or drug-related
12 offense unrelated to the operation of a motor vehicle, and he is not
13 otherwise subject to any other suspension penalty therefor, the chief
14 administrator shall, without the exercise of discretion or a hearing,
15 suspend the probationary license for six months.

16 f. The chief administrator shall provide the holder of a
17 probationary license with two removable, transferable, highly
18 visible, reflective decals indicating that the driver of the vehicle
19 may be the holder of a probationary license. The decals shall be
20 designed by the chief administrator, in consultation with the
21 Division of Highway Traffic Safety in the Department of Law and
22 Public Safety. The chief administrator may charge a fee for the
23 decals not to exceed the actual cost of producing and distributing
24 the decals. The decals shall be displayed in a manner prescribed by
25 the chief administrator, in consultation with the Division of
26 Highway Traffic Safety in the Department of Law and Public
27 Safety, and shall be clearly visible to law enforcement officers. The
28 holder of a probationary license shall not operate a vehicle unless
29 the decals are displayed. The decal shall be removed once the
30 driver's probationary license period has ended.

31 g. A probationary license may be sent by mail and shall be
32 clearly identifiable and distinguishable in appearance from a basic
33 license by any name, mark, color, or device deemed appropriate by
34 the chief administrator.

35 h. In addition to the requirements provided in this section, the
36 chief administrator shall conduct a wanted person check for every
37 applicant for a probationary license.

38 (cf: P.L.2017, c.165, s.13)

39

40 6. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read
41 as follows:

42 2. a. (1) The New Jersey Motor Vehicle Commission shall
43 issue an identification card to any resident of the State who is 14
44 years of age or older and who is not the holder of a valid permit or
45 basic driver's license. The identification card shall attest to the true
46 name, correct age, and veteran status, upon submission of
47 satisfactory proof, by any veteran, and shall contain other
48 identifying data as certified by the applicant for such identification

1 card. Every application for an identification card shall be signed
2 and verified by the applicant and shall be accompanied by the
3 written consent of at least one parent or the person's legal guardian
4 if the person is under 17 years of age and shall be supported by such
5 documentary evidence of the age, identity, and veteran status, or
6 blindness, or disability of such person as the chief administrator
7 may require. In addition to requiring an applicant for an
8 identification card to submit satisfactory proof of identity, age, and,
9 if appropriate, veteran status, the chief administrator also shall
10 require the applicant to provide, as a condition for obtaining the
11 card, satisfactory proof that the applicant's presence in the United
12 States is authorized under federal law. If the chief administrator
13 has reasonable cause to suspect that any document presented by an
14 applicant as proof of identity, age, veteran status, or legal residency
15 is altered, false or otherwise invalid, the chief administrator shall
16 refuse to grant the identification card until such time as the
17 document may be verified by the issuing agency to the chief
18 administrator's satisfaction.

19 In addition to the requirements provided in this section, the chief
20 administrator shall conduct a wanted person check for every
21 applicant for an identification card.

22 (2) In addition to the requirements for the form and content of
23 an identification card pursuant to this section, the Chief
24 Administrator of the New Jersey Motor Vehicle Commission shall,
25 upon submission of satisfactory proof, designate on an
26 identification card that the card holder is a Gold Star Family
27 member. The commission shall provide to the Department of
28 Military and Veterans' Affairs personal identifying information for
29 any person issued an identification card with a Gold Star Family
30 designation pursuant to this section.

31 b. The designation of veteran status on an identification card
32 shall not be deemed sufficient valid proof of veteran status for
33 official governmental purposes when any other statute, or any
34 regulation or other directive of a governmental entity, requires
35 documentation of veteran status.

36 c. For the purpose of this section:

37 "Gold Star Family member" means a spouse, domestic partner,
38 partner in a civil union, parent, brother, sister, child, legal guardian,
39 or other legal custodian, whether of the whole or half blood or by
40 adoption, of a member of the Armed Forces of the United States or
41 National Guard, who lost his or her life while on active duty for the
42 United States.

43 "Veteran" means a person who has been honorably discharged
44 from the active military service of the United States or from service
45 in the New Jersey National Guard; and

46 "Satisfactory proof" means, in the case of a veteran, a copy of
47 form NGB-22, DD-214 or federal activation orders showing service
48 under Title 10, section 672 or section 12301, of the United States

1 Code, or a county veteran identification card only if issuance of the
2 card requires a copy of form DD-214 discharge papers or approved
3 separation forms as outlined by all branches of the military and duly
4 recorded by the county clerk's office. In the case of a Gold Star
5 Family member, satisfactory proof includes any or all of the
6 following:

7 (1) a certification from the Department of New Jersey of
8 American Gold Star Mothers, Inc., or any other organization formed
9 for the support of family members of members of the Armed Forces
10 of the United States or National Guard, who lost their lives while on
11 active duty for the United States, that the applicant is either the
12 spouse, domestic partner, partner in a civil union, parent, brother,
13 sister, child, legal guardian, or other legal custodian, whether of the
14 whole or half blood or by adoption, of a member of the armed
15 forces or National Guard who died while on active duty for the
16 United States; or

17 (2) (a) documentation deemed acceptable by the Adjutant
18 General, including, but not limited to, a federal DD Form 1300,
19 Report of Casualty, or a federal DD Form 2064, Certificate of
20 Death Overseas, which identifies the member of the Armed Forces
21 of the United States or National Guard who died while on active
22 duty for the United States; and

23 (b) documentation indicating the applicant's relationship to the
24 service member.

25 (cf: P.L.2019, c.255, s.2)

26

27 7. This act shall take effect on the first day of the thirteenth
28 month after enactment, except that the Chief Administrator of the
29 New Jersey Motor Vehicle Commission may take any anticipatory
30 administrative action in advance as shall be necessary for the
31 implementation of this act.

32

33

34

STATEMENT

35

36 This bill requires a wanted person check to be conducted of all
37 applicants for permits, driver's licenses, and identification cards.

38 Specifically, the bill requires the Chief Administrator of the
39 Motor Vehicle Commission (MVC) to conduct a wanted person
40 check of all applicants for a probationary or basic driver's license,
41 motorcycle license, examination permit, special learner's permit, or
42 non-driver identification card.

43 A "wanted person check" is defined under the bill as a
44 determination of whether a person has an outstanding arrest warrant
45 or pending charges by accessing the New Jersey Wanted Person
46 System (NJWPS) and New Jersey Criminal Justice Information
47 System (NJCJIS) in the files of the National Crime Information
48 Center (NCIC).