

§1
C.19:31-34.1
§2
C.39:2-3.9

P.L. 2021, CHAPTER 139, *approved June 30, 2021*
Senate, No. 3999

1 **AN ACT** concerning the disclosure of voter and motor vehicle
2 information for voter registration purposes, amending various
3 parts of the statutory law, and supplementing Title 19 and Title
4 39 of the Revised Statutes.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

9 1. (New section) Notwithstanding the provisions of any law,
10 rule, or regulation to the contrary, the Secretary of State may
11 become a member, on behalf of the State of New Jersey, of a non-
12 profit organization comprised solely of United States territorial
13 governmental units, states, and the District of Columbia for the
14 purpose of improving the accuracy of voter registration information
15 and increasing access to voter registration for eligible individuals.
16 The Secretary of State may share, transmit, or receive confidential,
17 personal, or personally identifiable information, excluding
18 information unrelated to voter eligibility, for those purposes. The
19 Secretary of State shall not share or transmit documentation or other
20 information that indicates that an individual is not a citizen of the
21 United States. Information shared, transmitted, or received,
22 including information from the non-profit organization, in carrying
23 out the purposes of this section shall not be considered a
24 government record under P.L.1963, c.73 (C.47:1A-1 et seq.) or the
25 common law concerning access to government records.
26

27 2. (New section) a. Notwithstanding the provisions of any law,
28 rule, or regulation to the contrary, and to the extent not otherwise
29 inconsistent with the federal “Drivers’ Privacy Protection Act of
30 1994,” Pub.L.103-322, and upon and consistent with a fully
31 executed membership agreement, the New Jersey Motor Vehicle
32 Commission may share confidential, personal, or personally
33 identifiable information, excluding information unrelated to voter
34 eligibility, for use by a non-profit organization comprised solely of
35 United States territorial governmental units, states, and the District
36 of Columbia for the purpose of improving the accuracy of voter
37 registration information and increasing access to voter registration

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 for eligible individuals. The sharing of that information shall not be
2 considered a violation of any other State law.

3 b. The sharing of information for the purpose provided in
4 subsection a. of this section shall be deemed a permissible use of
5 the information by the Department of State and the Division of
6 Elections in carrying out their functions and a permissible use of the
7 information by a private entity acting on behalf of the Department
8 of State and the Division of Elections in carrying out their
9 functions. The information shall be transmitted in a manner
10 consistent with an applicable memorandum of understanding.

11 c. The New Jersey Motor Vehicle Commission shall not share or
12 transmit documentation or other information (1) concerning an
13 individual who does not have a social security number or has
14 submitted proof of identity to the commission using an Individual
15 Taxpayer Identification Number, (2) that indicates that an
16 individual is not a citizen of the United States, (3) that is a photo of
17 a person, or (4) that includes a person's social security number
18 beyond the last four digits thereof.

19 The information shared, transmitted, or received pursuant to this
20 section shall not be considered a government record under
21 P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law concerning
22 access to government records.

23

24 3. Section 2 of P.L.1997, c.188 (C.39:2-3.4) is amended to read
25 as follows:

26 2. a. Notwithstanding the provisions of P.L.1963, c.73
27 (C.47:1A-1 et seq.) or any other law to the contrary, except as
28 provided in this act, the New Jersey Motor Vehicle Commission and
29 any officer, employee or contractor thereof shall not knowingly
30 disclose or otherwise make available to any person personal
31 information about any individual obtained by the commission in
32 connection with a motor vehicle record.

33 b. A person requesting a motor vehicle record including
34 personal information shall produce proper identification and shall
35 complete and submit a written request form provided by the chief
36 administrator for the commission's approval. The written request
37 form shall bear notice that the making of false statements therein is
38 punishable and shall include, but not be limited to, the requestor's
39 name and address; the requestor's driver's license number or
40 corporate identification number; the requestor's reason for
41 requesting the record; the driver's license number or the name,
42 address and birth date of the person whose driver record is
43 requested; the license plate number or VIN number of the vehicle
44 for which a record is requested; any additional information
45 determined by the chief administrator to be appropriate and the
46 requestor's certification as to the truth of the foregoing statements.
47 Prior to the approval of the written request form, the commission

1 may also require the requestor to submit documentary evidence
2 supporting the reason for the request.

3 In lieu of completing a written request form for each record
4 requested, the commission may permit a person to complete and
5 submit for approval of the chief administrator or the chief
6 administrator's designee, on a case by case basis, a written
7 application form for participation in a public information program
8 on an ongoing basis. The written application form shall bear notice
9 that the making of false statements therein is punishable and shall
10 include, but not be limited to, the applicant's name, address and
11 telephone number; the nature of the applicant's business activity; a
12 description of each of the applicant's intended uses of the
13 information contained in the motor vehicle records to be requested;
14 the number of employees with access to the information; the name,
15 title, and signature of the authorized company representative; and
16 any additional information determined by the chief administrator to
17 be appropriate. The chief administrator may also require the
18 applicant to submit a copy of its business credentials, such as a
19 license to do business or a certificate of incorporation. Prior to
20 approval by the chief administrator or the chief administrator's
21 designee, the applicant shall certify in writing as to the truth of all
22 statements contained in the completed application form.

23 c. Personal information shall be disclosed for use in connection
24 with matters of motor vehicle or driver safety and theft; motor
25 vehicle emissions; motor vehicle product alterations, recalls or
26 advisories; performance monitoring of motor vehicles and dealers
27 by motor vehicle manufacturers; maintenance of voter registration
28 information; and removal of non-owner records from the original
29 owner records of motor vehicle manufacturers to carry out the
30 purposes of the Automobile Information Disclosure Act, Pub.L.85-
31 506, the Motor Vehicle Information and Cost Saving Act, Pub.L.92-
32 513, the National Traffic and Motor Vehicle Safety Act of 1966,
33 Pub.L.89-563, the Anti-Car Theft Act of 1992, Pub.L.102-519, and
34 the Clean Air Act, Pub.L.88-206, and may be disclosed as follows:

35 (1) For use by any government agency, including any court or
36 law enforcement agency in carrying out its functions, or any private
37 person or entity acting on behalf of a federal, State, or local agency
38 in carrying out its functions.

