

[First Reprint]

ASSEMBLY, No. 5193

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 4, 2021

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

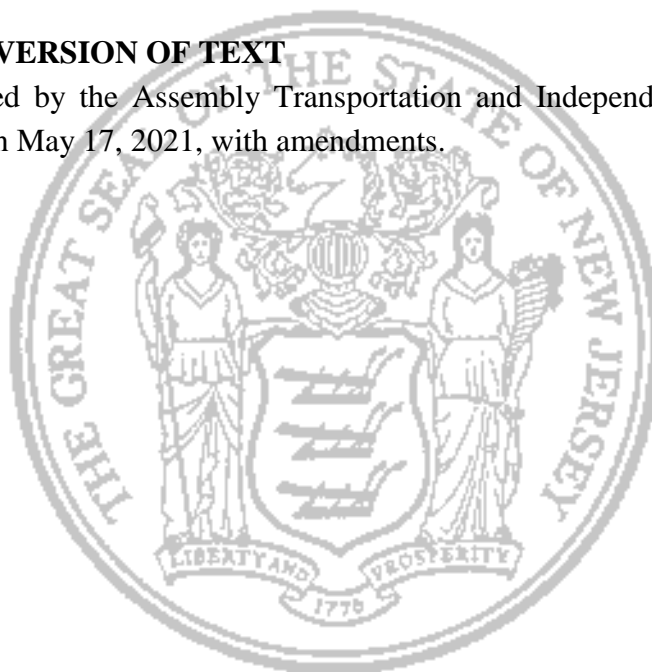
Assemblywoman Chaparro

SYNOPSIS

Requires MVC to provide reasonable accommodation to persons with disabilities during certain knowledge examinations.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on May 17, 2021, with amendments.



(Sponsorship Updated As Of: 1/13/2021)

1 AN ACT concerning driver testing and amending R.S.39:3-10 and
2 P.L.1990, c.103.

3

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

6

7 ¹[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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted May 17, 2021.

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

3 The commission shall provide all reasonable accommodation to a
4 person with a disability taking the examination to ensure that the
5 results of the examination accurately reflect the person's knowledge
6 of the subject matter being tested.

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

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

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

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

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

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

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

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

43 (2) as a condition for obtaining a REAL ID motorcycle license:
44 two documents providing satisfactory proof that the person is a New
45 Jersey resident; proof of the person's social security number or
46 verification of ineligibility for a social security number in
47 accordance with the "REAL ID Act of 2005," Pub.L.109-13, any
48 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,
41 passing a cyclist on the roadway, recognizing bicycle lanes,
42 navigating intersections with pedestrians and cyclists, and exiting a
43 vehicle without endangering pedestrians and cyclists, and the
44 dangers of driving a vehicle in an aggressive manner, which shall
45 include, but not be limited to, unexpectedly altering the speed of a
46 vehicle, making improper or erratic traffic lane changes,
47 disregarding traffic control devices, failing to yield the right of way,
48 and following another vehicle too closely, after consultation with

1 the Director of the Division of Highway Traffic Safety in the
2 Department of Law and Public Safety.

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

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

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

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

33 The commission shall create classified licensing of drivers
34 covering the following classifications:

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

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

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

47 d. All motor vehicles not included in classifications a. and b. A
48 license issued pursuant to this classification d. shall be referred to

1 as the "basic driver's license" and may be issued as a standard basic
2 driver's license or a REAL ID basic driver's license.

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

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

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

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

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

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

- 45 Standard motorcycle license or endorsement: \$18.
- 46 REAL ID motorcycle license: \$29.
- 47 Omnibus or school bus endorsement: \$18.
- 48 Standard basic driver's license: \$18.

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

2 The commission shall waive the payment of fees for issuance of
3 omnibus endorsements whenever an applicant establishes to the
4 commission's satisfaction that the applicant will use the omnibus
5 endorsement exclusively for operating omnibuses owned by a
6 nonprofit organization duly incorporated under Title 15 or 16 of the
7 Revised Statutes or Title 15A of the New Jersey Statutes.

