

ASSEMBLY, No. 3319

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman JOHN CATALANO

District 10 (Ocean)

SYNOPSIS

Enhances penalties imposed on drivers who have never been issued a driver's license.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning penalties imposed on certain drivers 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, and a person shall not be issued a validated
16 permit, including a validated examination permit, until the applicant
17 has passed a satisfactory examination and other requirements as to
18 the applicant's ability as an operator. The examination shall
19 include: a test of the applicant's vision; the applicant's ability to
20 understand traffic control devices; the applicant's knowledge of safe
21 driving practices, including the dangers of driving a vehicle in an
22 aggressive manner, which shall include, but not be limited to,
23 unexpectedly altering the speed of a vehicle, making improper or
24 erratic traffic lane changes, disregarding traffic control devices,
25 failing to yield the right of way, and following another vehicle too
26 closely; the applicant's knowledge of operating a motor vehicle in a
27 manner that safely shares the roadway with pedestrians, cyclists,
28 skaters, riders of motorized-scooters, and other non-motorized
29 vehicles, which shall include, but not be limited to, passing a cyclist
30 on the roadway, recognizing bicycle lanes, navigating intersections
31 with pedestrians and cyclists, and exiting a vehicle without
32 endangering pedestrians and cyclists; the applicant's knowledge of
33 the effects that ingestion of alcohol or drugs has on a person's
34 ability to operate a motor vehicle; the applicant's knowledge of the
35 dangers of carbon monoxide poisoning from motor vehicles and
36 techniques for the safe operation and proper maintenance of a motor
37 vehicle; the applicant's knowledge of portions of the mechanism of
38 motor vehicles as is necessary to insure the safe operation of a
39 vehicle of the kind or kinds indicated by the applicant; and the
40 applicant's knowledge of the laws and ordinary usages of the road.
41 The examination shall be made available in English and each of the
42 three languages, other than English, most commonly spoken in the
43 State, as determined by the chief administrator. The chief
44 administrator shall periodically, and at least every five years, verify

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 the three languages, other than English, most commonly spoken in
2 the State.

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

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

42 A person who successfully completes a road test for a
43 motorcycle license or a motorcycle endorsement when operating a
44 motorcycle or motorized scooter with an engine displacement of
45 less than 231 cubic centimeters shall be issued a motorcycle license
46 or endorsement restricting the person's operation of the vehicles to
47 any motorcycle with an engine displacement of 500 cubic
48 centimeters or less. A person who successfully completes a road

1 test for a motorcycle license or motorcycle endorsement when
2 operating a motorcycle with an engine displacement of 231 or more
3 cubic centimeters shall be issued a motorcycle license or
4 endorsement without any restriction as to engine displacement.
5 Any person who successfully completes an approved motorcycle
6 safety education course established pursuant to the provisions of
7 section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a
8 motorcycle license or endorsement without restriction as to engine
9 displacement.

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

24 In addition to requiring the person to submit satisfactory proof of
25 identity and age, the commission shall require the person to
26 provide:

27 (1) as a condition for obtaining a standard motorcycle license,
28 proof of the person's social security number and one document
29 providing satisfactory proof that the person is a New Jersey
30 resident.

31 If the person does not have a social security number, the person
32 shall either:

33 (a) provide satisfactory proof of an Individual Taxpayer
34 Identification Number; or

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

39 (2) as a condition for obtaining a REAL ID motorcycle license:
40 two documents providing satisfactory proof that the person is a New
41 Jersey resident; proof of the person's social security number or
42 verification of ineligibility for a social security number in
43 accordance with the "REAL ID Act of 2005," Pub.L.109-13, any
44 acts amendatory or supplementary thereto, and any federal
45 regulations adopted thereunder; and proof that the person's presence
46 in the United States is authorized under federal law.

47 A standard motorcycle license shall indicate that the license shall
48 not be accepted as identification for an official purpose, as that term

1 is defined under the "REAL ID Act of 2005," Pub.L.109-13, any
2 acts amendatory or supplementary thereto, and any federal
3 regulations adopted thereunder.

