

ASSEMBLY, No. 3139

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

SYNOPSIS

Provides that probationary license holder may transport siblings in addition to dependents and one additional passenger.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning probationary licenses and amending P.L.1950,
2 c.127.

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

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

9 4. a. The holder of a special learner's permit shall be entitled to
10 a probationary driver's license (1) upon attaining the age of 17 years,
11 (2) upon the satisfactory completion of an approved behind-the-
12 wheel driver training course as indicated upon the face of the special
13 permit over the signature of the principal of the school or the person
14 operating the driving school in which the course was conducted, (3)
15 upon the completion of six months' driving experience with a
16 validated special learner's permit in compliance with the provisions
17 of section 6 of P.L.1977, c.25 (C.39:3-13.2a), and (4) upon passing
18 the road test pursuant to R.S.39:3-10.

19 b. The holder of a probationary license shall be permitted to
20 operate the passenger automobile with only one additional passenger
21 in the vehicle besides any dependent or sibling of the probationary
22 license holder, except that this passenger restriction shall not apply
23 when the holder of the probationary license is at least 21 years of age
24 or the probationary license holder is accompanied by a parent or
25 guardian. Further, the holder of the probationary license who is
26 under 21 years of age shall not drive during the hours between 11:01
27 p.m. and 5 a.m.; provided however, that this condition may be waived
28 for an emergency which, in the judgment of local police, is of
29 sufficient severity and magnitude to substantially endanger the
30 health, safety, welfare, or property of a person or for any bona fide
31 employment or religion-related activity if the employer or
32 appropriate religious authority provides written verification of such
33 activity in a manner provided for by the chief administrator.

34 c. The holder of the probationary license shall not use any hand-
35 held or hands-free interactive wireless communication device, except
36 in an emergency, while operating a moving passenger automobile on
37 a public road or highway. "Use" shall include, but not be limited to,
38 talking or listening on any hand-held or hands-free interactive
39 wireless communication device or operating its keys, buttons, or
40 other controls. In addition, the holder of the probationary license
41 shall ensure that all occupants of the vehicle are secured in a properly
42 adjusted and fastened seat belt or child restraint system.

43 d. In addition to any other penalties provided under law, the
44 holder of a probationary license who accumulates more than two
45 motor vehicle points or is convicted of a violation of R.S.39:4-50;

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 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
2 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of
3 P.L.2017, c.165 (C.2C:11-5.3); subsection c. of N.J.S.2C:12-1; or
4 any other motor vehicle law the chief administrator deems to be
5 significant and applicable pursuant to regulation shall, for the first
6 violation, be required to satisfactorily complete a remedial training
7 course of not less than four hours which may be given by the
8 commission, a driving school licensed by the chief administrator
9 pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any
10 Statewide safety organization approved by the chief administrator.
11 The course shall be administered pursuant to rules and regulations
12 promulgated by the chief administrator and subject to oversight by
13 the commission. The authority of the chief administrator to suspend,
14 revoke, or deny issuance of an initial or renewal license to operate a
15 driving school or an instructor's license, and to assess fines, pursuant
16 to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to any violations
17 related to the administration of a remedial training course. The
18 license holder shall also remit a course fee prior to the
19 commencement of the course.

20 e. When notified by a court of competent jurisdiction that a
21 probationary license holder has been convicted of a second or
22 subsequent violation, in addition to any other penalties provided
23 under law, the chief administrator shall, without the exercise of
24 discretion or a hearing, suspend the probationary license for three
25 months, and shall postpone eligibility for a basic license for an
26 equivalent period. In addition, when the chief administrator is
27 notified by a court of competent jurisdiction that a probationary
28 license holder has been convicted of any alcohol or drug-related
29 offense unrelated to the operation of a motor vehicle, and he is not
30 otherwise subject to any other suspension penalty therefor, the chief
31 administrator shall, without the exercise of discretion or a hearing,
32 suspend the probationary license for six months.