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

12 All applications for renewals of licenses shall be made in a
13 manner prescribed by the commission and in accordance with
14 procedures established by it.

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

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

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

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

44 (a) provide satisfactory proof of an Individual Taxpayer
45 Identification Number; or

46 (b) indicate, in a manner prescribed by the commission and
47 consistent with all other provisions of P.L.2019, c.271 (C.39:3-10o

1 et al.), that the person is not eligible to receive a social security
2 number; or

3 (2) as a condition for obtaining a REAL ID basic driver's
4 license: two documents providing satisfactory proof that the
5 applicant is a New Jersey resident; proof of the applicant's social
6 security number or verification of ineligibility for a social security
7 number in accordance with the "REAL ID Act of 2005," Pub.L.109-
8 13, any acts amendatory or supplementary thereto, and any federal
9 regulations adopted thereunder; and proof that the applicant's
10 presence in the United States is authorized under federal law.

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

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

21 A person violating this section shall be subject to a fine not
22 exceeding \$500 or imprisonment in the county jail for not more
23 than 60 days, but if that person has never been licensed to drive in
24 this State or any other jurisdiction, the applicant shall be subject to
25 a fine of not less than \$200 and, in addition, the court shall issue an
26 order to the commission requiring the commission to refuse to issue
27 a license to operate a motor vehicle to the person for a period of not
28 less than 180 days. The penalties provided for by this paragraph
29 shall not be applicable in cases where failure to have actual
30 possession of the operator's license is due to an administrative or
31 technical error by the commission.

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

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

1 only those records or information specifically requested in the
2 warrant, court order, or subpoena.

3 Possession of a standard basic driver's license or standard
4 motorcycle license issued pursuant to this section shall not be
5 considered evidence of an individual's citizenship or immigration
6 status and shall not be used as a basis for an investigation, arrest,
7 citation, prosecution, or detention.

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

26 As used in this section:

27 "Parking sensors" means proximity sensors which use either
28 electromagnetic or ultrasonic technology and are designed to alert
29 the driver to obstacles while parking.

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

34 (cf: P.L.2019, c.271, s.8)¹

35

36 ¹1. R.S.39:3-10 is amended to read as follows:

37 39:3-10. A person shall not drive a motor vehicle on a public highway
38 in this State unless the person is under supervision while participating
39 in a behind-the-wheel driving course pursuant to section 6 of
40 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated permit,
41 or a probationary or basic driver's license issued to that person in
42 accordance with this article.

43 A person under 18 years of age shall not be issued a basic license
44 to drive motor vehicles, and a person shall not be issued a validated
45 permit, including a validated examination permit, until the applicant
46 has passed a satisfactory examination and other requirements as to the
47 applicant's ability as an operator. The examination shall include: a test
48 of the applicant's vision; the applicant's ability to understand traffic

1 control devices; the applicant's knowledge of safe driving practices,
2 including the dangers of driving a vehicle in an aggressive manner,
3 which shall include, but not be limited to, unexpectedly altering the
4 speed of a vehicle, making improper or erratic traffic lane changes,
5 disregarding traffic control devices, failing to yield the right of way,
6 and following another vehicle too closely; the applicant's knowledge
7 of operating a motor vehicle in a manner that safely shares the
8 roadway with pedestrians, cyclists, skaters, riders of motorized-
9 scooters, and other non-motorized vehicles, which shall include, but
10 not be limited to, passing a cyclist on the roadway, recognizing bicycle
11 lanes, navigating intersections with pedestrians and cyclists, and
12 exiting a vehicle without endangering pedestrians and cyclists; the
13 applicant's knowledge of the effects that ingestion of alcohol or drugs
14 has on a person's ability to operate a motor vehicle; the applicant's
15 knowledge of the dangers of carbon monoxide poisoning from motor
16 vehicles and techniques for the safe operation and proper maintenance
17 of a motor vehicle; the applicant's knowledge of portions of the
18 mechanism of motor vehicles as is necessary to insure the safe
19 operation of a vehicle of the kind or kinds indicated by the applicant;
20 and the applicant's knowledge of the laws and ordinary usages of the
21 road. The examination shall be made available in English and each of
22 the three languages, other than English, most commonly spoken in the
23 State, as determined by the chief administrator. The chief
24 administrator shall periodically, and at least every five years, verify the
25 three languages, other than English, most commonly spoken in the
26 State.

