

ASSEMBLY, No. 3871

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 23, 2020

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

SYNOPSIS

Requires person taking written examination for permit to watch video of rights and responsibilities of driver stopped by law enforcement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2020)

1 AN ACT concerning motor vehicle driver education and amending
2 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). Prior to taking an examination for a
10 validated permit, a person shall watch a video created by the
11 commission, in conjunction with the Attorney General, explaining
12 the rights and responsibilities of a driver stopped by a law
13 enforcement officer. The commission may waive the written law
14 knowledge examination for any person 18 years of age or older
15 possessing a valid driver's license issued by any other state, the
16 District of Columbia, or the United States Territories of American
17 Samoa, Guam, Northern Mariana Islands, Puerto Rico, or the Virgin
18 Islands. The commission shall be required to provide that person
19 with a booklet that highlights those motor vehicle laws unique to
20 New Jersey. A road test shall be required for a probationary license
21 and serve as a demonstration of the applicant's ability to operate a
22 vehicle of the class designated. During the road test, an applicant
23 may use a rear visibility system, parking sensors, or other
24 technology installed on the motor vehicle that enables the applicant
25 to view areas directly behind the vehicle or alerts the applicant of
26 obstacles while parking.

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

46 A person who successfully completes a road test for a
47 motorcycle license or a motorcycle endorsement when operating a
48 motorcycle or motorized scooter with an engine displacement of
49 less than 231 cubic centimeters shall be issued a motorcycle license

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

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

27 In addition to requiring the person to submit satisfactory proof of
28 identity and age, the commission shall require the person to
29 provide:

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

34 If the person does not have a social security number, the person
35 shall either:

36 (a) provide satisfactory proof of an Individual Taxpayer
37 Identification Number; or

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

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

1 A standard motorcycle license shall indicate that the license shall
2 not be accepted as identification for an official purpose, as that term
3 is defined under the "REAL ID Act of 2005," Pub.L.109-13, any
4 acts amendatory or supplementary thereto, and any federal
5 regulations adopted thereunder.

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

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

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

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

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

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

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

31 The commission shall create classified licensing of drivers
32 covering the following classifications:

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

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

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

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

1 Every applicant for a license under classification b. shall be a
2 holder of a basic driver's license. Any issuance of a license under
3 classification b. shall be by endorsement on the person's basic
4 driver's license.

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

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

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

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

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

43 Standard motorcycle license or endorsement: \$18.

44 REAL ID motorcycle license: \$29.

45 Omnibus or school bus endorsement: \$18.

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

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

48 The commission shall waive the payment of fees for issuance of
49 omnibus endorsements whenever an applicant establishes to the

1 commission's satisfaction that the applicant will use the omnibus
2 endorsement exclusively for operating omnibuses owned by a
3 nonprofit organization duly incorporated under Title 15 or 16 of the
4 Revised Statutes or Title 15A of the New Jersey Statutes.

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

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

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

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

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

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

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

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

47 (2) as a condition for obtaining a REAL ID basic driver's
48 license: two documents providing satisfactory proof that the
49 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 shall be subject to
20 a fine of not less than \$200 and, in addition, the court shall issue an
21 order to the commission requiring the commission to refuse to issue
22 a license to operate a motor vehicle to the person for a period of not
23 less than 180 days. The penalties provided for by this paragraph
24 shall not be applicable in cases where failure to have actual
25 possession of the operator's license is due to an administrative or
26 technical error by the commission.

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

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

46 Possession of a standard basic driver's license or standard
47 motorcycle license issued pursuant to this section shall not be
48 considered evidence of an individual's citizenship or immigration

1 status and shall not be used as a basis for an investigation, arrest,
2 citation, prosecution, or detention.

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

21 As used in this section:

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

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

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

30

31 2. This act shall take effect on the first day of the seventh
32 month after enactment, but the Chief Administrator of the New
33 Jersey Motor Vehicle Commission may take any anticipatory
34 administrative action necessary for the timely implementation of
35 this act.

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STATEMENT

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40 This bill requires a person to watch a video created by the New
41 Jersey Motor Vehicle Commission (MVC), in conjunction with the
42 Attorney General, before the person takes a written examination for
43 a validated permit. Under the bill, the video is to explain the rights
44 and responsibilities of a driver stopped by a law enforcement
45 officer.