

ASSEMBLY, No. 1354

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Co-Sponsored by:

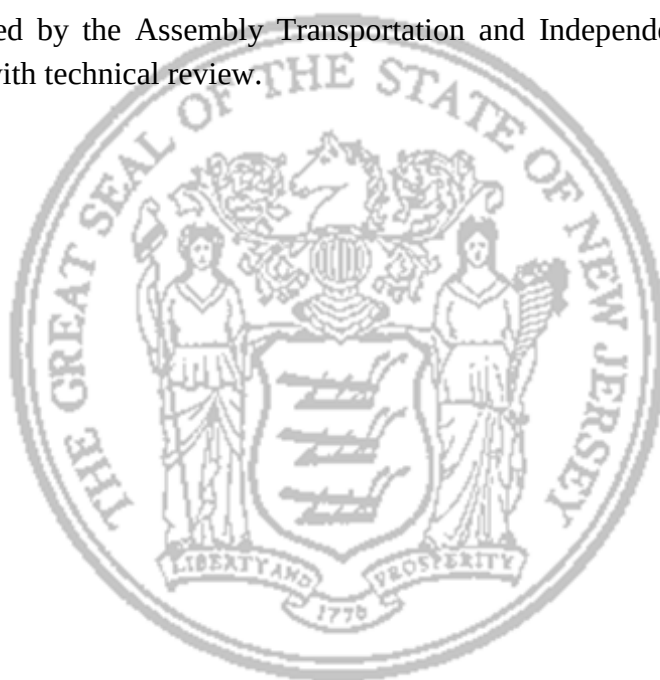
Assemblywomen Chaparro and Jasey

SYNOPSIS

Establishes certain additional examination and special learner's permit requirements.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee with technical review.



(Sponsorship Updated As Of: 11/8/2021)

1 **AN ACT** concerning examination permits and special learner's
2 permits and amending various parts of the statutory law.

3

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

6

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

8 39:3-13. The chief administrator may, in the chief
9 administrator's discretion, issue to a person over 17 years of age an
10 examination permit, under the hand and seal of the chief
11 administrator, allowing **[such]** that person, for the purpose of
12 fitting the person to become a licensed driver, to operate a
13 designated class of motor vehicles other than passenger automobiles
14 and motorcycles for a specified period of not more than 90 days,
15 while in the company and under the supervision of a driver licensed
16 to operate **[such]** the designated class of motor vehicles.

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

29 For **[six months]** one year immediately following the validation
30 of an examination permit, and until the holder passes the road test,
31 the holder who is less than 21 years of age shall operate the
32 passenger automobile only when accompanied by, and under the
33 supervision of, a New Jersey licensed driver who is at least 21 years
34 of age and has been licensed to drive a passenger automobile for not
35 less than three years. The holder of an examination permit who is at
36 least 21 years of age shall operate the passenger automobile for the
37 first three months under **[such]** this supervision and until the holder
38 passes the road test. The supervising driver of the passenger
39 automobile shall sit in the front seat of the vehicle. Whenever
40 operating a vehicle while in possession of an examination permit,
41 the holder of the permit shall operate the passenger automobile with
42 only one additional passenger in the vehicle excluding dependents
43 of the permit holder, except that this passenger restriction shall not
44 apply when the permit holder is at least 21 years of age or when the
45 permit holder is accompanied by a parent or guardian. Further, the

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

Matter underlined thus is new matter.

1 holder of the passenger automobile permit who is less than 21 years
2 of age shall not drive during the hours between 11:01 p.m. and **[5]**
3 5:00 a.m.; provided, however, that this condition may be waived for
4 an emergency which, in the judgment of local police, is of sufficient
5 severity and magnitude to substantially endanger the health, safety,
6 welfare, or property of a person, or for any bona fide employment
7 or religion-related activity if the employer or appropriate religious
8 authority provides written verification of **[such]** the activity in a
9 manner provided for by the chief administrator. The holder of the
10 examination permit shall not use any hand-held or hands-free
11 interactive wireless communication device, except in an emergency,
12 while operating a moving passenger automobile on a public road or
13 highway. "Use" shall include, but not be limited to, talking or
14 listening on any hand-held or hands-free interactive wireless
15 communication device or operating its keys, buttons, or other
16 controls. The passenger automobile permit holder shall ensure that
17 all occupants of the vehicle are secured in a properly adjusted and
18 fastened seat belt or child restraint system.