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

22 The commission shall expand the driver's license examination by
23 20 percent. The additional questions to be added shall consist
24 solely of questions developed in conjunction with the Department
25 of Health concerning the use of alcohol or drugs as related to
26 highway safety. The commission shall develop, in conjunction with
27 the Department of Health, supplements to the driver's manual which
28 shall include information necessary to answer any question on the
29 driver's license examination concerning alcohol or drugs as related
30 to highway safety.

31 Up to 20 questions may be added to the examination on subjects
32 to be determined by the commission that are of particular relevance
33 to youthful drivers, including the importance of operating a motor
34 vehicle in a manner that safely shares the roadway with pedestrians,
35 cyclists, skaters, riders of motorized-scooters, and other non-
36 motorized vehicles, which shall include, but not be limited to,
37 passing a cyclist on the roadway, recognizing bicycle lanes,
38 navigating intersections with pedestrians and cyclists, and exiting a
39 vehicle without endangering pedestrians and cyclists, and the
40 dangers of driving a vehicle in an aggressive manner, which shall
41 include, but not be limited to, unexpectedly altering the speed of a
42 vehicle, making improper or erratic traffic lane changes,
43 disregarding traffic control devices, failing to yield the right of way,
44 and following another vehicle too closely, after consultation with
45 the Director of the Division of Highway Traffic Safety in the
46 Department of Law and Public Safety.

47 The commission shall expand the driver's license examination to
48 include a question asking whether the applicant is aware of the

1 provisions of the "Revised Uniform Anatomical Gift Act,"
2 P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on
3 the driver's license the intention to make a donation of body organs
4 or tissues pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

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

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

14 Any person applying for a driver's license to operate a motor
15 vehicle or motorized bicycle in this State shall surrender to the
16 commission any current driver's license issued to the applicant by
17 another state or jurisdiction upon the applicant's receipt of a driver's
18 license for this State. The commission shall refuse to issue a
19 driver's license if the applicant fails to comply with this provision.
20 An applicant for a permit or license who is under 18 years of age,
21 and who holds a permit or license for a passenger automobile issued
22 by another state or country that is valid or has expired within a time
23 period designated by the commission, shall be subject to the permit
24 and license requirements and penalties applicable to State permit
25 and license applicants who are of the same age; except that if the
26 other state or country has permit or license standards substantially
27 similar to those of this State, the credentials of the other state or
28 country shall be acceptable.

29 The commission shall create classified licensing of drivers
30 covering the following classifications:

31 a. Motorcycles, except that for the purposes of this section,
32 motorcycle shall not include any three-wheeled motor vehicle
33 equipped with a single cab with glazing enclosing the occupant,
34 seats similar to those of a passenger vehicle or truck, seat belts and
35 automotive steering or any vehicle defined as a motorcycle pursuant
36 to R.S.39:1-1 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.

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

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

43 d. All motor vehicles not included in classifications a. and b. A
44 license issued pursuant to this classification d. shall be referred to
45 as the "basic driver's license" and may be issued as a standard basic
46 driver's license or a REAL ID basic driver's license.

47 Every applicant for a license under classification b. shall be a
48 holder of a basic driver's license. Any issuance of a license under

1 classification b. shall be by endorsement on the person's basic
2 driver's license.

3 A driver's license for motorcycles may be issued separately, but
4 if issued to the holder of a basic driver's license, it shall be by
5 endorsement on the person's basic driver's license. The holder of a
6 basic driver's license or a separately issued motorcycle license shall
7 be authorized to operate a motorcycle having a motor with a
8 maximum piston displacement that is less than 50 cubic centimeters
9 or a motor that is rated at no more than 1.5 brake horsepower with a
10 maximum speed no more than 35 miles per hour on a flat surface.

11 The commission, upon payment of the lawful fee and after it or a
12 person authorized by it has examined the applicant and is satisfied
13 of the applicant's ability as an operator, may, in its discretion, issue
14 a license to the applicant to drive a motor vehicle. The license shall
15 authorize the person to drive any registered vehicle, of the kind or
16 kinds indicated.

17 The license shall expire, except as otherwise provided, during the
18 fourth calendar year following the date in which the license was
19 issued and on the same calendar day as the person's date of birth. If
20 the person's date of birth does not correspond to a calendar day of
21 the fourth calendar year, the license shall expire on the last day of
22 the person's birth month.