27 The commission shall provide all reasonable accommodation to a
28 person with a disability taking the examination to ensure that the
29 results of the examination accurately reflect the person's knowledge of
30 the subject matter being tested.

31 A person shall not sit for an examination for any permit without
32 exhibiting photo identification deemed acceptable by the commission,
33 unless that person is a high school student participating in a course of
34 automobile driving education approved by the State Department of
35 Education and conducted in a public, parochial, or private school of
36 this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).

37 Prior to taking an examination for any permit, a person shall watch
38 a video created by the commission, in conjunction with the Attorney
39 General, explaining the rights and responsibilities of a driver stopped
40 by a law enforcement officer. The video shall be used for
41 informational purposes only and shall not be used in any criminal
42 proceeding involving a driver stopped by a law enforcement officer.

43 The commission may waive the written law knowledge
44 examination for any person 18 years of age or older possessing a valid
45 driver's license issued by any other state, the District of Columbia, or
46 the United States Territories of American Samoa, Guam, Northern
47 Mariana Islands, Puerto Rico, or the Virgin Islands. The commission
48 shall be required to provide that person with a booklet that highlights

1 those motor vehicle laws unique to New Jersey. A road test shall be
2 required for a probationary license and serve as a demonstration of the
3 applicant's ability to operate a vehicle of the class designated. During
4 the road test, an applicant may use a rear visibility system, parking
5 sensors, or other technology installed on the motor vehicle that enables
6 the applicant to view areas directly behind the vehicle or alerts the
7 applicant of obstacles while parking.

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

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

42 A person issued a motorcycle license pursuant to this section may
43 be issued a standard motorcycle license or a REAL ID motorcycle
44 license. The chief administrator shall require an applicant for a
45 standard motorcycle license to provide as proof of the applicant's
46 identity, age, and residence primary and secondary documents, with
47 which the chief administrator shall attribute point values in accordance
48 with the point based identification verification program established

1 pursuant to section 28 of P.L.2003, c.13 (C.39:2A-28). The point total
2 required to prove the identity of an applicant for the standard
3 motorcycle license shall be the same for every applicant, regardless of
4 immigration status. In the event that the commission changes the point
5 total threshold, the requirement that every applicant reach the same
6 point total threshold shall remain in effect.

7 In addition to requiring the person to submit satisfactory proof of
8 identity and age, the commission shall require the person to provide:

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

12 If the person does not have a social security number, the person
13 shall either:

14 (a) provide satisfactory proof of an Individual Taxpayer
15 Identification Number; or

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

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

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

33 The commission shall issue a standard basic driver's license or a
34 REAL ID basic driver's license to operate a motor vehicle other than a
35 motorcycle to a person over 18 years of age who previously has not
36 been licensed to drive a motor vehicle in this State or another
37 jurisdiction only if that person has: (1) operated a passenger
38 automobile in compliance with the requirements of this Title for not
39 less than one year, not including any period of suspension or
40 postponement, from the date of issuance of a probationary license
41 pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been
42 assessed more than two motor vehicle points; (3) not been convicted in
43 the previous year for a violation of R.S.39:4-50, section 2 of P.L.1981,
44 c.512 (C.39:4-50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14),
45 R.S.39:4-129, N.J.S.2C:11-5, section 1 of P.L.2017, c.165 (C.2C:11-
46 5.3), subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related
47 violation the commission determines to be significant and applicable

1 pursuant to regulation; and (4) passed an examination of the
2 applicant's ability to operate a motor vehicle pursuant to this section.