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

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

37 An applicant for an examination permit subject to the provisions
38 of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less than 18
39 years of age, shall be required to successfully complete a
40 motorcycle safety education course established pursuant to the
41 provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a
42 condition for obtaining a motorcycle license or endorsement.

43 The chief administrator shall provide the holder of an
44 examination permit with two removable, transferable, highly
45 visible, reflective decals indicating that the driver of the vehicle
46 may be the holder of an examination permit. The decals shall be

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

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

1 operation of a motor vehicle and is not otherwise subject to any
2 other suspension penalty therefor, the chief administrator shall,
3 without the exercise of discretion or a hearing, suspend the
4 examination permit for six months.

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

11 Each permit shall be sufficient license for the person to operate
12 **【such】** the designated class of motor vehicles in this State during
13 the period specified, while in the company of and under the control
14 of a driver licensed by this State to operate **【such】** the designated
15 class of motor vehicles, or, in the case of a commercial driver
16 license permit, while in the company of and under the control of a
17 holder of a valid commercial driver license for the appropriate
18 license class and with the appropriate endorsements issued by this
19 or any other state. **【Such】** The person, as well as the licensed
20 driver, except for a motor vehicle examiner administering a driving
21 skills test, shall be held accountable for all violations of this subtitle
22 committed by **【such】** the person while in the presence of the
23 licensed driver.

24 In addition to requiring an applicant for an examination permit to
25 submit satisfactory proof of identity and age in accordance with the
26 type of license for which the applicant has applied, the chief
27 administrator also shall require the applicant to provide the requisite
28 number of documents providing satisfactory proof that the applicant
29 is a resident of the State in accordance with the provisions of
30 R.S.39:3-10.

31 Any documents and personal information, including an
32 applicant's photograph, obtained by the commission from an
33 applicant for a standard permit shall be confidential, shall not be
34 considered a government record pursuant to P.L.1963, c.73
35 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
36 common law concerning access to government records, and shall
37 not be disclosed by the commission for any purposes related to Title
38 8 of the United States Code without the informed consent of the
39 applicant, a warrant signed by a State or federal judge, or a lawful
40 court order or subpoena; except that nothing in this section shall be
41 construed to prohibit, or in any way restrict, any action where such
42 prohibition or restriction would be contrary to federal law. When
43 responding to a warrant, court order, or subpoena, the commission
44 may disclose only those records or information specifically
45 requested in the warrant, court order, or subpoena.

1 Possession of a standard permit issued pursuant to this section
2 shall not be considered evidence of an individual's citizenship or
3 immigration status and shall not be used as a basis for an
4 investigation, arrest, citation, prosecution, or detention.

5 Information regarding an applicant's Individual ~~【Tax】~~ Taxpayer
6 Identification Number, social security number, or ineligibility to
7 receive a social security number obtained by the commission for the
8 issuance of a standard permit pursuant to this section, shall not be
9 considered a government record pursuant to P.L.1963, c.73
10 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
11 common law concerning access to government records, and shall
12 not be disclosed by the commission except where: (1) required by
13 section 11 of P.L.1998, c.1 (C.2A:17-56.60); (2) the applicant
14 provides written informed consent to the disclosure; (3) the
15 requesting entity presents a warrant signed by a State or federal
16 judge, a lawful court order, or a subpoena; (4) required by State or
17 federal law, and to the extent that the disclosure may be necessary
18 to permit the State to participate in the National Driver Register
19 program, as set forth in 49 U.S.C. s.30301 et seq.; or (5) the
20 disclosure is in connection with an audit or investigation of identity
21 fraud, driver's license fraud, or non-driver identification card fraud.

22 If the chief administrator has reasonable cause to suspect that
23 any document presented by an applicant pursuant to this section is
24 altered, false, or otherwise invalid, the chief administrator shall
25 refuse to grant the permit until ~~【such time as】~~ the document ~~【may~~
26 ~~be】~~ is verified by the issuing agency to the chief administrator's
27 satisfaction.

28 A person violating this section shall be subject to a fine not
29 exceeding \$500 or imprisonment in the county jail for not more
30 than 60 days, but if that person has never been licensed to drive in
31 this State or any other jurisdiction, the applicant shall be subject to
32 a fine of not less than \$200 and, in addition, the court shall issue an
33 order to the commission requiring the commission to refuse to issue
34 a license to operate a motor vehicle to the person for a period of not
35 less than 180 days.

