

SENATE, No. 129

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Enhances penalties imposed on drivers who have never been issued a driver's license.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning penalties imposed on certain drivers, and
2 amending R.S.39:3-10.

3

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

6

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

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

14 A person under 18 years of age shall not be issued a basic license
15 to drive motor vehicles, and a person shall not be issued a validated
16 permit, including a validated examination permit, until the applicant
17 has passed a satisfactory examination and other requirements as to
18 the applicant's ability as an operator. The examination shall
19 include: a test of the applicant's vision; the applicant's ability to
20 understand traffic control devices; the applicant's knowledge of safe
21 driving practices, including the dangers of driving a vehicle in an
22 aggressive manner, which shall include, but not be limited to,
23 unexpectedly altering the speed of a vehicle, making improper or
24 erratic traffic lane changes, disregarding traffic control devices,
25 failing to yield the right of way, and following another vehicle too
26 closely; the applicant's knowledge of the effects that ingestion of
27 alcohol or drugs has on a person's ability to operate a motor vehicle;
28 the applicant's knowledge of the dangers of carbon monoxide
29 poisoning from motor vehicles and techniques for the safe operation
30 and proper maintenance of a motor vehicle; the applicant's
31 knowledge of portions of the mechanism of motor vehicles as is
32 necessary to insure the safe operation of a vehicle of the kind or
33 kinds indicated by the applicant; and the applicant's knowledge of
34 the laws and ordinary usages of the road. A person shall not sit for
35 an examination for any permit without exhibiting photo
36 identification deemed acceptable by the commission, unless that
37 person is a high school student participating in a course of
38 automobile driving education approved by the State Department of
39 Education and conducted in a public, parochial, or private school of
40 this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
41 The commission may waive the written law knowledge examination
42 for any person 18 years of age or older possessing a valid driver's
43 license issued by any other state, the District of Columbia, or the
44 United States Territories of American Samoa, Guam, Puerto Rico,
45 or the Virgin Islands. The commission shall be required to provide

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

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

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

44 The commission shall issue a basic driver's license to operate a
45 motor vehicle other than a motorcycle to a person over 18 years of
46 age who previously has not been licensed to drive a motor vehicle
47 in this State or another jurisdiction only if that person has: (1)
48 operated a passenger automobile in compliance with the
49 requirements of this Title for not less than one year, not including

1 any period of suspension or postponement, from the date of
2 issuance of a probationary license pursuant to section 4 of
3 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two
4 motor vehicle points; (3) not been convicted in the previous year for
5 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
6 50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129,
7 N.J.S.2C:11-5, section 1 of P.L.2017, c.165 (C.2C:11-5.3),
8 subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related
9 violation the commission determines to be significant and
10 applicable pursuant to regulation; and (4) passed an examination of
11 the applicant's ability to operate a motor vehicle pursuant to this
12 section.

13 The commission shall expand the driver's license examination by
14 20 percent. The additional questions to be added shall consist
15 solely of questions developed in conjunction with the Department
16 of Health concerning the use of alcohol or drugs as related to
17 highway safety. The commission shall develop, in conjunction with
18 the Department of Health, supplements to the driver's manual which
19 shall include information necessary to answer any question on the
20 driver's license examination concerning alcohol or drugs as related
21 to highway safety.

22 Up to 20 questions may be added to the examination on subjects
23 to be determined by the commission that are of particular relevance
24 to youthful drivers, including the dangers of driving a vehicle in an
25 aggressive manner, which shall include, but not be limited to,
26 unexpectedly altering the speed of a vehicle, making improper or
27 erratic traffic lane changes, disregarding traffic control devices,
28 failing to yield the right of way, and following another vehicle too
29 closely, after consultation with the Director of the Division of
30 Highway Traffic Safety in the Department of Law and Public
31 Safety.

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

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

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

47 Any person applying for a driver's license to operate a motor
48 vehicle or motorized bicycle in this State shall surrender to the
49 commission any current driver's license issued to the applicant by

1 another state or jurisdiction upon the applicant's receipt of a driver's
2 license for this State. The commission shall refuse to issue a
3 driver's license if the applicant fails to comply with this provision.
4 An applicant for a permit or license who is less than 18 years of
5 age, and who holds a permit or license for a passenger automobile
6 issued by another state or country that is valid or has expired within
7 a time period designated by the commission, shall be subject to the
8 permit and license requirements and penalties applicable to State
9 permit and license applicants who are of the same age; except that if
10 the other state or country has permit or license standards
11 substantially similar to those of this State, the credentials of the
12 other state or country shall be acceptable.