3 The commission shall expand the driver's license examination by
4 20 percent. The additional questions to be added shall consist solely of
5 questions developed in conjunction with the Department of Health
6 concerning the use of alcohol or drugs as related to highway safety.
7 The commission shall develop, in conjunction with the Department of
8 Health, supplements to the driver's manual which shall include
9 information necessary to answer any question on the driver's license
10 examination concerning alcohol or drugs as related to highway safety.

11 Up to 20 questions may be added to the examination on subjects to
12 be determined by the commission that are of particular relevance to
13 youthful drivers, including the importance of operating a motor vehicle
14 in a manner that safely shares the roadway with pedestrians, cyclists,
15 skaters, riders of motorized-scooters, and other non-motorized
16 vehicles, which shall include, but not be limited to, passing a cyclist on
17 the roadway, recognizing bicycle lanes, navigating intersections with
18 pedestrians and cyclists, and exiting a vehicle without endangering
19 pedestrians and cyclists, and the dangers of driving a vehicle in an
20 aggressive manner, which shall include, but not be limited to,
21 unexpectedly altering the speed of a vehicle, making improper or
22 erratic traffic lane changes, disregarding traffic control devices, failing
23 to yield the right of way, and following another vehicle too closely,
24 after consultation with the Director of the Division of Highway Traffic
25 Safety in the Department of Law and Public Safety.

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

32 The commission shall expand the driver's license examination to
33 include a question asking whether the applicant is aware of the dangers
34 of failing to comply with this State's motor vehicle traffic laws and the
35 "STOP for Nikhil Safety Pledge" set forth in subsection e. of R.S.39:3-
36 41.

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

41 Any person applying for a driver's license to operate a motor
42 vehicle or motorized bicycle in this State shall surrender to the
43 commission any current driver's license issued to the applicant by
44 another state or jurisdiction upon the applicant's receipt of a driver's
45 license for this State. The commission shall refuse to issue a driver's
46 license if the applicant fails to comply with this provision. An
47 applicant for a permit or license who is under 18 years of age, and who
48 holds a permit or license for a passenger automobile issued by another

1 state or country that is valid or has expired within a time period
2 designated by the commission, shall be subject to the permit and
3 license requirements and penalties applicable to State permit and
4 license applicants who are of the same age; except that if the other
5 state or country has permit or license standards substantially similar to
6 those of this State, the credentials of the other state or country shall be
7 acceptable.

8 The commission shall create classified licensing of drivers
9 covering the following classifications:

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

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

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

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

26 Every applicant for a license under classification b. shall be a
27 holder of a basic driver's license. Any issuance of a license under
28 classification b. shall be by endorsement on the person's basic driver's
29 license.

30 A driver's license for motorcycles may be issued separately, but if
31 issued to the holder of a basic driver's license, it shall be by
32 endorsement on the person's basic driver's license. The holder of a
33 basic driver's license or a separately issued motorcycle license shall be
34 authorized to operate a motorcycle having a motor with a maximum
35 piston displacement that is less than 50 cubic centimeters or a motor
36 that is rated at no more than 1.5 brake horsepower with a maximum
37 speed no more than 35 miles per hour on a flat surface.

38 The commission, upon payment of the lawful fee and after it or a
39 person authorized by it has examined the applicant and is satisfied of
40 the applicant's ability as an operator, may, in its discretion, issue a
41 license to the applicant to drive a motor vehicle. The license shall
42 authorize the person to drive any registered vehicle, of the kind or
43 kinds indicated.

44 The license shall expire, except as otherwise provided, during the
45 fourth calendar year following the date in which the license was issued
46 and on the same calendar day as the person's date of birth. If the
47 person's date of birth does not correspond to a calendar day of the

1 fourth calendar year, the license shall expire on the last day of the
2 person's birth month.

