

ASSEMBLY, No. 1502

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Requires MVC to offer driver's license knowledge test in Italian.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the driver's license examination test and
2 amending R.S.39:3-10.

3

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

6

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

8 39:3-10. A person shall not drive a motor vehicle on a public
9 highway in this State unless the person is under supervision while
10 participating in a behind-the-wheel driving course pursuant to
11 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
12 validated permit, or a probationary or basic driver's license issued to
13 that person in accordance with this article.

14 A person under 18 years of age shall not be issued a basic license
15 to drive motor vehicles or be issued a validated permit, including a
16 validated examination permit, until the applicant has passed a
17 satisfactory examination and other requirements as to the applicant's
18 ability as an operator. The examination shall include: a test of the
19 applicant's vision; the applicant's ability to understand traffic
20 control devices; the applicant's knowledge of safe driving practices,
21 including the dangers of driving a vehicle in an aggressive manner,
22 which shall include, but not be limited to, unexpectedly altering the
23 speed of a vehicle, making improper or erratic traffic lane changes,
24 disregarding traffic control devices, failing to yield the right of way,
25 and following another vehicle too closely; the applicant's
26 knowledge of the effects that ingestion of alcohol or drugs has on a
27 person's ability to operate a motor vehicle; the applicant's
28 knowledge of the dangers of carbon monoxide poisoning from
29 motor vehicles and techniques for the safe operation and proper
30 maintenance of a motor vehicle; the applicant's knowledge of
31 portions of the mechanism of motor vehicles as is necessary to
32 insure the safe operation of a vehicle of the kind or kinds indicated
33 by the applicant; and the applicant's knowledge of the laws and
34 ordinary usages of the road. A person shall not sit for an
35 examination for any permit without exhibiting photo identification
36 deemed acceptable by the commission, unless that person is a high
37 school student participating in a course of automobile driving
38 education approved by the State Department of Education and
39 conducted in a public, parochial, or private school of this State,
40 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The
41 commission may waive the written law knowledge examination for
42 any person 18 years of age or older possessing a valid driver's
43 license issued by any other state, the District of Columbia, or the
44 United States Territories of American Samoa, Guam, Puerto Rico,
45 or the Virgin Islands. The commission shall be required to provide

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 that person with a booklet that highlights those motor vehicle laws
2 unique to New Jersey. A road test shall be required for a
3 probationary license and serve as a demonstration of the applicant's
4 ability to operate a vehicle of the class designated. During the road
5 test, an applicant may use a rear visibility system, parking sensors,
6 or other technology installed on the motor vehicle that enables the
7 applicant to view areas directly behind the vehicle or alerts the
8 applicant of obstacles while parking. A person shall not sit for a
9 road test unless that person exhibits photo identification deemed
10 acceptable by the commission. A high school student who has
11 completed a course of behind-the-wheel automobile driving
12 education approved by the State Department of Education and
13 conducted in a public, parochial, or private school of this State, who
14 has been issued a special learner's permit pursuant to section 1 of
15 P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be
16 required to exhibit photo identification in order to sit for a road test.
17 The commission may waive the road test for any person 18 years of
18 age or older possessing a valid driver's license issued by any other
19 state, the District of Columbia, or the United States Territories of
20 American Samoa, Guam, Puerto Rico, or the Virgin Islands. The
21 road test shall be given on public streets, where practicable and
22 feasible, but may be preceded by an off-street screening process to
23 assess basic skills. The commission shall approve locations for the
24 road test which pose no more than a minimal risk of injury to the
25 applicant, the examiner, and other motorists. New locations for the
26 road test shall not be approved unless the test can be given on
27 public streets.

28 A person who successfully completes a road test for a
29 motorcycle license or a motorcycle endorsement when operating a
30 motorcycle or motorized scooter with an engine displacement of
31 less than 231 cubic centimeters shall be issued a motorcycle license
32 or endorsement restricting the person's operation of such vehicles to
33 any motorcycle with an engine displacement of 500 cubic
34 centimeters or less. A person who successfully completes a road
35 test for a motorcycle license or motorcycle endorsement when
36 operating a motorcycle with an engine displacement of 231 or more
37 cubic centimeters shall be issued a motorcycle license or
38 endorsement without any restriction as to engine displacement.
39 Any person who successfully completes an approved motorcycle
40 safety education course established pursuant to the provisions of
41 section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a
42 motorcycle license or endorsement without restriction as to engine
43 displacement.