23 The commission may, at its discretion and for good cause shown,
24 issue licenses that expire on a date fixed by it. If the commission
25 issues a REAL ID basic driver's license or REAL ID motorcycle
26 license to a person who has demonstrated authorization to be
27 present in the United States for a period of time shorter than the
28 standard period of the license, the commission shall fix the
29 expiration date of the license at a date based on the period in which
30 the person is authorized to be present in the United States under
31 federal immigration laws. The commission may renew the person's
32 REAL ID basic driver's license or REAL ID motorcycle license
33 only if it is demonstrated that the person's continued presence in the
34 United States is authorized under federal law. The fee for licenses
35 with expiration dates fixed by the commission shall be fixed by the
36 commission in amounts proportionately less or greater than the fee
37 herein established.

38 The required fee for a license for the license period shall be as
39 follows, subject to adjustment pursuant to section 16 of P.L.2007,
40 c.335 (C.39:2A-36.1):

41 Standard motorcycle license or endorsement: \$18.

42 REAL ID motorcycle license: \$29.

43 Omnibus or school bus endorsement: \$18.

44 Standard basic driver's license: \$18.

45 REAL ID basic driver's license: \$29.

46 The commission shall waive the payment of fees for issuance of
47 omnibus endorsements whenever an applicant establishes to the
48 commission's satisfaction that the applicant will use the omnibus

1 endorsement exclusively for operating omnibuses owned by a
2 nonprofit organization duly incorporated under Title 15 or 16 of the
3 Revised Statutes or Title 15A of the New Jersey Statutes.

4 The commission shall issue licenses for the following license
5 period on and after the first day of the calendar month immediately
6 preceding the commencement of the period, the licenses to be
7 effective immediately.

8 All applications for renewals of licenses shall be made in a
9 manner prescribed by the commission and in accordance with
10 procedures established by it.

11 The commission in its discretion may refuse to grant a permit or
12 license to drive motor vehicles to a person who is, in its estimation,
13 not a proper person to be granted a permit or license, but a defect of
14 the applicant shall not debar the applicant from receiving a permit
15 or license unless it can be shown by tests approved by the
16 commission that the defect incapacitates the applicant from safely
17 operating a motor vehicle.

18 A person issued a basic driver's license pursuant to this section
19 may be issued a standard basic driver's license or a REAL ID basic
20 driver's license. The chief administrator shall require an applicant
21 for a standard basic driver's license to provide as proof of the
22 applicant's identity, age, and residence primary and secondary
23 documents, with which the chief administrator shall attribute point
24 values in accordance with the point based identification verification
25 program established pursuant to section 28 of P.L.2003, c.13
26 (C.39:2A-28). The point total required to prove the identity of an
27 applicant for the standard basic driver's license shall be the same for
28 every applicant, regardless of immigration status. In the event that
29 the commission changes the point total threshold, the requirement
30 that every applicant reach the same point total threshold shall
31 remain in effect.

32 In addition to requiring an applicant for a driver's license to
33 submit satisfactory proof of identity and age, the commission also
34 shall require the applicant to provide:

35 (1) as a condition for obtaining a permit and standard basic
36 driver's license, proof of the person's social security number and
37 one document providing satisfactory proof that the applicant is a
38 New Jersey resident. If the person does not have a social security
39 number, the person shall either:

40 (a) provide satisfactory proof of an Individual Taxpayer
41 Identification Number; or

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

46 (2) as a condition for obtaining a REAL ID basic driver's
47 license: two documents providing satisfactory proof that the
48 applicant is a New Jersey resident; proof of the applicant's social

1 security number or verification of ineligibility for a social security
2 number in accordance with the "REAL ID Act of 2005," Pub.L.109-
3 13, any acts amendatory or supplementary thereto, and any federal
4 regulations adopted thereunder; and proof that the applicant's
5 presence in the United States is authorized under federal law.

6 A standard basic driver's license shall indicate that the license
7 shall not be accepted as identification for an official purpose, as that
8 term is defined under the "REAL ID Act of 2005," Pub.L.109-13,
9 any acts amendatory or supplementary thereto, and any federal
10 regulations adopted thereunder.