39 (2) For use in connection with matters of motor vehicle or driver
40 safety and theft; motor vehicle emissions; motor vehicle product
41 alterations, recalls, or advisories; performance monitoring of motor
42 vehicles, motor vehicle parts and dealers; motor vehicle market
43 research activities, including survey research; and the removal of
44 non-owner records from the original owner records of motor vehicle
45 manufacturers.

46 (3) For use in the normal course of business by a legitimate
47 business or its agents, employees, or contractors, but only:

1 (a) to verify the accuracy of personal information submitted by
2 the individual to the business or its agents, employees, or
3 contractors; and

4 (b) if such information as so submitted is not correct or is no
5 longer correct, to obtain the correct information, but only for the
6 purposes of preventing fraud by, pursuing legal remedies against, or
7 recovering on a debt or security interest against the individual.

8 (4) For use in connection with any civil, criminal, administrative
9 or arbitral proceeding in any federal, State, or local court or agency
10 or before any self-regulatory body, including service of process,
11 investigation in anticipation of litigation, and the execution or
12 enforcement of judgments and orders, or pursuant to an order of a
13 federal, State, or local court.

14 (5) For use in educational initiatives, research activities, and for
15 use in producing statistical reports, so long as the personal
16 information is not published, redisclosed, or used to contact
17 individuals and, in the case of educational initiatives, only to organ
18 procurement organizations as aggregated, non-identifying
19 information.

20 (6) For use by any insurer or insurance support organization, or
21 by a self-insured entity, or its agents, employees, or contractors, in
22 connection with claims investigation activities, antifraud activities,
23 rating or underwriting.

24 (7) For use in providing notice to the owners of towed or
25 impounded vehicles.

26 (8) For use by an employer or its agent or insurer to obtain or
27 verify information relating to a holder of a commercial driver's
28 license that is required under the "Commercial Motor Vehicle
29 Safety Act," 49 U.S.C.App.s.2710 et seq.

30 (9) For use in connection with the operation of private toll
31 transportation facilities.

32 (10) For use by any requestor, if the requestor demonstrates it
33 has obtained the notarized written consent of the individual to
34 whom the information pertains.

35 (11) For product and service mail communications from
36 automotive-related manufacturers, dealers and businesses, if the
37 commission has implemented methods and procedures to ensure
38 that:

39 (a) individuals are provided an opportunity, in a clear and
40 conspicuous manner, to prohibit such uses; and

41 (b) product and service mail communications from automotive-
42 related manufacturers, dealers and businesses will not be directed at
43 individuals who exercise their option under subparagraph (a) of this
44 paragraph.

45 (12) For use by an organ procurement organization designated
46 pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey,
47 or any donor registry established by any such organization,
48 exclusively for the purposes of determining, verifying, and

1 recording organ and tissue donor designation and identity. For these
2 purposes, an organ procurement organization shall have electronic
3 access at all times, without exception, to real-time organ donor
4 designation and identification information. An organ procurement
5 organization may also have information for research activities,
6 pursuant to paragraph (5) of subsection c. of this section.

7 (13) As provided in section 2 of P.L. , c. (C.) (pending
8 before the Legislature as this bill).

9 d. As provided by the federal "Drivers' Privacy Protection Act
10 of 1994," Pub.L.103-322, a person authorized to receive personal
11 information under paragraphs (1) through (10) of subsection c. of
12 this section may resell or redisclose the personal information only
13 for a use permitted by paragraphs (1) through (10) of subsection c.
14 of this section subject to regulation by the commission. A person
15 authorized to receive personal information under paragraph (11) of
16 subsection c. of this section may resell or redisclose the personal
17 information pursuant to paragraph (11) of subsection c. of this
18 section subject to regulation by the commission. An organization
19 authorized to receive personal information under paragraph (12) of
20 subsection c. of this section may redisclose the personal information
21 only for the purposes set forth in that paragraph.

22 e. As provided by the federal "Drivers' Privacy Protection Act
23 of 1994," Pub.L.103-322, a person authorized to receive personal
24 information under this section who resells or rediscloses personal
25 information covered by the provisions of P.L.1997, c.188 (C.39:2-
26 3.3 et seq.) shall keep for a period of five years records identifying
27 each person or entity that receives information and the permitted
28 purpose for which the information will be used and shall make such
29 records available to the commission upon request. Any person who
30 receives, from any source, personal information from a motor
31 vehicle record shall release or disclose that information only in
32 accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.).

33 f. The release of personal information under this section shall
34 not include an individual's social security number except in
35 accordance with applicable State or federal law.

36 g. Notwithstanding any provision to the contrary, the
37 commission shall not use, or disclose to any federal, State, or local
38 law enforcement any motor vehicle record containing personal
39 information, or any personal information, as this term is defined in
40 section 1 of P.L.1997, c.188 (C.39:2-3.3), for any purposes related
41 to Title 8 of the United States Code without the informed consent of
42 the applicant, a warrant signed by a State or federal judge, lawful
43 court order, or subpoena, except that nothing in this section shall be
44 construed to prohibit, or in any way restrict, any action where such
45 prohibition or restriction would be contrary to federal law.

46 When responding to a warrant, court order, or subpoena, the
47 commission may disclose only those records or information

1 specifically requested in the warrant, court order, or subpoena.
2 (cf: P.L.2019, c.271, s.4)

3

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

5 39:3-10. a. A person shall not drive a motor vehicle on a public
6 highway in this State unless the person is under supervision while
7 participating in a behind-the-wheel driving course pursuant to
8 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
9 validated permit, or a probationary or basic driver's license issued to
10 that person in accordance with this article.