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

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

20 Standard motorcycle license or endorsement: \$18.

21 REAL ID motorcycle license: \$29.

22 Omnibus or school bus endorsement: \$18.

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

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

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

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

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

38 The commission in its discretion may refuse to grant a permit or
39 license to drive motor vehicles to a person who is, in its estimation, not
40 a proper person to be granted a permit or license, but a defect of the
41 applicant shall not debar the applicant from receiving a permit or
42 license unless it can be shown by tests approved by the commission
43 that the defect incapacitates the applicant from safely operating a
44 motor vehicle.

45 A person issued a basic driver's license pursuant to this section
46 may be issued a standard basic driver's license or a REAL ID basic
47 driver's license. The chief administrator shall require an applicant for
48 a standard basic driver's license to provide as proof of the applicant's

1 identity, age, and residence primary and secondary documents, with
2 which the chief administrator shall attribute point values in accordance
3 with the point based identification verification program established
4 pursuant to section 28 of P.L.2003, c.13 (C.39:2A-28). The point total
5 required to prove the identity of an applicant for the standard basic
6 driver's license shall be the same for every applicant, regardless of
7 immigration status. In the event that the commission changes the point
8 total threshold, the requirement that every applicant reach the same
9 point total threshold shall remain in effect.

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

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

18 (a) provide satisfactory proof of an Individual Taxpayer
19 Identification Number; or

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

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

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

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

42 A person violating this section shall be subject to a fine not
43 exceeding \$500 or imprisonment in the county jail for not more than
44 60 days, but if that person has never been licensed to drive in this State
45 or any other jurisdiction, the applicant shall be subject to a fine of not
46 less than \$200 and, in addition, the court shall issue an order to the
47 commission requiring the commission to refuse to issue a license to
48 operate a motor vehicle to the person for a period of not less than 180

1 days. The penalties provided for by this paragraph shall not be
2 applicable in cases where failure to have actual possession of the
3 operator's license is due to an administrative or technical error by the
4 commission.

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

8 Any documents and personal information, including an applicant's
9 photograph, obtained by the commission from an applicant for a
10 standard basic driver's license or standard motorcycle license shall be
11 confidential, shall not be considered a government record pursuant to
12 P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.),
13 or the common law concerning access to government records, and
14 shall not be disclosed by the commission for any purpose related to
15 Title 8 of the United States Code without the informed consent of the
16 applicant, a warrant signed by a State or federal judge, or a lawful
17 court order or subpoena; except that nothing in this section shall be
18 construed to prohibit, or in any way restrict, any action where such
19 prohibition or restriction would be contrary to federal law. When
20 responding to a warrant, court order, or subpoena, the commission
21 may disclose only those records or information specifically requested
22 in the warrant, court order, or subpoena.

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

28 Information regarding an applicant's Individual ~~【Tax】~~ Taxpayer
29 Identification Number, social security number, or ineligibility to
30 receive a social security number obtained by the commission for the
31 issuance of a standard motorcycle license or standard basic driver's
32 license pursuant to this section, shall not be considered a government
33 record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404
34 (C.47:1A-5 et al.), or the common law concerning access to
35 government records, and shall not be disclosed by the commission
36 except where: (1) required by section 11 of P.L.1998, c.1 (C.2A:17-
37 56.60); (2) the applicant provides written informed consent to the
38 disclosure; (3) the requesting entity presents a warrant signed by a
39 State or federal judge, a lawful court order, or a subpoena; (4) required
40 by State or federal law, and to the extent that the disclosure may be
41 necessary to permit the State to participate in the National Driver
42 Register program, as set forth in 49 U.S.C. s.30301 et seq.; or (5) the
43 disclosure is in connection with an audit or investigation of identity
44 fraud, driver's license fraud, or non-driver identification card fraud.

45 As used in this section:

46 "Parking sensors" means proximity sensors which use either
47 electromagnetic or ultrasonic technology and are designed to alert the
48 driver to obstacles while parking.