36 A probationary driver's license shall not be issued to the holder
37 of an examination permit under the age of 21 unless the permit
38 holder completes a minimum of 50 hours of practice driving, 10
39 hours of which shall be completed during hours of darkness. The
40 permit holder's parent or guardian, or the person who accompanied
41 and supervised the permit holder during the practice driving shall
42 certify that the permit holder has completed the required number of
43 hours of practice driving, including the required number of hours
44 during hours of darkness. The chief administrator shall suspend for
45 six months the driving privileges of any examination permit holder

1 who submits a fraudulent certification of a parent, guardian, or
 2 supervising driver.

3 The holder of an examination permit shall be required to take a
 4 road test in order to obtain a probationary license. No road test for
 5 any person who has been issued an examination permit to operate a
 6 passenger vehicle shall be given unless the person has met the
 7 requirements of this section. No road test for a probationary license
 8 shall be given unless the applicant has first secured an examination
 9 permit and no **【such】** road test shall be scheduled for an applicant
 10 who has secured an examination permit for a passenger vehicle or a
 11 motorcycle for which an endorsement is not required until at least
 12 **【six months】** one year, for an applicant under 21 years of age, or
 13 three months, for an applicant 21 years of age or older **【shall】** ,
 14 have elapsed following the validation of the examination permit for
 15 practice driving, or, in the case of an examination permit for other
 16 vehicles, until 20 days have elapsed. In the case of an omnibus
 17 endorsement or school bus, no road test shall be scheduled until at
 18 least 10 days shall have elapsed. Every applicant for an examination
 19 permit to qualify for an omnibus endorsement or an articulated
 20 vehicle endorsement shall be a holder of a valid basic driver's
 21 license.

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

24 Basic driver's license.....up to \$10

25 Motorcycle license or endorsement.....\$ 5

26 Omnibus or school bus endorsement.....\$25

27 The chief administrator shall waive the payment of fees for
 28 issuance of examination permits for omnibus endorsements
 29 whenever the applicant establishes to the chief administrator's
 30 satisfaction that **【said】** the applicant will use the omnibus
 31 endorsement exclusively for operating omnibuses owned by a
 32 nonprofit organization duly incorporated under Title 15 or 16 of the
 33 Revised Statutes or Title 15A of the New Jersey Statutes.

34 The specified period for which a permit is issued may be
 35 extended for not more than an additional 60 days, without payment
 36 of an added fee, upon application made by the holder thereof, where
 37 the holder has applied to take the examination for a driver's license
 38 prior to the expiration of the original period for which the permit
 39 was issued and the chief administrator was unable to schedule an
 40 examination during **【said】** the period.

41 As a condition for the issuance of an examination permit under
 42 this section, the chief administrator shall secure a digitized
 43 photograph of the applicant. The photograph shall be stored in a
 44 manner prescribed by the chief administrator and may be displayed
 45 on the examination permit.

1 The chief administrator may require that whenever a person to
2 whom an examination permit has been issued has reconstructive or
3 cosmetic surgery which significantly alters the person's facial
4 features, the person shall notify the chief administrator who may
5 require the photograph of the person to be updated.

6 Specific use of the examination permit and any information
7 stored or encoded, electronically or otherwise, in relation thereto
8 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
9 the federal "Driver's Privacy Protection Act of 1994," Pub.L.103-
10 322. Notwithstanding the provisions of any other law to the
11 contrary, the digitized photograph or any access thereto or any use
12 thereof shall not be sold, leased, or exchanged for value.
13 (cf: P.L.2019, c.271, s.12)

14

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

17 1. The Chief Administrator of the New Jersey Motor Vehicle
18 Commission may issue to a person over 16 years of age a special
19 learner's permit, under the hand and seal of the chief administrator,
20 allowing **【such】** the person, for the purpose of preparing to qualify
21 for a probationary license for a passenger automobile by operating a
22 dual pedal controlled motor vehicle while taking a required course
23 of one-on-one behind-the-wheel automobile driving education
24 approved by the State Department of Education and conducted in a
25 public, parochial, or private school of this State or a course of one-
26 on-one behind-the-wheel automobile driving instruction conducted
27 by a drivers' school duly licensed pursuant to the provisions of
28 P.L.1951, c.216 (C.39:12-1 et seq.). The special learner's permit
29 shall be issued in lieu of the examination permit provided for in
30 R.S.39:3-13.

31 Nothing in this section shall be interpreted to prohibit a public,
32 parochial, or private school or a driver's school licensed pursuant to
33 the provisions of P.L.1951, c.216 (C.39:12-1 et seq.) from
34 permitting additional students in the one-on-one behind-the-wheel
35 automobile driving instruction course, or the parents of the students,
36 from being present in the rear seat of the vehicle being used to
37 provide behind-the-wheel instruction, provided that the time a
38 student spends in the rear seat of the vehicle shall not be considered
39 behind-the-wheel automobile instruction for the purposes of the
40 course.