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

45 c. A person shall not sit for an examination for any permit
46 without exhibiting photo identification deemed acceptable by the
47 commission, unless that person is a high school student
48 participating in a course of automobile driving education approved

1 by the State Department of Education and conducted in a public,
2 parochial, or private school of this State, pursuant to section 1 of
3 P.L.1950, c.127 (C.39:3-13.1).

4 Prior to taking an examination for any permit, a person shall
5 watch a video created by the commission, in conjunction with the
6 Attorney General, explaining the rights and responsibilities of a
7 driver stopped by a law enforcement officer. The video shall be
8 used for informational purposes only and shall not be used in any
9 criminal proceeding involving a driver stopped by a law
10 enforcement officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

8 g. The commission shall issue a standard basic driver's license
9 or a 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 h. The commission shall expand the driver's license
27 examination by 20 percent. The additional questions to be added
28 shall consist solely of questions developed in conjunction with the
29 Department of Health concerning the use of alcohol or drugs as
30 related to highway safety. The commission shall develop, in
31 conjunction with the Department of Health, supplements to the
32 driver's manual which shall include information necessary to
33 answer any question on the driver's license examination concerning
34 alcohol or drugs as related 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 i. 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 j.(1) The commission shall create classified licensing of
34 drivers covering the following classifications:

35 **[a.]** (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.]** (b) Omnibuses as classified by R.S.39:3-10.1 and school
45 buses classified under N.J.S.18A:39-1 et seq.

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

1 **【d.】** (d) All motor vehicles not included in classifications **【a.】**
2 (a) and **【b.】** (b). A license issued pursuant to this classification d.
3 shall be referred to as the "basic driver's license" and may be issued
4 as a standard basic driver's license or a REAL ID basic driver's
5 license.

6 (2) Every applicant for a license under classification b. shall be
7 a holder of a basic driver's license. Any issuance of a license under
8 classification b. shall be by endorsement on the person's basic
9 driver's license.

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

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

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

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

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

48 Standard motorcycle license or endorsement: \$18.

1 REAL ID motorcycle license: \$29.

2 Omnibus or school bus endorsement: \$18.

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

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

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

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

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

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

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

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

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

47 (a) provide satisfactory proof of an Individual Taxpayer
48 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-
3 10o 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 s. A standard basic driver's license shall indicate that the
14 license shall not be accepted as identification for an official
15 purpose, as that term is defined under the "REAL ID Act of 2005,"
16 Pub.L.109-13, any acts amendatory or supplementary thereto, and
17 any federal regulations adopted thereunder.

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

37 w. 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

1 or restriction would be contrary to federal law; and except that
2 information under this subsection may be shared in accordance with
3 section 2 of P.L. , c. (C.) (pending before the Legislature
4 as this bill). When responding to a warrant, court order, or
5 subpoena, the commission may disclose only those records or
6 information specifically requested in the warrant, court order, or
7 subpoena.

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

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

32 x. As used in this section:

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

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

40 (cf: P.L.2021, c.148, s.1)

41
42 5. R.S.39:3-13 is amended to read as follows:

43 39:3-13. a. The chief administrator may, in the chief
44 administrator's discretion, issue to a person over 17 years of age an
45 examination permit, under the hand and seal of the chief
46 administrator, allowing such person, for the purpose of fitting the
47 person to become a licensed driver, to operate a designated class of
48 motor vehicles other than passenger automobiles and motorcycles

1 for a specified period of not more than 90 days, while in the
2 company and under the supervision of a driver licensed to operate
3 such designated class of motor vehicles.

4 b. The chief administrator, in the chief administrator's
5 discretion, may issue for a specified period of not less than one year
6 a passenger automobile or motorcycle-only examination permit to a
7 person over 17 years of age regardless of whether a person has
8 completed a course of behind-the-wheel automobile driving
9 education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
10 An examination permit applicant who is under 18 years of age shall
11 obtain the signature of a parent or guardian for submission to the
12 commission on a form prescribed by the chief administrator. The
13 chief administrator shall postpone for six months the driving
14 privileges of any person who submits a fraudulent signature for a
15 parent or guardian.

16 c. For six months immediately following the validation of an
17 examination permit, and until the holder passes the road test, the
18 holder who is less than 21 years of age shall operate the passenger
19 automobile only when accompanied by, and under the supervision
20 of, a New Jersey licensed driver who is at least 21 years of age and
21 has been licensed to drive a passenger automobile for not less than
22 three years. The holder of an examination permit who is at least 21
23 years of age shall operate the passenger automobile for the first
24 three months under such supervision and until the holder passes the
25 road test. The supervising driver of the passenger automobile shall
26 sit in the front seat of the vehicle. Whenever operating a vehicle
27 while in possession of an examination permit, the holder of the
28 permit shall operate the passenger automobile with only one
29 additional passenger in the vehicle excluding dependents of the
30 permit holder, except that this passenger restriction shall not apply
31 when the permit holder is at least 21 years of age or when the
32 permit holder is accompanied by a parent or guardian. Further, the
33 holder of the passenger automobile permit who is less than 21 years
34 of age shall not drive during the hours between 11:01 p.m. and 5
35 a.m.; provided, however, that this condition may be waived for an
36 emergency which, in the judgment of local police, is of sufficient
37 severity and magnitude to substantially endanger the health, safety,
38 welfare, or property of a person, or for any bona fide employment
39 or religion-related activity if the employer or appropriate religious
40 authority provides written verification of such activity in a manner
41 provided for by the chief administrator. The holder of the
42 examination permit shall not use any hand-held or hands-free
43 interactive wireless communication device, except in an emergency,
44 while operating a moving passenger automobile on a public road or
45 highway. "Use" shall include, but not be limited to, talking or
46 listening on any hand-held or hands-free interactive wireless
47 communication device or operating its keys, buttons, or other
48 controls. The passenger automobile permit holder shall ensure that

1 all occupants of the vehicle are secured in a properly adjusted and
2 fastened seat belt or child restraint system.

