

P.L. 2020, CHAPTER 148, *approved January 4, 2021*  
Assembly, No. 3871 (*First Reprint*)

1 **AN ACT** concerning motor vehicle driver education and amending  
2 R.S.39:3-10.

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

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

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

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

**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:

<sup>1</sup>Assembly ACD committee amendments adopted August 24, 2020.

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

12 Prior to taking an examination for '[a validated] any' permit, a  
13 person shall watch a video created by the commission, in  
14 conjunction with the Attorney General, explaining the rights and  
15 responsibilities of a driver stopped by a law enforcement officer.  
16 'The video shall be used for informational purposes only and shall  
17 not be used in any criminal proceeding involving a driver stopped  
18 by a law enforcement officer.'<sup>1</sup>

19 The commission may waive the written law knowledge  
20 examination for any person 18 years of age or older possessing a  
21 valid driver's license issued by any other state, the District of  
22 Columbia, or the United States Territories of American Samoa,  
23 Guam, Northern Mariana Islands, Puerto Rico, or the Virgin  
24 Islands. The commission shall be required to provide that person  
25 with a booklet that highlights those motor vehicle laws unique to  
26 New Jersey. A road test shall be required for a probationary license  
27 and serve as a demonstration of the applicant's ability to operate a  
28 vehicle of the class designated. During the road test, an applicant  
29 may use a rear visibility system, parking sensors, or other  
30 technology installed on the motor vehicle that enables the applicant  
31 to view areas directly behind the vehicle or alerts the applicant of  
32 obstacles while parking.

33 A person shall not sit for a road test unless that person exhibits  
34 photo identification deemed acceptable by the commission. A high  
35 school student who has completed a course of behind-the-wheel  
36 automobile driving education approved by the State Department of  
37 Education and conducted in a public, parochial, or private school of  
38 this State, who has been issued a special learner's permit pursuant to  
39 section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003,  
40 shall not be required to exhibit photo identification in order to sit  
41 for a road test. The commission may waive the road test for any  
42 person 18 years of age or older possessing a valid driver's license  
43 issued by any other state, the District of Columbia, or the United  
44 States Territories of American Samoa, Guam, Northern Mariana  
45 Islands, Puerto Rico, or the Virgin Islands. The road test shall be  
46 given on public streets, where practicable and feasible, but may be  
47 preceded by an off-street screening process to assess basic skills.  
48 The commission shall approve locations for the road test which

1 pose no more than a minimal risk of injury to the applicant, the  
2 examiner, and other motorists. New locations for the road test shall  
3 not be approved unless the test can be given on public streets.

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

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

34 In addition to requiring the person to submit satisfactory proof of  
35 identity and age, the commission shall require the person to  
36 provide:

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

41 If the person does not have a social security number, the person  
42 shall either:

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

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

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

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

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

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

41 Up to 20 questions may be added to the examination on subjects  
42 to be determined by the commission that are of particular relevance  
43 to youthful drivers, including the importance of operating a motor  
44 vehicle in a manner that safely shares the roadway with pedestrians,  
45 cyclists, skaters, riders of motorized-scooters, and other non-  
46 motorized vehicles, which shall include, but not be limited to,  
47 passing a cyclist on the roadway, recognizing bicycle lanes,  
48 navigating intersections with pedestrians and cyclists, and exiting a  
49 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  
47 more than 1.5 brake horsepower with a maximum speed of no more  
48 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.

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

1 Standard motorcycle license or endorsement: \$18.

2 REAL ID motorcycle license: \$29.

3 Omnibus or school bus endorsement: \$18.

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

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

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

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

16 All applications for renewals of licenses shall be made in a  
17 manner prescribed by the commission and in accordance with  
18 procedures established by it.

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

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

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

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

48 (a) provide satisfactory proof of an Individual Taxpayer  
49 Identification Number; or

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

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

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

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

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

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

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

1 a warrant, court order, or subpoena, the commission may disclose  
2 only those records or information specifically requested in the  
3 warrant, court order, or subpoena.

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

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

27 As used in this section:

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

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

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

36

37 2. This act shall take effect on the first day of the seventh  
38 month after enactment, but the Chief Administrator of the New  
39 Jersey Motor Vehicle Commission may take any anticipatory  
40 administrative action necessary for the timely implementation of  
41 this act.

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