41 Within 12 months of the effective date of P.L. _____,
42 c. (C. _____) (pending before the Legislature as this bill), the
43 commission shall adopt standard, up-to-date guidelines to be
44 implemented by public, parochial, or private schools and licensed
45 drivers' schools offering the course of behind-the-wheel automobile
46 driving education required by this section. These guidelines shall

1 be developed by the commission in consultation with the Division
2 of Highway Traffic Safety in the Department of Law and Public
3 Safety, the State Department of Education, and licensed drivers'
4 schools in this State.

5 In addition to requiring an applicant for a permit to submit
6 satisfactory proof of identity and age in accordance with the type of
7 license for which the applicant has applied, the chief administrator
8 also shall require the applicant to provide the requisite number of
9 documents providing satisfactory proof that the applicant is a
10 resident of the State.

11 Any documents and personal information, including an
12 applicant's photograph, obtained by the commission from an
13 applicant for a standard permit shall be confidential, shall not be
14 considered a government record pursuant to P.L.1963, c.73
15 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
16 common law concerning access to government records, and shall
17 not be disclosed by the commission for any purpose related to Title
18 8 of the United States Code without the informed consent of the
19 applicant, a warrant signed by a State or federal judge, or a lawful
20 court order or subpoena; except that nothing in this section shall be
21 construed to prohibit, or in any way restrict, any action where such
22 prohibition or restriction would be contrary to federal law. When
23 responding to a warrant, court order, or subpoena, the commission
24 may disclose only those records or information specifically
25 requested in the warrant, court order, or subpoena.

26 Possession of a standard permit issued pursuant to this section
27 shall not be considered evidence of an individual's citizenship or
28 immigration status and shall not be used as a basis for an
29 investigation, arrest, citation, prosecution, or detention.

30 Information regarding an applicant's Individual **【Tax】** Taxpayer
31 Identification Number, social security number, or ineligibility to
32 receive a social security number obtained by the commission for the
33 issuance of a standard permit pursuant to this section, shall not be
34 considered a government record pursuant to P.L.1963, c.73
35 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
36 common law concerning access to government records, and shall
37 not be disclosed by the commission except where: (1) required by
38 section 11 of P.L.1998, c.1 (C.2A:17-56.60); (2) the applicant
39 provides written informed consent to the disclosure; (3) the
40 requesting entity presents a warrant signed by a State or federal
41 judge, a lawful court order, or a subpoena; (4) required by State or
42 federal law, and to the extent that the disclosure may be necessary
43 to permit the State to participate in the National Driver Register
44 program, as set forth in 49 U.S.C. s.30301 et seq.; or (5) the
45 disclosure is in connection with an audit or investigation of identity
46 fraud, driver's license fraud, or non-driver identification card fraud.

1 If the chief administrator has reasonable cause to suspect that
2 any document presented by an applicant pursuant to this section is
3 altered, false or otherwise invalid, the chief administrator shall
4 refuse to grant the permit until such time as the document may be
5 verified by the issuing agency to the chief administrator's
6 satisfaction.

7 A person violating this section shall be subject to a fine not
8 exceeding \$500 or imprisonment in the county jail for not more
9 than 60 days, but if that person has never been licensed to drive in
10 this State or any other jurisdiction, the applicant shall be subject to
11 a fine of not less than \$200 and, in addition, the court shall issue an
12 order to the commission requiring the commission to refuse to issue
13 a license to operate a motor vehicle to the person for a period of not
14 less than 180 days.

15 The special learner's permit described above, when issued to a
16 person taking a course of one-on-one behind-the-wheel driving
17 education conducted in a public, parochial, or private school, shall
18 be retained in the office of the school principal at all times except
19 **【during such time as】** when the person to whom the permit is issued
20 is undergoing one-on-one behind-the-wheel automobile driving
21 instruction. The chief administrator may make **【such】** rules and
22 regulations as **【he】** the chief administrator may deem necessary to
23 carry out the provisions of this section.