3 d. The holder of an examination permit subject to the
4 provisions of section 1 of P.L.1977, c.23 (C.39:3-10b) shall not
5 operate a motorcycle at any time from a half-hour after sunset to a
6 half-hour before sunrise. A motorcycle operated by the holder of an
7 examination permit shall carry only the operator and shall not be
8 operated on any toll road over which the New Jersey Turnpike
9 Authority or the South Jersey Transportation Authority has
10 jurisdiction or on any limited-access interstate highway.

11 e. The holder of any examination permit shall not operate a
12 motorcycle having a motor with a maximum piston displacement
13 that is less than 50 cubic centimeters or a motor that is rated at no
14 more than 1.5 brake horsepower with a maximum speed of no more
15 than 35 miles per hour on a flat surface at anytime from a half-hour
16 after sunset to a half-hour before sunrise and shall not operate the
17 motorcycle with any other passenger. The holder of any
18 examination permit shall not operate such a motorcycle upon
19 limited-access interstate highways or public roads or highways with
20 a posted speed limit greater than 35 miles per hour.

21 f. An applicant for an examination permit subject to the
22 provisions of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less
23 than 18 years of age, shall be required to successfully complete a
24 motorcycle safety education course established pursuant to the
25 provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a
26 condition for obtaining a motorcycle license or endorsement.

27 g. The chief administrator shall provide the holder of an
28 examination permit with two removable, transferable, highly
29 visible, reflective decals indicating that the driver of the vehicle
30 may be the holder of an examination permit. The decals shall be
31 designed by the chief administrator, in consultation with the
32 Division of Highway Traffic Safety in the Department of Law and
33 Public Safety. The chief administrator may charge a fee for the
34 decals not to exceed the actual cost of producing and distributing
35 the decals. The decals shall be displayed in a manner prescribed by
36 the chief administrator, in consultation with the Division of
37 Highway Traffic Safety in the Department of Law and Public
38 Safety, and shall be clearly visible to law enforcement officers. The
39 holder of an examination permit shall not operate a vehicle unless
40 the decals are displayed. The decal shall be removed once the
41 driver's examination permit period has ended.

42 h. When notified by a court of competent jurisdiction that an
43 examination permit holder has been convicted of a violation which
44 causes the permit holder to accumulate more than two motor vehicle
45 points or has been convicted of a violation of R.S.39:4-50; section 2
46 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992, c.189
47 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of
48 P.L.2017, c.165 (C.2C:11-5.3; subsection c. of N.J.S.2C:12-1; or

1 any other motor vehicle-related law the chief administrator deems
2 significant and applicable pursuant to regulation, in addition to any
3 other penalty that may be imposed, the chief administrator shall,
4 without the exercise of discretion or a hearing, suspend the
5 examination permit holder's examination permit for 90 days. The
6 chief administrator shall restore the permit following the term of the
7 permit suspension if the permit holder satisfactorily completes a
8 remedial training course of not less than four hours which may be
9 given by the commission, a driving school licensed by the chief
10 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2),
11 or any Statewide safety organization approved by the chief
12 administrator. The course shall be subject to oversight by the
13 commission according to its guidelines. The permit holder shall
14 also remit a course fee prior to the commencement of the course.
15 The chief administrator also shall postpone without the exercise of
16 discretion or a hearing the issuance of a basic license for 90 days if
17 the chief administrator is notified by a court of competent
18 jurisdiction that the examination permit holder, after completion of
19 the remedial training course, has been convicted of any motor
20 vehicle violation which results in the imposition of any motor
21 vehicle points or has been convicted of a violation of R.S.39:4-50;
22 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
23 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
24 N.J.S.2C:12-1; or any other motor vehicle-related law the chief
25 administrator deems significant and applicable pursuant to
26 regulation. When the chief administrator is notified by a court of
27 competent jurisdiction that an examination permit holder has been
28 convicted of any alcohol or drug-related offense unrelated to the
29 operation of a motor vehicle and is not otherwise subject to any
30 other suspension penalty therefor, the chief administrator shall,
31 without the exercise of discretion or a hearing, suspend the
32 examination permit for six months.

33 i. An examination permit for a motorcycle or a commercial
34 motor vehicle issued to a person with a disability, as determined by
35 the New Jersey Motor Vehicle Commission after consultation with
36 the Department of Education, shall be valid for nine months or until
37 the completion of the road test portion of the license examination,
38 whichever period is shorter.

39 j. Each permit shall be sufficient license for the person to
40 operate such designated class of motor vehicles in this State during
41 the period specified, while in the company of and under the control
42 of a driver licensed by this State to operate such designated class of
43 motor vehicles, or, in the case of a commercial driver license
44 permit, while in the company of and under the control of a holder of
45 a valid commercial driver license for the appropriate license class
46 and with the appropriate endorsements issued by this or any other
47 state. Such person, as well as the licensed driver, except for a motor
48 vehicle examiner administering a driving skills test, shall be held

1 accountable for all violations of this subtitle committed by such
2 person while in the presence of the licensed driver.

3 k. In addition to requiring an applicant for an examination
4 permit to submit satisfactory proof of identity and age in
5 accordance with the type of license for which the applicant has
6 applied, the chief administrator also shall require the applicant to
7 provide the requisite number of documents providing satisfactory
8 proof that the applicant is a resident of the State in accordance with
9 the provisions of R.S.39:3-10.

10 l. Any documents and personal information, including an
11 applicant's photograph, obtained by the commission from an
12 applicant for a standard permit shall be confidential, shall not be
13 considered a government record pursuant to P.L.1963, c.73
14 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
15 common law concerning access to government records, and shall
16 not be disclosed by the commission for any purposes related to Title
17 8 of the United States Code without the informed consent of the
18 applicant, a warrant signed by a State or federal judge, or a lawful
19 court order or subpoena; except that nothing in this section shall be
20 construed to prohibit, or in any way restrict, any action where such
21 prohibition or restriction would be contrary to federal law; and
22 except that information under this subsection may be shared in
23 accordance with section 2 of P.L. , c. (C.) (pending before
24 the Legislature as this bill). When responding to a warrant, court
25 order, or subpoena, the commission may disclose only those records
26 or information specifically requested in the warrant, court order, or
27 subpoena.