44 The commission shall issue a basic driver's license to operate a
45 motor vehicle other than a motorcycle to a person over 18 years of
46 age who previously has not been licensed to drive a motor vehicle
47 in this State or another jurisdiction only if that person has: (1)
48 operated a passenger automobile in compliance with the

1 requirements of this Title for not less than one year, not including
2 any period of suspension or postponement, from the date of
3 issuance of a probationary license pursuant to section 4 of
4 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two
5 motor vehicle points; (3) not been convicted in the previous year for
6 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
7 50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129,
8 N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any other motor
9 vehicle-related violation the commission determines to be
10 significant and applicable pursuant to regulation; and (4) passed an
11 examination of the applicant's ability to operate a motor vehicle
12 pursuant to this section.

13 The commission shall expand the driver's license examination by
14 20 percent. The additional questions to be added shall consist
15 solely of questions developed in conjunction with the Department
16 of Health concerning the use of alcohol or drugs as related to
17 highway safety. The commission shall develop, in conjunction with
18 the Department of Health, supplements to the driver's manual which
19 shall include information necessary to answer any question on the
20 driver's license examination concerning alcohol or drugs as related
21 to highway safety.

22 Up to 20 questions may be added to the examination on subjects
23 to be determined by the commission that are of particular relevance
24 to youthful drivers, including the dangers of driving a vehicle in an
25 aggressive manner, which shall include, but not be limited to,
26 unexpectedly altering the speed of a vehicle, making improper or
27 erratic traffic lane changes, disregarding traffic control devices,
28 failing to yield the right of way, and following another vehicle too
29 closely, after consultation with the Director of the Division of
30 Highway Traffic Safety in the Department of Law and Public
31 Safety.

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

38 In addition to the English language and other foreign languages
39 in which the driver's license examination is offered, the chief
40 administrator shall offer the examination in Italian.

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

46 The commission shall expand the driver's license examination to
47 include questions concerning the dangers of carbon monoxide

1 poisoning from motor vehicles and techniques for the safe operation
2 and proper maintenance of a motor vehicle.

3 Any person applying for a driver's license to operate a motor
4 vehicle or motorized bicycle in this State shall surrender to the
5 commission any current driver's license issued to the applicant by
6 another state or jurisdiction upon the applicant's receipt of a driver's
7 license for this State. The commission shall refuse to issue a
8 driver's license if the applicant fails to comply with this provision.
9 An applicant for a permit or license who is less than 18 years of
10 age, and who holds a permit or license for a passenger automobile
11 issued by another state or country that is valid or has expired within
12 a time period designated by the commission, shall be subject to the
13 permit and license requirements and penalties applicable to State
14 permit and license applicants who are of the same age; except that if
15 the other state or country has permit or license standards
16 substantially similar to those of this State, the credentials of the
17 other state or country shall be acceptable.

18 The commission shall create classified licensing of drivers
19 covering the following classifications:

20 a. Motorcycles, except that for the purposes of this section,
21 motorcycle shall not include any three-wheeled motor vehicle
22 equipped with a single cab with glazing enclosing the occupant,
23 seats similar to those of a passenger vehicle or truck, seat belts and
24 automotive steering or any vehicle defined as a motorcycle pursuant
25 to R.S.39:1-1 having a motor with a maximum piston displacement
26 that is less than 50 cubic centimeters or a motor that is rated at no
27 more than 1.5 brake horsepower with a maximum speed of no more
28 than 35 miles per hour on a flat surface.

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

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

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

35 Every applicant for a license under classification b. shall be a
36 holder of a basic driver's license. Any issuance of a license under
37 classification b. shall be by endorsement on the basic driver's
38 license.

39 A driver's license for motorcycles may be issued separately, but
40 if issued to the holder of a basic driver's license, it shall be by
41 endorsement on the basic driver's license. The holder of a basic
42 driver's license or a separately issued motorcycle license shall be
43 authorized to operate a motorcycle having a motor with a maximum
44 piston displacement that is less than 50 cubic centimeters or a motor
45 that is rated at no more than 1.5 brake horsepower with a maximum
46 speed no more than 35 miles per hour on a flat surface.