1 "Rear visibility system" means devices or components installed on
2 a motor vehicle at the time of manufacture that allow a forward facing
3 driver to view a visual image of the area directly behind the vehicle.¹
4 (cf: P.L.2021, c.148, s.8)

5
6 2. Section 4 of P.L.1990, c.103 (C.39:3-10.12) is amended to
7 read as follows:

8 4. a. Notwithstanding any other provision of law to the
9 contrary, the chief administrator shall adopt and administer a
10 classified licensing system and a program for testing and ensuring
11 the fitness of persons to operate commercial motor vehicles in
12 accordance with the minimum federal standards established under
13 the federal "Commercial Motor Vehicle Safety Act of 1986," Pub.
14 L. 99-570 (49 U.S.C. s. 2701 et seq.) and the regulations
15 promulgated pursuant to that law. The chief administrator shall not
16 issue a commercial driver license to a person unless that person
17 passes a knowledge and skills test for the operation of a commercial
18 motor vehicle which complies with the federal standards. The chief
19 administrator may issue commercial driver examination or learner's
20 permits, subject to such conditions and restrictions as deemed
21 necessary, to carry out the provisions of this act.

22 b. A knowledge and skills test shall not be required by the chief
23 administrator for the renewal of a commercial driver license issued
24 pursuant to the provisions of this act. However, a knowledge and
25 skills test may be required for (1) the renewal of an endorsement
26 permitting the operation of vehicles required to be placarded for
27 hazardous materials, (2) for the renewal or reissuance of a
28 commercial driver license if the license was suspended or revoked
29 under section 12 of this act during the last license period preceding
30 the renewal or reissuance, or (3) for the renewal or reissuance of a
31 license which had not been renewed for a period of three or more
32 years.

33 c. Upon the request of an applicant for a commercial driver
34 license, the chief administrator shall administer to the applicant oral
35 knowledge tests for the commercial driver license and any
36 endorsements if the applicant supplies sufficient proof or otherwise
37 demonstrates to the satisfaction of the chief administrator his
38 inability to comprehend a written test. The chief administrator shall
39 provide an English and Spanish version of the knowledge tests for a
40 commercial driver license and for any endorsements and shall be
41 authorized to provide versions in such other languages as he, in his
42 discretion, may deem appropriate.

43 In addition to administering an oral knowledge test for a
44 commercial driver license and any endorsement pursuant to this
45 subsection, the commission shall provide all reasonable
46 accommodation to a person with a disability taking the knowledge
47 test for a commercial driver license and any endorsement to ensure

1 that the results of the test accurately reflect the person's knowledge
2 of the subject matter being tested.

3 d. A person who satisfactorily completes the knowledge tests
4 required by this act for a commercial driver license and any
5 endorsement shall not be required under R.S.39:3-10, R.S.39:3-
6 10.1, or any other section in Title 39 of the Revised Statutes to take
7 any other knowledge test for the operation of a commercial motor
8 vehicle.

9 e. (Deleted by amendment, P.L.2005, c.147).

10 f. For the purposes of an application for a commercial driver
11 license by a person who has never held a license issued under the
12 provisions of this act, a person who satisfactorily completes the
13 knowledge test for the commercial driver license but not the test for
14 an endorsement, or a person who satisfactorily completes the
15 knowledge test for an endorsement but not the test for the
16 commercial driver license, shall not be required to retake that test
17 which was satisfactorily completed.

18 g. No provision in this act, or in any manual, test, or
19 administrative procedure developed to implement the provisions of
20 this act, shall be deemed to expand the requirements for commercial
21 motor vehicle operators concerning pre-trip inspection, after-trip
22 inspection and inspection during a trip as such requirements are set
23 forth in federal law or regulation. This subsection, however, shall
24 not be deemed to limit the authority of the chief administrator, or
25 the authority of any State department or agency, to promulgate,
26 pursuant to other provisions of State law, standards and procedures
27 on vehicle inspections which are consistent with federal law and
28 regulation.

29 h. Classified licensing of drivers of school buses shall be by
30 endorsement on the commercial driver licenses issued pursuant to
31 P.L.1990, c.103 (C.39:3-10.9 et seq.).
32 (cf: P.L.2005, c.147, s.3)

33

34 3. This act shall take effect immediately.