28 Possession of a standard permit issued pursuant to this section
29 shall not be considered evidence of an individual's citizenship or
30 immigration status and shall not be used as a basis for an
31 investigation, arrest, citation, prosecution, or detention.

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

1 or (6) consistent with section 2 of P.L. , c. (C.) (pending
2 before the Legislature as this bill).

3 m. If the chief administrator has reasonable cause to suspect
4 that any document presented by an applicant pursuant to this section
5 is altered, false, or otherwise invalid, the chief administrator shall
6 refuse to grant the permit until such time as the document may be
7 verified by the issuing agency to the chief administrator's
8 satisfaction.

9 n. A person violating this section shall be subject to a fine not
10 exceeding \$500 or imprisonment in the county jail for not more
11 than 60 days, but if that person has never been licensed to drive in
12 this State or any other jurisdiction, the applicant shall be subject to
13 a fine of not less than \$200 and, in addition, the court shall issue an
14 order to the commission requiring the commission to refuse to issue
15 a license to operate a motor vehicle to the person for a period of not
16 less than 180 days.

17 o. The holder of an examination permit shall be required to
18 take a road test in order to obtain a probationary license. No road
19 test for any person who has been issued an examination permit to
20 operate a passenger vehicle shall be given unless the person has met
21 the requirements of this section. No road test for a probationary
22 license shall be given unless the applicant has first secured an
23 examination permit and no such road test shall be scheduled for an
24 applicant who has secured an examination permit for a passenger
25 vehicle or a motorcycle for which an endorsement is not required
26 until at least six months for an applicant under 21 years of age or
27 three months for an applicant 21 years of age or older shall have
28 elapsed following the validation of the examination permit for
29 practice driving or, in the case of an examination permit for other
30 vehicles, until 20 days have elapsed. In the case of an omnibus
31 endorsement or school bus, no road test shall be scheduled until at
32 least 10 days shall have elapsed. Every applicant for an examination
33 permit to qualify for an omnibus endorsement or an articulated
34 vehicle endorsement shall be a holder of a valid basic driver's
35 license.

36 p. The required fees for special learner's permits and
37 examination permits shall be as follows:

38 Basic driver's license.....up to \$10
39 Motorcycle license or endorsement.....\$ 5
40 Omnibus or school bus endorsement.....\$25

41 q. The chief administrator shall waive the payment of fees for
42 issuance of examination permits for omnibus endorsements
43 whenever the applicant establishes to the chief administrator's
44 satisfaction that said applicant will use the omnibus endorsement
45 exclusively for operating omnibuses owned by a nonprofit
46 organization duly incorporated under Title 15 or 16 of the Revised
47 Statutes or Title 15A of the New Jersey Statutes.

1 r. The specified period for which a permit is issued may be
2 extended for not more than an additional 60 days, without payment
3 of an added fee, upon application made by the holder thereof, where
4 the holder has applied to take the examination for a driver's license
5 prior to the expiration of the original period for which the permit
6 was issued and the chief administrator was unable to schedule an
7 examination during said period.

8 s. As a condition for the issuance of an examination permit
9 under this section, the chief administrator shall secure a digitized
10 photograph of the applicant. The photograph shall be stored in a
11 manner prescribed by the chief administrator and may be displayed
12 on the examination permit.

13 The chief administrator may require that whenever a person to
14 whom an examination permit has been issued has reconstructive or
15 cosmetic surgery which significantly alters the person's facial
16 features, the person shall notify the chief administrator who may
17 require the photograph of the person to be updated.

18 t. Specific use of the examination permit and any information
19 stored or encoded, electronically or otherwise, in relation thereto
20 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.),
21 section 2 of P.L. , c. (C.) (pending before the Legislature
22 as this bill), and the federal "Driver's Privacy Protection Act of
23 1994," Pub.L.103-322. Notwithstanding the provisions of any other
24 law to the contrary, the digitized photograph or any access thereto
25 or any use thereof shall not be sold, leased, or exchanged for value.
26 (cf: P.L.2019, c.271, s.12)
27

28 6. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to
29 read as follows:

30 1. a. The Chief Administrator of the New Jersey Motor
31 Vehicle Commission may issue to a person over 16 years of age a
32 special learner's permit, under the hand and seal of the chief
33 administrator, allowing such person, for the purpose of preparing to
34 qualify for a probationary license for a passenger automobile by
35 operating a dual pedal controlled motor vehicle while taking a
36 required course of behind-the-wheel automobile driving education
37 approved by the State Department of Education and conducted in a
38 public, parochial, or private school of this State or a course of
39 behind-the-wheel automobile driving instruction conducted by a
40 drivers' school duly licensed pursuant to the provisions of P.L.1951,
41 c.216 (C.39:12-1 et seq.). The special learner's permit shall be
42 issued in lieu of the examination permit provided for in R.S.39:3-
43 13.

44 b. In addition to requiring an applicant for a permit to submit
45 satisfactory proof of identity and age in accordance with the type of
46 license for which the applicant has applied, the chief administrator
47 also shall require the applicant to provide the requisite number of

1 documents providing satisfactory proof that the applicant is a
2 resident of the State.

3 Any documents and personal information, including an
4 applicant's photograph, obtained by the commission from an
5 applicant for a standard permit shall be confidential, shall not be
6 considered a government record pursuant to P.L.1963, c.73
7 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
8 common law concerning access to government records, and shall
9 not be disclosed by the commission for any purpose related to Title
10 8 of the United States Code without the informed consent of the
11 applicant, a warrant signed by a State or federal judge, or a lawful
12 court order or subpoena; except that nothing in this section shall be
13 construed to prohibit, or in any way restrict, any action where such
14 prohibition or restriction would be contrary to federal law; and
15 except that information under this subsection may be shared in
16 accordance with section 2 of P.L. , c. (C.) (pending before
17 the Legislature as this bill). When responding to a warrant, court
18 order, or subpoena, the commission may disclose only those records
19 or information specifically requested in the warrant, court order, or
20 subpoena.

