

ASSEMBLY, No. 5388

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

SYNOPSIS

Requires MVC to provide readers for written knowledge examination for certain individuals by appointment.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the New Jersey Motor Vehicle Commission's
2 written knowledge examination and amending R.S.39:3-10.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S.39:3-10 is amended to read as follows:

8 39:3-10. A person shall not drive a motor vehicle on a public
9 highway in this State unless the person is under supervision while
10 participating in a behind-the-wheel driving course pursuant to
11 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
12 validated permit, or a probationary or basic driver's license issued to
13 that person in accordance with this article.

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

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 commission agency to read the written examination to any person
2 who has been diagnosed by a local child study team, pursuant to
3 N.J.S.18A:46-5, or by a licensed psychologist or psychiatrist, as
4 having a deficiency in reading, perception, or other cognitive
5 difficulty associated with any learning disability, with the person
6 recording the person's responses on the appropriate answer sheet.
7 The staff shall be available by appointment to read the examination
8 for such persons each day that the commission agency operates.

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

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

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

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

31 In addition to requiring the person to submit satisfactory proof of
32 identity and age, the commission shall require the person to
33 provide:

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

38 If the person does not have a social security number, the person
39 shall either:

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

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

46 (2) as a condition for obtaining a REAL ID motorcycle license:
47 two documents providing satisfactory proof that the person is a New

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

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

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

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

39 Up to 20 questions may be added to the examination on subjects
40 to be determined by the commission that are of particular relevance
41 to youthful drivers, including the importance of operating a motor
42 vehicle in a manner that safely shares the roadway with pedestrians,
43 cyclists, skaters, riders of motorized-scooters, and other non-
44 motorized vehicles, which shall include, but not be limited to,
45 passing a cyclist on the roadway, recognizing bicycle lanes,
46 navigating intersections with pedestrians and cyclists, and exiting a
47 vehicle without endangering pedestrians and cyclists, and the

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

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

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

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

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

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

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

1 more than 1.5 brake horsepower with a maximum speed of no more
2 than 35 miles per hour on a flat surface.

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

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

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

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

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

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

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

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

1 commission in amounts proportionately less or greater than the fee
2 herein established.

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

6 Standard motorcycle license or endorsement: \$18.

7 REAL ID motorcycle license: \$29.

8 Omnibus or school bus endorsement: \$18.

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

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

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

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

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

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

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

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

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

6 (a) provide satisfactory proof of an Individual Taxpayer
7 Identification Number; or

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

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

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

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

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

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

44 Any documents and personal information, including an
45 applicant's photograph, obtained by the commission from an
46 applicant for a standard basic driver's license or standard
47 motorcycle license shall be confidential, shall not be considered a

1 government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),
2 P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning
3 access to government records, and shall not be disclosed by the
4 commission for any purpose related to Title 8 of the United States
5 Code without the informed consent of the applicant, a warrant
6 signed by a State or federal judge, or a lawful court order or
7 subpoena; except that nothing in this section shall be construed to
8 prohibit, or in any way restrict, any action where such prohibition
9 or restriction would be contrary to federal law. When responding to
10 a warrant, court order, or subpoena, the commission may disclose
11 only those records or information specifically requested in the
12 warrant, court order, or subpoena.

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

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

36 As used in this section:

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

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

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

45

46 2. This act shall take effect on the first day of the sixth month
47 following enactment, except that the Chief Administrator of the

1 New Jersey Motor Vehicle Commission shall take anticipatory
2 action in advance thereof to ensure the timely implementation of
3 this act.

4

5

6

STATEMENT

7

8 This bill requires the Chief Administrator of the New Jersey
9 Motor Vehicle Commission (MVC) to designate staff at each
10 commission agency to read the written knowledge examination to
11 any person who has been diagnosed by a local child study team or
12 by a licensed psychologist or psychiatrist, as having a deficiency in
13 reading, perception, or other cognitive difficulty associated with
14 any learning disability. The staff is required to be available by
15 appointment to read the examination each day that the MVC agency
16 operates.