47 The commission, upon payment of the lawful fee and after it or a
48 person authorized by it has examined the applicant and is satisfied

1 of the applicant's ability as an operator, may, in its discretion, issue
2 a license to the applicant to drive a motor vehicle. The license shall
3 authorize the applicant to drive any registered vehicle, of the kind
4 or kinds indicated, and shall expire, except as otherwise provided,
5 on the last day of the 48th calendar month following the calendar
6 month in which the license was issued.

7 The commission may, at its discretion and for good cause shown,
8 issue licenses which shall expire on a date fixed by it. If the
9 commission issues a license to a person who has demonstrated
10 authorization to be present in the United States for a period of time
11 shorter than the standard period of the license, the commission shall
12 fix the expiration date of the license at a date based on the period in
13 which the person is authorized to be present in the United States
14 under federal immigration laws. The commission may renew the
15 license only if it is demonstrated that the person's continued
16 presence in the United States is authorized under federal law. The
17 fee for licenses with expiration dates fixed by the commission shall
18 be fixed by the commission in amounts proportionately less or
19 greater than the fee herein established.

20 The required fee for a license for the 48-month period shall be as
21 follows:

22 Motorcycle license or endorsement: \$18.

23 Omnibus or school bus endorsement: \$18.

24 Basic driver's license: \$18.

25 The commission shall waive the payment of fees for issuance of
26 omnibus endorsements whenever an applicant establishes to the
27 commission's satisfaction that the applicant will use the omnibus
28 endorsement exclusively for operating omnibuses owned by a
29 nonprofit organization duly incorporated under Title 15 or 16 of the
30 Revised Statutes or Title 15A of the New Jersey Statutes.

31 The commission shall issue licenses for the following license
32 period on and after the first day of the calendar month immediately
33 preceding the commencement of the period, the licenses to be
34 effective immediately.

35 All applications for renewals of licenses shall be made in a
36 manner prescribed by the commission and in accordance with
37 procedures established by it.

38 The commission in its discretion may refuse to grant a permit or
39 license to drive motor vehicles to a person who is, in its estimation,
40 not a proper person to be granted a permit or license, but no defect
41 of the applicant shall debar the applicant from receiving a permit or
42 license unless it can be shown by tests approved by the commission
43 that the defect incapacitates the applicant from safely operating a
44 motor vehicle.

45 In addition to requiring an applicant for a driver's license to
46 submit satisfactory proof of identity and age, the commission also
47 shall require the applicant to provide, as a condition for obtaining a

1 permit and license, satisfactory proof that the applicant's presence
2 in the United States is authorized under federal law.

3 If the commission has reasonable cause to suspect that any
4 document presented by an applicant as proof of identity, age, or
5 legal residency is altered, false, or otherwise invalid, the
6 commission shall refuse to grant the permit or license until the time
7 when the document may be verified by the issuing agency to the
8 commission's satisfaction.

9 A person violating this section shall be subject to a fine not
10 exceeding \$500 or imprisonment in the county jail for not more
11 than 60 days, but if that person has never been licensed to drive in
12 this State or any other jurisdiction, the applicant shall be subject to
13 a fine of not less than \$200 and, in addition, the court shall issue an
14 order to the commission requiring the commission to refuse to issue
15 a license to operate a motor vehicle to the person for a period of not
16 less than 180 days. The penalties provided for by this paragraph
17 shall not be applicable in cases where failure to have actual
18 possession of the operator's license is due to an administrative or
19 technical error by the commission.

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

23 As used in this section:

24 "Parking sensors" means proximity sensors which use either
25 electromagnetic or ultrasonic technology and are designed to alert
26 the driver to obstacles while parking.

27 "Rear visibility system" means devices or components installed
28 on a motor vehicle at the time of manufacture that allow a forward
29 facing driver to view a visual image of the area directly behind the
30 vehicle.

31 (cf: P.L.2016, c.81, s.2)

32

33 2. This act shall take effect on the first day of the third month
34 after enactment.

35

36

37

STATEMENT

38

39 This bill requires the Chief Administrator of the Motor Vehicle
40 Commission (MVC) to make the driver's license examination test
41 available in Italian.

42 In the last few years, the MVC has eliminated the administration
43 of the examination test in several foreign languages, including
44 Italian. Applicants who would have taken the test in Italian may be
45 accompanied by an interpreter who meets certain criteria.
46 Obtaining an interpreter, however, places an additional burden on
47 the applicant. Under the provisions of this bill, the MVC would be
48 required to reinstate a driver's license examination test in Italian.