21 Possession of a standard permit issued pursuant to this section
22 shall not be considered evidence of an individual's citizenship or
23 immigration status and shall not be used as a basis for an
24 investigation, arrest, citation, prosecution, or detention.

25 Information regarding an applicant's Individual Tax
26 Identification Number, social security number, or ineligibility to
27 receive a social security number obtained by the commission for the
28 issuance of a standard permit pursuant to this section, shall not be
29 considered a government record pursuant to P.L.1963, c.73
30 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
31 common law concerning access to government records, and shall
32 not be disclosed by the commission except where: (1) required by
33 section 11 of P.L.1998, c.1 (C.2A:17-56.60); (2) the applicant
34 provides written informed consent to the disclosure; (3) the
35 requesting entity presents a warrant signed by a State or federal
36 judge, a lawful court order, or a subpoena; (4) required by State or
37 federal law, and to the extent that the disclosure may be necessary
38 to permit the State to participate in the National Driver Register
39 program, as set forth in 49 U.S.C. s.30301 et seq.; **【or】** (5) the
40 disclosure is in connection with an audit or investigation of identity
41 fraud, driver's license fraud, or non-driver identification card fraud;
42 or (6) consistent with section 2 of P.L. , c. (C.) (pending
43 before the Legislature as this bill).

44 If the chief administrator has reasonable cause to suspect that
45 any document presented by an applicant pursuant to this section is
46 altered, false or otherwise invalid, the chief administrator shall
47 refuse to grant the permit until such time as the document may be

1 verified by the issuing agency to the chief administrator's
2 satisfaction.

3 A person violating this section shall be subject to a fine not
4 exceeding \$500 or imprisonment in the county jail for not more
5 than 60 days, but if that person has never been licensed to drive in
6 this State or any other jurisdiction, the applicant shall be subject to
7 a fine of not less than \$200 and, in addition, the court shall issue an
8 order to the commission requiring the commission to refuse to issue
9 a license to operate a motor vehicle to the person for a period of not
10 less than 180 days.

11 c. The special learner's permit described above, when issued to
12 a person taking a course of behind-the-wheel driving education
13 conducted in a public, parochial, or private school, shall be retained
14 in the office of the school principal at all times except during such
15 time as the person to whom the permit is issued is undergoing
16 behind-the-wheel automobile driving instruction. The chief
17 administrator may make such rules and regulations as he may deem
18 necessary to carry out the provisions of this section.

19 (cf: P.L.2019, c.271, s.13)

20

21 7. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to
22 read as follows:

23 4. a. The holder of a special learner's permit shall be entitled
24 to a probationary driver's license (1) upon attaining the age of 17
25 years, (2) upon the satisfactory completion of an approved behind-
26 the-wheel driver training course as indicated upon the face of the
27 special permit over the signature of the principal of the school or
28 the person operating the driving school in which the course was
29 conducted, (3) upon the completion of six months' driving
30 experience with a validated special learner's permit in compliance
31 with the provisions of section 6 of P.L.1977, c.25 (C.39:3-13.2a),
32 and (4) upon passing the road test pursuant to R.S.39:3-10.

33 b. The holder of a probationary license shall be permitted to
34 operate the passenger automobile with only one additional
35 passenger in the vehicle besides any dependent of the probationary
36 license holder, except that this passenger restriction shall not apply
37 when the holder of the probationary license is at least 21 years of
38 age or the probationary license holder is accompanied by a parent or
39 guardian. Further, the holder of the probationary license who is
40 under 21 years of age shall not drive during the hours between
41 11:01 p.m. and 5 a.m.; provided however, that this condition may
42 be waived for an emergency which, in the judgment of local police,
43 is of sufficient severity and magnitude to substantially endanger the
44 health, safety, welfare, or property of a person or for any bona fide
45 employment or religion-related activity if the employer or
46 appropriate religious authority provides written verification of such
47 activity in a manner provided for by the chief administrator.

1 c. The holder of the probationary license shall not use any
2 hand-held or hands-free interactive wireless communication device,
3 except in an emergency, while operating a moving passenger
4 automobile on a public road or highway. "Use" shall include, but
5 not be limited to, talking or listening on any hand-held or hands-
6 free interactive wireless communication device or operating its
7 keys, buttons, or other controls. In addition, the holder of the
8 probationary license shall ensure that all occupants of the vehicle
9 are secured in a properly adjusted and fastened seat belt or child
10 restraint system.

11 d. In addition to any other penalties provided under law, the
12 holder of a probationary license who accumulates more than two
13 motor vehicle points or is convicted of a violation of R.S.39:4-50;
14 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
15 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of
16 P.L.2017, c.165 (C.2C:11-5.3); subsection c. of N.J.S.2C:12-1; or
17 any other motor vehicle law the chief administrator deems to be
18 significant and applicable pursuant to regulation shall, for the first
19 violation, be required to satisfactorily complete a remedial training
20 course of not less than four hours which may be given by the
21 commission, a driving school licensed by the chief administrator
22 pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any
23 Statewide safety organization approved by the chief administrator.
24 The course shall be administered pursuant to rules and regulations
25 promulgated by the chief administrator and subject to oversight by
26 the commission. The authority of the chief administrator to
27 suspend, revoke, or deny issuance of an initial or renewal license to
28 operate a driving school or an instructor's license, and to assess
29 fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to
30 any violations related to the administration of a remedial training
31 course. The license holder shall also remit a course fee prior to the
32 commencement of the course.

