

ASSEMBLY, No. 4661

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:
Assemblyman BRIAN BERGEN
District 25 (Morris and Somerset)

SYNOPSIS

Expands topics to be covered regarding bicycle and pedestrian safety on MVC driver's license knowledge test.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/19/2020)

1 AN ACT concerning the motor vehicle knowledge test 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, the
30 circumstances under which cyclists and pedestrians are required to
31 move with or against the flow of traffic, passing a cyclist on the
32 roadway, recognizing bicycle lanes, navigating intersections with
33 pedestrians and cyclists, how to properly understand traffic control
34 signals and pedestrian crossing signals, and exiting a vehicle
35 without endangering pedestrians and cyclists; the applicant's
36 knowledge of the effects that ingestion of alcohol or drugs has on a
37 person's ability to operate a motor vehicle; the applicant's
38 knowledge of the dangers of carbon monoxide poisoning from
39 motor vehicles and techniques for the safe operation and proper
40 maintenance of a motor vehicle; the applicant's knowledge of
41 portions of the mechanism of motor vehicles as is necessary to
42 insure the safe operation of a vehicle of the kind or kinds indicated
43 by the applicant; and the applicant's knowledge of the laws and
44 ordinary usages of the road. The examination shall be made
45 available in English and each of the three languages, other than

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 English, most commonly spoken in the State, as determined by the
2 chief administrator. The chief administrator shall periodically, and
3 at least every five years, verify the three languages, other than
4 English, most commonly spoken in the State.

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

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

44 A person who successfully completes a road test for a
45 motorcycle license or a motorcycle endorsement when operating a
46 motorcycle or motorized scooter with an engine displacement of
47 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

1 regulations adopted thereunder; and proof that the person's presence
2 in the United States is authorized under federal law.

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

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

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

35 Up to 20 questions may be added to the examination on subjects
36 to be determined by the commission that are of particular relevance
37 to youthful drivers, including the importance of operating a motor
38 vehicle in a manner that safely shares the roadway with pedestrians,
39 cyclists, skaters, riders of motorized-scooters, and other non-
40 motorized vehicles, which shall include, but not be limited to, the
41 circumstances under which cyclists and pedestrians are required to
42 move with or against the flow of traffic, passing a cyclist on the
43 roadway, recognizing bicycle lanes, navigating intersections with
44 pedestrians and cyclists, how to properly understand traffic control
45 signals and pedestrian crossing signals, and exiting a vehicle
46 without endangering pedestrians and cyclists, and the dangers of
47 driving a vehicle in an aggressive manner, which shall include, but

1 not be limited to, unexpectedly altering the speed of a vehicle,
2 making improper or erratic traffic lane changes, disregarding traffic
3 control devices, failing to yield the right of way, and following
4 another vehicle too closely, after consultation with the Director of
5 the Division of Highway Traffic Safety in the Department of Law
6 and Public Safety.

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

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

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

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

37 The commission shall create classified licensing of drivers
38 covering the following classifications:

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

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

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

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

8 Every applicant for a license under classification b. shall be a
9 holder of a basic driver's license. Any issuance of a license under
10 classification b. shall be by endorsement on the person's basic
11 driver's license.

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

20 The commission, upon payment of the lawful fee and after it or a
21 person authorized by it has examined the applicant and is satisfied
22 of the applicant's ability as an operator, may, in its discretion, issue
23 a license to the applicant to drive a motor vehicle. The license shall
24 authorize the person to drive any registered vehicle, of the kind or
25 kinds indicated.

26 The license shall expire, except as otherwise provided, during the
27 fourth calendar year following the date in which the license was
28 issued and on the same calendar day as the person's date of birth. If
29 the person's date of birth does not correspond to a calendar day of
30 the fourth calendar year, the license shall expire on the last day of
31 the person's birth month.