24 (cf: P.L.2019, c.271, s.13)

25
26 3. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to
27 read as follows:

28 6. a. Any person to whom a special learner's permit has been
29 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
30 successful completion of a State approved written examination, eye
31 examination, and an approved minimum six-hour one-on-one
32 behind-the-wheel driving course, shall be entitled to retain the
33 special learner's permit in **【his】** the person's own possession. The
34 special learner's permit shall be validated by the commission for the
35 purpose of driving a motor vehicle on a public highway in this State
36 after the holder has successfully met the necessary examination
37 requirements, and upon the successful completion of a one-on-one
38 behind-the-wheel driving course. **【Such】** The person may operate a
39 motor vehicle of the class for which a basic driver's license is
40 required except during the hours between 11:01 **【p.m.】** p.m. and
41 5:00 **【a.m.】** a.m. while in the company and under the supervision,
42 from the front passenger seat, of a licensed motor vehicle driver of
43 this State who is over 21 years of age and has been licensed to drive
44 a passenger automobile for at least three years. **【Such】** The special
45 learner's permit shall be valid until **【such】** the person's

1 **【seventeenth】** 17th birthday or until **【he】** the person qualifies for a
2 probationary license. Except during an instructional period of a
3 behind-the-wheel driving course, the holder of a special learner's
4 permit shall operate a passenger automobile with only the following
5 passengers: (1) the supervising passenger; (2) any parent, guardian,
6 or dependent of the special learner's permit holder; and (3) one
7 additional passenger. The holder of the special learner's permit
8 shall not use any hand-held or hands-free interactive wireless
9 communication device, except in an emergency, while operating a
10 moving passenger automobile on a public road or highway. "Use"
11 shall include, but not be limited to, talking or listening on any hand-
12 held or hands-free interactive wireless communication device or
13 operating its keys, buttons, or other controls. All occupants of the
14 automobile shall be secured in a properly adjusted and fastened seat
15 belt or child restraint system.

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

31 b. When notified by a court of competent jurisdiction that a
32 special learner's permit holder has been convicted of a violation
33 which causes the permit holder to accumulate more than two motor
34 vehicle points or has been convicted of a violation of R.S.39:4-50;
35 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
36 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of
37 P.L.2017, c.165 (C.2C:11-5.3) **【,】** ; subsection c. of N.J.S.2C:12-1;
38 or any other motor vehicle-related law the chief administrator
39 determines to be significant and applicable pursuant to regulation,
40 and in addition to any other penalty that may be imposed, the chief
41 administrator shall, without the exercise of discretion or a hearing,
42 suspend the holder's special learner's permit for 90 days. The chief
43 administrator shall restore the permit following the term of the
44 permit suspension if the permit holder, regardless of age,
45 satisfactorily completes a remedial training course of not less than
46 four hours which may be given by the commission, a driving school

1 licensed by the chief administrator pursuant to section 2 of
2 P.L.1951, c.216 (C.39:12-2), or any Statewide safety organization
3 approved by the chief administrator. The course shall be
4 administered pursuant to rules and regulations promulgated by the
5 chief administrator and subject to oversight by the commission.
6 The authority of the chief administrator to suspend, revoke, or deny
7 issuance of an initial or renewal license to operate a driving school
8 or an instructor's license, and to assess fines, pursuant to P.L.1951,
9 c.216 (C.39:12-1 et seq.) shall apply to any violations related to the
10 administration of a remedial training course. The permit holder
11 shall also remit a course fee prior to the commencement of the
12 course. If, after completion of the remedial training course, the
13 chief administrator is notified by a court of competent jurisdiction
14 that the special learner's permit holder has been convicted of any
15 motor vehicle violation which results in the imposition of any motor
16 vehicle points or has been convicted of a violation of R.S.39:4-50;
17 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
18 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
19 N.J.S.2C:12-1; or any other motor vehicle-related law the chief
20 administrator deems significant and applicable pursuant to
21 regulation, the chief administrator, without the exercise of
22 discretion or a hearing, shall also postpone the issuance of a basic
23 license for 90 days. When the chief administrator is notified by a
24 court of competent jurisdiction that a special learner's permit holder
25 has been convicted of any alcohol or drug-related offense unrelated
26 to the operation of a motor vehicle and **【he】** the special learner's
27 permit holder is not otherwise subject to any other suspension
28 penalty therefor, the chief administrator shall, without the exercise
29 of discretion or a hearing, suspend the special learner's permit for
30 six months.
31 (cf: P.L.2017, c.165, s.12)
32

33 4. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to
34 read as follows:

35 3. No special learner's permit shall be issued unless the person
36 applying therefor shall present a written application for the same,
37 bearing a certification by the principal of the school indicating that
38 the person is enrolled in an approved one-on-one behind-the-wheel
39 driving education course in the principal's school **【of which he is**
40 **principal】** or by the person operating a duly licensed drivers' school
41 indicating that the person has contracted to take a course of one-on-
42 one behind-the-wheel automobile driving instruction offered by the
43 school and shall pay a sum of up to \$10 as determined by the
44 **【director】** chief administrator to an agent of the **【Division of Motor**
45 **Vehicles】** commission, which sum shall be turned over by the agent
46 to the **【director】** chief administrator, and by **【him】** the chief

1 administrator remitted with the other funds collected **【in his**
2 **division】** by the commission to the State Treasurer, in accordance
3 with law. Nothing in this section shall be interpreted to prohibit a
4 public, parochial, or private school or a driver's school licensed
5 pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.)
6 from permitting additional students in the one-on-one behind-the-
7 wheel automobile driving instruction course, or the parents of the
8 students, from being present in the rear seat of the vehicle being
9 used to provide behind-the-wheel instruction, provided that the time
10 a student spends in the rear seat of the vehicle shall not be
11 considered behind-the-wheel automobile instruction for the
12 purposes of the course. A special learner's permit to operate a
13 passenger automobile shall not be issued to any person younger
14 than 18 years of age without the signature of a parent or guardian.
15 The signature shall be submitted to the **【division】** commission on a
16 form prescribed by the **【director】** chief administrator. The
17 **【director】** chief administrator shall postpone for six months the
18 driving privileges of any **【person】** special learner's permit applicant
19 who submits a fraudulent signature for a parent or guardian.
20 (cf: P.L.1998, c.108, s.6)

21
22 5. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to
23 read as follows:

24 4. a. The holder of a special learner's permit shall be entitled to a
25 probationary driver's license **【(1)】** upon: (1) attaining the age of 17
26 years **【,】** ; (2) **【upon】** the satisfactory completion of an approved
27 one-on-one behind-the-wheel driver training course as indicated
28 upon the face of the special learner's permit over the signature of
29 the principal of the school or the person operating the driving
30 school in which the course was conducted **【,】** ; (3) **【upon】** the
31 completion of **【six months'】** one year of driving experience with a
32 validated special learner's permit in compliance with the provisions
33 of section 6 of P.L.1977, c.25 (C.39:3-13.2a) **【, and】** ; (4) **【upon】**
34 passing the road test pursuant to R.S.39:3-10; and (5) completing a
35 minimum of 50 hours of practice driving, 10 hours of which shall
36 be completed during hours of darkness. The permit holder's parent
37 or guardian, or the person who accompanied and supervised the
38 permit holder during the practice driving shall certify that the
39 permit holder has completed the required number of hours of
40 practice driving, including the required number of hours during
41 hours of darkness. The chief administrator shall suspend for six
42 months the driving privileges of any special learner's permit holder
43 who submits a fraudulent certification of a parent, guardian, or
44 supervising driver.

1 b. The holder of a probationary license shall be permitted to
2 operate the passenger automobile with only one additional
3 passenger in the vehicle besides any dependent of the probationary
4 license holder, except that this passenger restriction shall not apply
5 when the holder of the probationary license is at least 21 years of
6 age or the probationary license holder is accompanied by a parent or
7 guardian. Further, the holder of the probationary license who is
8 under 21 years of age shall not drive during the hours between
9 11:01 p.m. and **[5]** 5:00 a.m.; provided however, that this condition
10 may be waived for an emergency which, in the judgment of local
11 police, is of sufficient severity and magnitude to substantially
12 endanger the health, safety, welfare, or property of a person or for
13 any bona fide employment or religion-related activity if the
14 employer or appropriate religious authority provides written
15 verification of such activity in a manner provided for by the chief
16 administrator.

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

27 d. In addition to any other penalties provided under law, the
28 holder of a probationary license who accumulates more than two
29 motor vehicle points or is convicted of a violation of R.S.39:4-50;
30 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
31 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of
32 P.L.2017, c.165 (C.2C:11-5.3); subsection c. of N.J.S.2C:12-1; or
33 any other motor vehicle law the chief administrator deems to be
34 significant and applicable pursuant to regulation shall, for the first
35 violation, be required to satisfactorily complete a remedial training
36 course of not less than four hours which may be given by the
37 commission, a driving school licensed by the chief administrator
38 pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any
39 Statewide safety organization approved by the chief administrator.
40 The course shall be administered pursuant to rules and regulations
41 promulgated by the chief administrator and subject to oversight by
42 the commission. The authority of the chief administrator to
43 suspend, revoke, or deny issuance of an initial or renewal license to
44 operate a driving school or an instructor's license, and to assess
45 fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to
46 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]** the
13 probationary license holder is not otherwise subject to any other
14 suspension penalty therefor, the chief administrator shall, without
15 the exercise of discretion or a hearing, suspend the probationary
16 license for six months.