13 The commission shall create classified licensing of drivers
14 covering the following classifications:

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

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

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

27 d. All motor vehicles not included in classifications a. and b. A
28 license issued pursuant to this classification d. shall be referred to
29 as the "basic driver's license."

30 Every applicant for a license under classification b. shall be a
31 holder of a basic driver's license. Any issuance of a license under
32 classification b. shall be by endorsement on the basic driver's
33 license.

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

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

48 The license shall expire, except as otherwise provided, during the
49 fourth calendar year following the date in which the license was

1 issued and on the same calendar day as the person's date of birth. If
2 the person's date of birth does not correspond to a calendar day of
3 the fourth calendar year, the license shall expire on the last day of
4 the person's birth month.

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

18 The required fee for a license for the license period shall be as
19 follows:

20 Motorcycle license or endorsement: \$18.

21 Omnibus or school bus endorsement: \$18.

22 Basic driver's license: \$18.

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

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

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

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

43 In addition to requiring an applicant for a driver's license to
44 submit satisfactory proof of identity and age, the commission also
45 shall require the applicant to provide, as a condition for obtaining a
46 permit and license, satisfactory proof that the applicant's presence
47 in the United States is authorized under federal law.

48 If the commission has reasonable cause to suspect that any
49 document presented by an applicant as proof of identity, age, or

1 legal residency is altered, false, or otherwise invalid, the
2 commission shall refuse to grant the permit or license until the time
3 when the document may be verified by the issuing agency to the
4 commission's satisfaction.

5 A person violating this section shall be subject to a fine not
6 exceeding \$500 or imprisonment in the county jail for not more
7 than 60 days, but if that person has never been licensed to drive in
8 this State or any other jurisdiction, the **【applicant】 person** shall be
9 subject to a fine of **【not less than \$200 and, in】 \$500 for a first**
10 offense, a fine of \$750 and imprisonment in the county jail for at
11 least one day but not more than five days for a second offense, and
12 a fine of \$1,000 and imprisonment in the county jail for 10 days for
13 a third or subsequent offense. 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. The court shall impose a period of
17 imprisonment for not less than 45 days but not more than 180 days,
18 if a person is convicted of driving a motor vehicle when the person
19 has never been licensed to drive in this State or in any other
20 jurisdiction, and, while operating the motor vehicle, the person is
21 involved in a motor vehicle accident resulting in bodily injury to
22 another person. The penalties provided for by this paragraph shall
23 not be applicable in cases where failure to have actual possession of
24 the operator's license is due to an administrative or technical error
25 by the commission.

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

29 As used in this section:

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

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

37 (cf: P.L.2017, c.165, s.10)

38
39 2. This act shall take effect immediately.
40
41

42 STATEMENT

43
44 This bill enhances the penalties imposed on a person convicted of
45 driving without a license who has never been issued a driver's license
46 in this State or any other jurisdiction.

47 Currently, the penalty for this offense is a minimum fine of
48 between \$200 and \$500 or imprisonment in the county jail for not

1 more than 60 days. This bill increases the fines and establishes
2 specific terms of imprisonment for a person who drives a motor
3 vehicle when the person has never been licensed to drive in this State
4 or in any other jurisdiction as follows: a \$500 fine for the first offense,
5 a \$750 fine and at least one day, but not more than five days,
6 imprisonment for the second offense, and a \$1,000 fine and 10 days
7 imprisonment for a third or subsequent offense.

8 Additionally, this bill establishes a penalty of 45 to 180 days
9 imprisonment if, while operating a motor vehicle, a person who has
10 never been licensed to drive a motor vehicle in this State or any other
11 jurisdiction is involved in a motor vehicle accident causing bodily
12 injury to another person.

13 The penalties in this bill are the same as the penalties imposed for
14 driving a motor vehicle when a person's driver's license is suspended
15 or revoked, or when a person has been prohibited from obtaining a
16 driver's license.