33 e. When notified by a court of competent jurisdiction that a
34 probationary license holder has been convicted of a second or
35 subsequent violation, in addition to any other penalties provided
36 under law, the chief administrator shall, without the exercise of
37 discretion or a hearing, suspend the probationary license for three
38 months, and shall postpone eligibility for a basic license for an
39 equivalent period. In addition, when the chief administrator is
40 notified by a court of competent jurisdiction that a probationary
41 license holder has been convicted of any alcohol or drug-related
42 offense unrelated to the operation of a motor vehicle, and he is not
43 otherwise subject to any other suspension penalty therefor, the chief
44 administrator shall, without the exercise of discretion or a hearing,
45 suspend the probationary license for six months.

46 f. The chief administrator shall provide the holder of a
47 probationary license with two removable, transferable, highly
48 visible, reflective decals indicating that the driver of the vehicle

1 may be the holder of a probationary license. The decals shall be
2 designed by the chief administrator, in consultation with the
3 Division of Highway Traffic Safety in the Department of Law and
4 Public Safety. The chief administrator may charge a fee for the
5 decals not to exceed the actual cost of producing and distributing
6 the decals. The decals shall be displayed in a manner prescribed by
7 the chief administrator, in consultation with the Division of
8 Highway Traffic Safety in the Department of Law and Public
9 Safety, and shall be clearly visible to law enforcement officers. The
10 holder of a probationary license shall not operate a vehicle unless
11 the decals are displayed. The decal shall be removed once the
12 driver's probationary license period has ended.

13 g. A probationary license may be sent by mail and shall be
14 clearly identifiable and distinguishable in appearance from a basic
15 license by any name, mark, color, or device deemed appropriate by
16 the chief administrator.

17 h. A person issued a probationary license pursuant to this
18 section may be issued a standard probationary license or a REAL
19 ID probationary license. The chief administrator shall require an
20 applicant for a standard probationary 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 probationary 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 an applicant for a probationary license to
32 submit satisfactory proof of identity and age, the chief administrator
33 shall require the applicant to provide:

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

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

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

45 (2) as a condition for obtaining a REAL ID probationary
46 license: two documents providing satisfactory proof that the
47 applicant is a New Jersey resident; proof of the applicant's social
48 security number or verification of ineligibility for a social security

1 number in accordance with the "REAL ID Act of 2005," Pub.L.109-
2 13, any acts amendatory or supplementary thereto, and any federal
3 regulations adopted thereunder; and proof that the applicant's
4 presence in the United States is authorized under federal law.

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

10 If the chief administrator has reasonable cause to suspect that
11 any document presented by an applicant pursuant to this section is
12 altered, false, or otherwise invalid, the chief administrator shall
13 refuse to grant the probationary license until such time as the
14 document may be verified by the issuing agency to the chief
15 administrator's satisfaction.

16 A person violating this section shall be subject to a fine not
17 exceeding \$500 or imprisonment in the county jail for not more
18 than 60 days, but if that person has never been licensed to drive in
19 this State or any other jurisdiction, the applicant shall be subject to
20 a fine of not less than \$200 and, in addition, the court shall issue an
21 order to the commission requiring the commission to refuse to issue
22 a license to operate a motor vehicle to the person for a period of not
23 less than 180 days.

24 i. Any documents and personal information, including an
25 applicant's photograph, obtained by the commission from an
26 applicant for a standard probationary license shall be confidential,
27 shall not be considered a government record pursuant to P.L.1963,
28 c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
29 common law concerning access to government records, and shall
30 not be disclosed by the commission for any purpose related to Title
31 8 of the United States Code without the informed consent of the
32 applicant, a warrant signed by a State or federal judge, or a lawful
33 court order or subpoena; except that nothing in this section shall be
34 construed to prohibit, or in any way restrict, any action where such
35 prohibition or restriction would be contrary to federal law; and
36 except that information under this subsection may be shared in
37 accordance with section 2 of P.L. , c. (C.) (pending before
38 the Legislature as this bill). When responding to a warrant, court
39 order, or subpoena, the commission may disclose only those records
40 or information specifically requested in the warrant, court order, or
41 subpoena.

42 Possession of a standard probationary license issued pursuant to
43 this section shall not be considered evidence of an individual's
44 citizenship or immigration status and shall not be used as a basis for
45 an investigation, arrest, citation, prosecution, or detention.

46 Information regarding an applicant's Individual Tax
47 Identification Number, social security number, or ineligibility to
48 receive a social security number obtained by the commission for the

1 issuance of a standard probationary license pursuant to this section,
2 shall not be considered a government record pursuant to P.L.1963,
3 c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
4 common law concerning access to government records, and shall
5 not be disclosed by the commission except where: (1) required by
6 section 11 of P.L.1998, c.1 (C.2A:17-56.60); (2) the applicant
7 provides written informed consent to the disclosure; (3) the
8 requesting entity presents a warrant signed by a State or federal
9 judge, a lawful court order, or a subpoena; (4) required by State or
10 federal law, and to the extent that the disclosure may be necessary
11 to permit the State to participate in the National Driver Register
12 program, as set forth in 49 U.S.C. s.30301 et seq.; **or** (5) the
13 disclosure is in connection with an audit or investigation of identity
14 fraud, driver's license fraud, or non-driver identification card fraud;
15 or (6) consistent with section 2 of P.L. , c. (C.) (pending
16 before the Legislature as this bill).
17 (cf: P.L.2019, c.271, s.14)

18
19 8. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read
20 as follows:

21 2. a. (1) The New Jersey Motor Vehicle Commission shall
22 issue an identification card to any resident of the State who is 14
23 years of age or older and who is not the holder of a valid permit or
24 basic driver's license. The identification card shall attest to the true
25 name, correct age, and veteran status, upon submission of
26 satisfactory proof, by any veteran, and shall contain other
27 identifying data as certified by the applicant for such identification
28 card. Every application for an identification card shall be signed
29 and verified by the applicant and shall be accompanied by the
30 written consent of at least one parent or the person's legal guardian
31 if the person is under 17 years of age and shall be supported by such
32 documentary evidence of the age, identity, and veteran status, or
33 blindness, or disability of such person as the chief administrator
34 may require.