33 f. The chief administrator shall provide the holder of a
34 probationary license with two removable, transferable, highly
35 visible, reflective decals indicating that the driver of the vehicle may
36 be the holder of a probationary license. The decals shall be designed
37 by the chief administrator, in consultation with the Division of
38 Highway Traffic Safety in the Department of Law and Public Safety.
39 The chief administrator may charge a fee for the decals not to exceed
40 the actual cost of producing and distributing the decals. The decals
41 shall be displayed in a manner prescribed by the chief administrator,
42 in consultation with the Division of Highway Traffic Safety in the
43 Department of Law and Public Safety, and shall be clearly visible to
44 law enforcement officers. The holder of a probationary license shall
45 not operate a vehicle unless the decals are displayed. The decal shall
46 be removed once the driver's probationary license period has ended.

47 g. A probationary license may be sent by mail and shall be
48 clearly identifiable and distinguishable in appearance from a basic

1 license by any name, mark, color, or device deemed appropriate by
2 the chief administrator.

3 h. A person issued a probationary license pursuant to this section
4 may be issued a standard probationary license or a REAL ID
5 probationary license. The chief administrator shall require an
6 applicant for a standard probationary license to provide as proof of
7 the applicant's identity, age, and residence primary and secondary
8 documents, with which the chief administrator shall attribute point
9 values in accordance with the point based identification verification
10 program established pursuant to section 28 of P.L.2003, c.13
11 (C.39:2A-28). The point total required to prove the identity of an
12 applicant for the standard probationary license shall be the same for
13 every applicant, regardless of immigration status. In the event that
14 the commission changes the point total threshold, the requirement
15 that every applicant reach the same point total threshold shall remain
16 in effect.

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

20 (1) as a condition for obtaining a standard probationary license,
21 proof of the applicant's social security number and one document
22 providing satisfactory proof that the applicant is a New Jersey
23 resident. If the applicant does not have a social security number, the
24 applicant shall either:

25 (a) provide satisfactory proof of an Individual Taxpayer
26 Identification Number; or

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

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

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

44 If the chief administrator has reasonable cause to suspect that any
45 document presented by an applicant pursuant to this section is
46 altered, false, or otherwise invalid, the chief administrator shall
47 refuse to grant the probationary license until such time as the

1 document may be verified by the issuing agency to the chief
2 administrator's satisfaction.

3 A person violating this section shall be subject to a fine not
4 exceeding \$500 or imprisonment in the county jail for not more than
5 60 days, but if that person has never been licensed to drive in this
6 State or any other jurisdiction, the applicant shall be subject to a fine
7 of not less than \$200 and, in addition, the court shall issue an order
8 to the commission requiring the commission to refuse to issue a
9 license to operate a motor vehicle to the person for a period of not
10 less than 180 days.

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

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

30 Information regarding an applicant's Individual Tax Identification
31 Number, social security number, or ineligibility to receive a social
32 security number obtained by the commission for the issuance of a
33 standard probationary license 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 not
37 be disclosed by the commission except where: (1) required by section
38 11 of P.L.1998, c.1 (C.2A:17-56.60); (2) the applicant provides
39 written informed consent to the disclosure; (3) the requesting entity
40 presents a warrant signed by a State or federal judge, a lawful court
41 order, or a subpoena; (4) required by State or federal law, and to the
42 extent that the disclosure may be necessary to permit the State to
43 participate in the National Driver Register program, as set forth in 49
44 U.S.C. s.30301 et seq.; or (5) the disclosure is in connection with an
45 audit or investigation of identity fraud, driver's license fraud, or non-
46 driver identification card fraud.
47 (cf: P.L.2019, c.271, s.14)

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill provides an exception to the current restriction in law that
7 a probationary license holder only be permitted to operate an
8 automobile with one additional passenger in the vehicle besides any
9 dependent of the probationary license holder. The bill amends
10 current law to also allow siblings of the probationary license holder
11 to be in the vehicle, along with dependents, and one additional
12 passenger.