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

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

36 h. A person issued a probationary license pursuant to this
37 section may be issued a standard probationary license or a REAL
38 ID probationary license. The chief administrator shall require an
39 applicant for a standard probationary license to provide as proof of
40 the applicant's identity, age, and residence primary and secondary
41 documents, with which the chief administrator shall attribute point
42 values in accordance with the point based identification verification
43 program established pursuant to section 28 of P.L.2003, c.13
44 (C.39:2A-28). The point total required to prove the identity of an
45 applicant for the standard probationary license shall be the same for
46 every applicant, regardless of immigration status. In the event that

1 the commission changes the point total threshold, the requirement
2 that every applicant reach the same point total threshold shall
3 remain in effect.

4 In addition to requiring an applicant for a probationary license to
5 submit satisfactory proof of identity and age, the chief administrator
6 shall require the applicant to provide:

7 (1) as a condition for obtaining a standard probationary license,
8 proof of the applicant's social security number and one document
9 providing satisfactory proof that the applicant is a New Jersey
10 resident. If the applicant does not have a social security number,
11 the applicant shall either:

12 (a) provide satisfactory proof of an Individual Taxpayer
13 Identification Number; or

14 (b) indicate, in a manner prescribed by the commission and
15 consistent with all other provisions of P.L.2019, c.271 (C.39:3-10o
16 et al.), that the person is not eligible to receive a social security
17 number; or

18 (2) as a condition for obtaining a REAL ID probationary
19 license: two documents providing satisfactory proof that the
20 applicant is a New Jersey resident; proof of the applicant's social
21 security number or verification of ineligibility for a social security
22 number in accordance with the "REAL ID Act of 2005," Pub.L.109-
23 13, any acts amendatory or supplementary thereto, and any federal
24 regulations adopted thereunder; and proof that the applicant's
25 presence in the United States is authorized under federal law.

26 A standard probationary license shall indicate that the license
27 shall not be accepted as identification for an official purpose, as that
28 term is defined under the "REAL ID Act of 2005," Pub.L.109-13,
29 any acts amendatory or supplementary thereto, and any federal
30 regulations adopted thereunder.

31 If the chief administrator has reasonable cause to suspect that
32 any document presented by an applicant pursuant to this section is
33 altered, false, or otherwise invalid, the chief administrator shall
34 refuse to grant the probationary license until such time as the
35 document may be verified by the issuing agency to the chief
36 administrator's satisfaction.

37 A person violating this section shall be subject to a fine not
38 exceeding \$500 or imprisonment in the county jail for not more
39 than 60 days, but if that person has never been licensed to drive in
40 this State or any other jurisdiction, the applicant shall be subject to
41 a fine of not less than \$200 and, in addition, the court shall issue an
42 order to the commission requiring the commission to refuse to issue
43 a license to operate a motor vehicle to the person for a period of not
44 less than 180 days.

45 i. Any documents and personal information, including an
46 applicant's photograph, obtained by the commission from an

1 applicant for a standard probationary license shall be confidential,
2 shall not be considered a government record pursuant to P.L.1963,
3 c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
4 common law concerning access to government records, and shall
5 not be disclosed by the commission for any purpose related to Title
6 8 of the United States Code without the informed consent of the
7 applicant, a warrant signed by a State or federal judge, or a lawful
8 court order or subpoena; except that nothing in this section shall be
9 construed to prohibit, or in any way restrict, any action where such
10 prohibition or restriction would be contrary to federal law. When
11 responding to a warrant, court order, or subpoena, the commission
12 may disclose only those records or information specifically
13 requested in the warrant, court order, or subpoena.

14 Possession of a standard probationary license issued pursuant to
15 this section shall not be considered evidence of an individual's
16 citizenship or immigration status and shall not be used as a basis for
17 an investigation, arrest, citation, prosecution, or detention.