11 If the commission has reasonable cause to suspect that any
12 document presented by an applicant pursuant to this section is
13 altered, false, or otherwise invalid, the commission shall refuse to
14 grant the permit or license until the time when the document may be
15 verified by the issuing agency to the commission's satisfaction.

16 A person violating this section shall be subject to a fine not
17 exceeding \$500 or imprisonment in the county jail for not more
18 than 60 days, but if that person has never been licensed to drive in
19 this State or any other jurisdiction, the **【applicant】 person** shall be
20 subject to a fine of **【not less than \$200 and, in】 \$500 for a first**
21 **offense, a fine of \$750 and imprisonment in the county jail at least**
22 **one day but not more than five days for a second offense, and a fine**
23 **of \$1,000 and imprisonment in the county jail for 10 days for a third**
24 **or subsequent offense. In** addition, the court shall issue an order to
25 the commission requiring the commission to refuse to issue a
26 license to operate a motor vehicle to the person for a period of not
27 less than 180 days. **The court shall impose a period of**
28 **imprisonment for not less than 45 days but not more than 180 days,**
29 **if a person is convicted of driving a motor vehicle when the person**
30 **has never been licensed to drive in this State or in any other**
31 **jurisdiction, and, while operating the motor vehicle, the person is**
32 **involved in a motor vehicle accident resulting in bodily injury to**
33 **another person.** The penalties provided for by this paragraph shall
34 not be applicable in cases where failure to have actual possession of
35 the operator's license is due to an administrative or technical error
36 by the commission.

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

40 Any documents and personal information, including an
41 applicant's photograph, obtained by the commission from an
42 applicant for a standard basic driver's license or standard
43 motorcycle license shall be confidential, shall not be considered a
44 government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),
45 P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning
46 access to government records, and shall not be disclosed by the
47 commission for any purpose related to Title 8 of the United States
48 Code without the informed consent of the applicant, a warrant

1 signed by a State or federal judge, or a lawful court order or
2 subpoena; except that nothing in this section shall be construed to
3 prohibit, or in any way restrict, any action where such prohibition
4 or restriction would be contrary to federal law. When responding to
5 a warrant, court order, or subpoena, the commission may disclose
6 only those records or information specifically requested in the
7 warrant, court order, or subpoena.

8 Possession of a standard basic driver's license or standard
9 motorcycle license issued pursuant to this section shall not be
10 considered evidence of an individual's citizenship or immigration
11 status and shall not be used as a basis for an investigation, arrest,
12 citation, prosecution, or detention.

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

31 As used in this section:

32 "Parking sensors" means proximity sensors which use either
33 electromagnetic or ultrasonic technology and are designed to alert
34 the driver to obstacles while parking.

35 "Rear visibility system" means devices or components installed
36 on a motor vehicle at the time of manufacture that allow a forward
37 facing driver to view a visual image of the area directly behind the
38 vehicle.

39 (cf: P.L.2019, c.271, s.8)

40
41 2. This act shall take effect immediately.

42 43 44 STATEMENT

45
46 This bill enhances the penalties imposed on a person convicted
47 of driving without a license who has never been issued a driver's
48 license in this State or any other jurisdiction.

1 Currently, the penalty for this offense is a fine of between \$200
2 and \$500, and possible imprisonment in the county jail for not more
3 than 60 days. This bill increases the fines and establishes specific
4 terms of imprisonment for a person who drives a motor vehicle
5 when the person has never been licensed to drive in this State or in
6 any other jurisdiction as follows: a \$500 fine for the first offense, a
7 \$750 fine and at least one day, but not more than five days
8 imprisonment for the second offense, and a \$1,000 fine and 10 days
9 imprisonment for a third or subsequent offense.

10 Additionally, this bill establishes a penalty of 45 to 180 days
11 imprisonment if, while operating a motor vehicle, a person who has
12 never been licensed to drive a motor vehicle in this State or any
13 other jurisdiction is involved in a motor vehicle accident causing
14 bodily injury to another person.

15 The penalties in this bill are the same as the penalties imposed
16 for driving a motor vehicle when a person's driver's license is
17 suspended or revoked, or when a person has been prohibited from
18 obtaining a driver's license.