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

1 In addition to requiring an applicant for an identification card to
2 submit satisfactory proof of identity, age, and, if appropriate,
3 veteran status, the chief administrator also shall require the
4 applicant to provide:

5 (a) as a condition for obtaining a standard identification card,
6 proof of the applicant's social security number and one document
7 providing satisfactory proof that the applicant is a New Jersey
8 resident. If the applicant does not have a social security number,
9 the applicant shall either:

10 (i) provide satisfactory proof of an Individual Taxpayer
11 Identification Number; or

12 (ii) indicate, in a manner prescribed by the commission and
13 consistent with all other provisions of P.L.2019, c.271 (C.39:3-
14 10o et al.), that the applicant is not eligible to receive a social
15 security number; or

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

24 Any documents and personal information, including an
25 applicant's photograph, obtained by the commission from an
26 applicant for a standard identification card shall be confidential,
27 shall not be considered a government record pursuant to P.L.1963,
28 c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
29 common law concerning access to government records, and shall
30 not be disclosed by the commission for any purposes related to Title
31 8 of the United States Code without the informed consent of the
32 applicant, a warrant signed by a State or federal judge, or a lawful
33 court order or subpoena; except that nothing in this section shall be
34 construed to prohibit, or in any way restrict, any action where such
35 prohibition or restriction would be contrary to federal law; and
36 except that information under this subsection may be shared in
37 accordance with section 2 of P.L. , c. (C.) (pending before
38 the Legislature as this bill). When responding to a warrant, court
39 order, or subpoena, the commission may disclose only those records
40 or information specifically requested in the warrant, court order, or
41 subpoena.

42 Possession of a standard identification card issued pursuant to
43 this section shall not be considered evidence of an individual's
44 citizenship or immigration status and shall not be used as a basis for
45 an investigation, arrest, citation, prosecution, or detention.

46 Information regarding an applicant's Individual Tax
47 Identification Number, social security number, or ineligibility to
48 receive a social security number obtained by the commission for the

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

17 If the chief administrator has reasonable cause to suspect that
18 any document presented by an applicant pursuant to this section is
19 altered, false or otherwise invalid, the chief administrator shall
20 refuse to grant the identification card until such time as the
21 document may be verified by the issuing agency to the chief
22 administrator'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.

26 (2) In addition to the requirements for the form and content of
27 an identification card pursuant to this section, the Chief
28 Administrator of the New Jersey Motor Vehicle Commission shall,
29 upon submission of satisfactory proof, designate on an
30 identification card that the card holder is a Gold Star Family
31 member. The commission shall provide to the Department of
32 Military and Veterans' Affairs personal identifying information for
33 any person issued an identification card with a Gold Star Family
34 designation pursuant to this section.

35 b. The designation of veteran status on an identification card
36 shall not be deemed sufficient valid proof of veteran status for
37 official governmental purposes when any other statute, or any
38 regulation or other directive of a governmental entity, requires
39 documentation of veteran status.

40 c. For the purpose of this section:

41 "Gold Star Family member" means a spouse, domestic partner,
42 partner in a civil union, parent, brother, sister, child, legal guardian,
43 or other legal custodian, whether of the whole or half blood or by
44 adoption, of a member of the Armed Forces of the United States or
45 National Guard, who lost his or her life while on active duty for the
46 United States.

47 "REAL ID identification card" shall have the same meaning as
48 provided in R.S.39:1-1.

1 "Veteran" means any resident of the State now or hereafter who
2 has been discharged honorably or under general honorable
3 conditions in any branch of the Armed Forces of the United States,
4 or a Reserve component thereof, or the National Guard of this State
5 or another state as defined in section 1 of P.L.1963, c.109
6 (C.38A:1-1); and

7 "Satisfactory proof" means, in the case of a veteran, the
8 applicant's DD-214, DD-215, or DD-256 form as issued by the
9 federal government, or NGB-22 or other approved separation forms
10 as outlined by all branches of the Armed Forces, or federal
11 activation orders showing service under Title 10, section 672 or
12 section 12301, of the United States Code, or a county-issued
13 veteran identification card pursuant to P.L.2012, c.30 (C.40A:9-
14 78.1 et seq.), or a veteran identification card as issued by the United
15 States Department of Veterans Affairs under the "Veterans
16 Identification Card Act of 2015," (38 U.S.C. s.5706). In the case of
17 a Gold Star Family member, satisfactory proof includes any or all
18 of the following:

19 (1) a certification from the Department of New Jersey of
20 American Gold Star Mothers, Inc., or any other organization formed
21 for the support of family members of members of the Armed Forces
22 of the United States or National Guard, who lost their lives while on
23 active duty for the United States, that the applicant is either the
24 spouse, domestic partner, partner in a civil union, parent, brother,
25 sister, child, legal guardian, or other legal custodian, whether of the
26 whole or half blood or by adoption, of a member of the armed
27 forces or National Guard who died while on active duty for the
28 United States; or

29 (2) (a) documentation deemed acceptable by the Adjutant
30 General, including, but not limited to, a federal DD Form 1300,
31 Report of Casualty, or a federal DD Form 2064, Certificate of
32 Death Overseas, which identifies the member of the Armed Forces
33 of the United States or National Guard who died while on active
34 duty for the United States; and

35 (b) documentation indicating the applicant's relationship to the
36 service member.

37 (cf: P.L.2019, c.500, s.6.)
38

39 9. This act shall take effect immediately.
40
41

42 STATEMENT

43
44 This bill authorizes the Secretary of State to become a member
45 of a non-profit state-based organization for the purpose of
46 maintaining the accuracy of voter registration information, and
47 authorizes the New Jersey Motor Vehicle Commission to provide

1 motor vehicle records to that organization or to the Department of
2 State for those purposes.

3

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6

7 Authorizes Secretary of State and New Jersey Motor Vehicle
8 Commission to share voter and motor vehicle information with
9 state-based non-profit organization for maintaining accuracy of
10 voter registration information.