18 Information regarding an applicant's Individual **【Tax】 Taxpayer**
19 Identification Number, social security number, or ineligibility to
20 receive a social security number obtained by the commission for the
21 issuance of a standard probationary license pursuant to this section,
22 shall not be considered a government record pursuant to P.L.1963,
23 c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
24 common law concerning access to government records, and shall
25 not be disclosed by the commission except where: (1) required by
26 section 11 of P.L.1998, c.1 (C.2A:17-56.60); (2) the applicant
27 provides written informed consent to the disclosure; (3) the
28 requesting entity presents a warrant signed by a State or federal
29 judge, a lawful court order, or a subpoena; (4) required by State or
30 federal law, and to the extent that the disclosure may be necessary
31 to permit the State to participate in the National Driver Register
32 program, as set forth in 49 U.S.C. s.30301 et seq.; or (5) the
33 disclosure is in connection with an audit or investigation of identity
34 fraud, driver's license fraud, or non-driver identification card fraud.
35 (cf: P.L.2019, c.271, s.14)

36

37 6. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to
38 read as follows:

39 8. a. The Director of the Division of Highway Traffic Safety in
40 the Department of Law and Public Safety, after consultation with
41 the Chief Administrator of the New Jersey Motor Vehicle
42 Commission, shall develop curriculum guidelines for use by
43 teachers of approved classroom driver education courses. The
44 course of instruction for approved courses shall be no less than 30
45 hours in length and be designed to develop and instill the
46 knowledge and attitudes necessary for the safe operation and

1 driving of motor vehicles. Defensive driving; highway courtesy;
2 dangers of driving a vehicle in an aggressive manner, which shall
3 include, but not be limited to, unexpectedly altering the speed of a
4 vehicle, making improper or erratic traffic lane changes,
5 disregarding traffic control devices, failing to yield the right of way,
6 and following another vehicle too closely; accident avoidance;
7 understanding and respect for the State's motor vehicle laws;
8 techniques for the safe operation and proper maintenance of a
9 vehicle, which shall include, but not be limited to, safety tips to
10 avoid carbon monoxide poisoning from motor vehicles; insurance
11 fraud; operating a motor vehicle in a manner that safely shares the
12 roadway with pedestrians, cyclists, skaters, riders of motorized-
13 scooters, and other non-motorized vehicles, which shall include, but
14 not be limited to, passing a cyclist on the roadway, recognizing
15 bicycle lanes, navigating intersections with pedestrians and cyclists,
16 and exiting a vehicle without endangering pedestrians and cyclists;
17 and State requirements for and benefits of maintaining automobile
18 insurance shall be emphasized. The incorporation of these
19 curriculum guidelines in these classroom courses and the use of
20 related instructional materials shall be a requirement for approval of
21 the course by the chief administrator.

22 b. The Director of the Division of Highway Traffic Safety, in
23 consultation with the Chief Administrator of the New Jersey Motor
24 Vehicle Commission, shall produce an informational brochure for
25 parents and guardians of beginning drivers under the age of 18
26 years. The commission shall ensure that the parents or guardians of
27 a permit holder receive these brochures at the time a permit is
28 issued to a beginning driver. The brochures shall include, but not be
29 limited to, the following information:

- 30 (1) Setting an example for the beginning driver;
- 31 (2) Accident and fatality statistics about beginning drivers;
- 32 (3) Causes of accidents among beginning drivers;
- 33 (4) The need to supervise vehicle operation by a beginning
34 driver;
- 35 (5) Methods to coach a beginning driver on how to reduce
36 accidents;
- 37 (6) A description of the graduated driver's license program;
- 38 (7) Benefits of classroom and behind-the-wheel driver education
39 under the direction of State certified or licensed driving instructors,
40 as the case may be;
- 41 (8) The dangers of driving a vehicle in an aggressive manner,
42 which shall include, but not be limited to, unexpectedly altering the
43 speed of a vehicle, making improper or erratic traffic lane changes,
44 disregarding traffic control devices, failing to yield the right of way,
45 and following another vehicle too closely;

1 (9) The dangers of carbon monoxide poisoning from motor
2 vehicles and techniques for the safe operation and proper
3 maintenance of a vehicle, which shall include, but not be limited to,
4 safety tips to avoid carbon monoxide poisoning from motor
5 vehicles; **and**

6 (10) Maintaining an awareness of operating a motor vehicle in a
7 manner that safely shares the roadway with pedestrians, cyclists,
8 skaters, riders of motorized-scooters, and other non-motorized
9 vehicles, which shall include, but not be limited to, passing a cyclist
10 on the roadway, recognizing bicycle lanes, navigating intersections
11 with pedestrians and cyclists, and exiting a vehicle without
12 endangering pedestrians and cyclists; and

13 (11) a sample practice driving log.

14 (cf: P.L.2017, c.374, s.2)

15

16 7. This act shall take effect on the first day of the 13th month
17 after enactment, but the New Jersey Motor Vehicle Commission
18 may take anticipatory actions necessary to implement the provisions
19 of this act.