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

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

4 Standard motorcycle license or endorsement: \$18.

5 REAL ID motorcycle license: \$29.

6 Omnibus or school bus endorsement: \$18.

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

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

9 The commission shall waive the payment of fees for issuance of
10 omnibus endorsements whenever an applicant establishes to the
11 commission's satisfaction that the applicant will use the omnibus
12 endorsement exclusively for operating omnibuses owned by a
13 nonprofit organization duly incorporated under Title 15 or 16 of the
14 Revised Statutes or Title 15A of the New Jersey Statutes.

15 The commission shall issue licenses for the following license
16 period on and after the first day of the calendar month immediately
17 preceding the commencement of the period, the licenses to be
18 effective immediately.

19 All applications for renewals of licenses shall be made in a
20 manner prescribed by the commission and in accordance with
21 procedures established by it.

22 The commission in its discretion may refuse to grant a permit or
23 license to drive motor vehicles to a person who is, in its estimation,
24 not a proper person to be granted a permit or license, but a defect of
25 the applicant shall not debar the applicant from receiving a permit
26 or license unless it can be shown by tests approved by the
27 commission that the defect incapacitates the applicant from safely
28 operating a motor vehicle.

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

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

46 (1) as a condition for obtaining a permit and standard basic
47 driver's license, proof of the person's social security number and

1 one document providing satisfactory proof that the applicant is a
2 New Jersey resident. If the person does not have a social security
3 number, the person shall either:

4 (a) provide satisfactory proof of an Individual Taxpayer
5 Identification Number; or

6 (b) indicate, in a manner prescribed by the commission and
7 consistent with all other provisions of P.L.2019, c.271 (C.39:3-
8 10o et al.), that the person is not eligible to receive a social security
9 number; or

10 (2) as a condition for obtaining a REAL ID basic driver's
11 license: two documents providing satisfactory proof that the
12 applicant is a New Jersey resident; proof of the applicant's social
13 security number or verification of ineligibility for a social security
14 number in accordance with the "REAL ID Act of 2005," Pub.L.109-
15 13, any acts amendatory or supplementary thereto, and any federal
16 regulations adopted thereunder; and proof that the applicant's
17 presence in the United States is authorized under federal law.

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

23 If the commission has reasonable cause to suspect that any
24 document presented by an applicant pursuant to this section is
25 altered, false, or otherwise invalid, the commission shall refuse to
26 grant the permit or license until the time when the document may be
27 verified by the issuing agency to the commission's 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. The penalties provided for by this paragraph
36 shall not be applicable in cases where failure to have actual
37 possession of the operator's license is due to an administrative or
38 technical error by the commission.

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

42 Any documents and personal information, including an
43 applicant's photograph, obtained by the commission from an
44 applicant for a standard basic driver's license or standard
45 motorcycle license shall be confidential, shall not be considered a
46 government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),
47 P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning

1 access to government records, and shall not be disclosed by the
2 commission for any purpose related to Title 8 of the United States
3 Code without the informed consent of the applicant, a warrant
4 signed by a State or federal judge, or a lawful court order or
5 subpoena; except that nothing in this section shall be construed to
6 prohibit, or in any way restrict, any action where such prohibition
7 or restriction would be contrary to federal law. When responding to
8 a warrant, court order, or subpoena, the commission may disclose
9 only those records or information specifically requested in the
10 warrant, court order, or subpoena.

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

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

34 As used in this section:

35 "Parking sensors" means proximity sensors which use either
36 electromagnetic or ultrasonic technology and are designed to alert
37 the driver to obstacles while parking.

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

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

43

44 2. This act shall take effect immediately but shall remain
45 inoperative until 180 days after the date of enactment, provided that
46 the Chief Administrator of the New Jersey Motor Vehicle

1 Commission shall take such anticipatory action as may be necessary
2 for the timely implementation of this act.

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STATEMENT

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7 This bill expands the topics concerning bicycle and pedestrian
8 safety covered on the New Jersey Motor Vehicle Commission
9 knowledge test to include: (1) the circumstances under which
10 cyclists and pedestrians are required to move with or against the
11 flow of traffic and (2) how to properly understand traffic control
12 signals and pedestrian crossing signals.