

SENATE, No. 1959

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Establishes teen driver orientation program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the teen driver orientation program and
2 amending R.S.39:3-13, P.L.1950, c.127, and P.L.1998, c.108.

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

6
7 1. R.S.39:3-13 is amended to read as follows:

8 39:3-13. The chief administrator may, in the chief
9 administrator's discretion, issue to a person over 17 years of age an
10 examination permit, under the hand and seal of the chief
11 administrator, allowing **[such]** that person, for the purpose of
12 fitting the person to become a licensed driver, to operate a
13 designated class of motor vehicles other than passenger automobiles
14 and motorcycles for a specified period of not more than 90 days,
15 while in the company and under the supervision of a driver licensed
16 to operate **[such]** that designated class of motor vehicles.

17 The chief administrator, in the chief administrator's discretion,
18 may issue for a specified period of not less than one year a
19 passenger automobile or motorcycle-only examination permit to a
20 person over 17 years of age regardless of whether a person has
21 completed a course of behind-the-wheel automobile driving
22 education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
23 An examination permit applicant who is under 18 years of age shall
24 obtain the signature of a parent or guardian for submission to the
25 commission on a form prescribed by the chief administrator. The
26 chief administrator shall postpone for six months the driving
27 privileges of any person who submits a fraudulent signature for a
28 parent or guardian.

29 An examination permit shall not be issued to an applicant who is
30 less than 21 years of age unless the applicant has completed a teen
31 driver orientation program approved by the Division of Highway
32 Traffic Safety in the Department of Law and Public Safety in
33 consultation with the commission. An examination permit shall not
34 be issued to an applicant who is less than 18 years of age unless at
35 least one of the applicant's parents or guardians has completed a
36 teen driver orientation program approved by the Division of
37 Highway Traffic Safety in the Department of Law and Public Safety
38 in consultation with the commission. The program may be
39 completed by the applicant's parent or guardian through an on-line
40 provider approved by the chief administrator. If a parent or
41 guardian is unable to complete the teen driver orientation program,
42 a relative or supervising adult, who is at least 21 years of age and
43 has been licensed to drive a passenger automobile or motorcycle for
44 not less than three years, shall be deemed to meet the requirement
45 that a parent or guardian complete the program. The teen driver

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 orientation program shall be made available to the parent or
2 guardian of an applicant for an examination permit who is at least
3 18 years of age, but less than 21 years of age. Prior to the issuance
4 of an examination permit, the applicant shall submit for review to
5 the commission a certificate issued by an approved teen driver
6 orientation program indicating that the applicant, and the
7 applicant's parent or guardian, if required, have completed an
8 approved teen driver orientation program. The chief administrator
9 shall postpone or suspend for six months the driving privileges of
10 any examination permit applicant who submits a fraudulent
11 certificate of completion.

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

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

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

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

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

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

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

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

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

1 committed by **【such】** the person while in the presence of the
2 licensed driver.

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

10 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. When
22 responding to a warrant, court order, or subpoena, the commission
23 may disclose only those records or information specifically
24 requested in the warrant, court order, or subpoena.

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

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

46 If the chief administrator has reasonable cause to suspect that
47 any document presented by an applicant pursuant to this section is
48 altered, false, or otherwise invalid, the chief administrator shall

1 refuse to grant the permit until such time as the document may be
2 verified by the issuing agency to the chief administrator's
3 satisfaction.

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

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

30 The required fees for special learner's permits and examination
31 permits shall be as follows:

32 Basic driver's license.....up to \$10
33 Motorcycle license or endorsement.....\$ 5
34 Omnibus or school bus endorsement.....\$25

35 The chief administrator shall waive the payment of fees for
36 issuance of examination permits for omnibus endorsements
37 whenever the applicant establishes to the chief administrator's
38 satisfaction that said applicant will use the omnibus endorsement
39 exclusively for operating omnibuses owned by a nonprofit
40 organization duly incorporated under Title 15 or 16 of the Revised
41 Statutes or Title 15A of the New Jersey Statutes.

42 The specified period for which a permit is issued may be
43 extended for not more than an additional 60 days, without payment
44 of an added fee, upon application made by the holder thereof, where
45 the holder has applied to take the examination for a driver's license
46 prior to the expiration of the original period for which the permit
47 was issued and the chief administrator was unable to schedule an
48 examination during said period.

1 As a condition for the issuance of an examination permit under
2 this section, the chief administrator shall secure a digitized
3 photograph of the applicant. The photograph shall be stored in a
4 manner prescribed by the chief administrator and may be displayed
5 on the examination permit.

6 The chief administrator may require that whenever a person to
7 whom an examination permit has been issued has reconstructive or
8 cosmetic surgery which significantly alters the person's facial
9 features, the person shall notify the chief administrator who may
10 require the photograph of the person to be updated.

11 Specific use of the examination permit and any information
12 stored or encoded, electronically or otherwise, in relation thereto
13 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
14 the federal "Driver's Privacy Protection Act of 1994," Pub.L.103-
15 322. Notwithstanding the provisions of any other law to the
16 contrary, the digitized photograph or any access thereto or any use
17 thereof shall not be sold, leased, or exchanged for value.

18 (cf: P.L.2019, c.271, s.12)

19

20 2. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to
21 read as follows:

22 3. No special learner's permit shall be issued unless the person
23 applying therefor shall present a written application for the same,
24 bearing a certification by the principal of the school indicating that
25 the person is enrolled in an approved behind-the-wheel driving
26 education course in the principal's school **【of which he is principal】**
27 or by the person operating a duly licensed drivers' school indicating
28 that the person has contracted to take a course of behind-the-wheel
29 automobile driving instruction offered by the school and shall pay a
30 sum of up to \$10 as determined by the **【director】** chief
31 administrator to an agent of the **【Division of Motor Vehicles】**
32 commission, which sum shall be turned over by the agent to the
33 **【director】** chief administrator, and by **【him】** the chief administrator
34 remitted with the other funds collected **【in his division】** by the
35 commission to the State Treasurer, in accordance with law. A
36 special learner's permit to operate a passenger automobile shall not
37 be issued to any person younger than 18 years of age without the
38 signature of a parent or guardian. The signature shall be submitted
39 to the **【division】** commission on a form prescribed by the
40 **【director】** chief administrator. The **【director】** chief administrator
41 shall postpone for six months the driving privileges of any **【person】**
42 special learner's permit applicant who submits a fraudulent
43 signature for a parent or guardian.

44 A special learner's permit shall not be issued to an applicant who
45 is less than 18 years of age unless the applicant has completed a
46 teen driver orientation program approved by the Division of
47 Highway Traffic Safety in the Department of Law and Public Safety

1 in consultation with the commission. A special learner's permit
2 shall not be issued to an applicant who is less than 18 years of age
3 unless at least one of the applicant's parents or guardians has
4 completed a teen driver orientation program, approved by the
5 Division of Highway Traffic Safety in the Department of Law and
6 Public Safety in consultation with the commission. The program
7 may be completed by the applicant's parent or guardian through an
8 on-line provider approved by the chief administrator. If a parent or
9 guardian is unable to complete the teen driver orientation program,
10 a relative or supervising adult, who is at least 21 years of age and
11 has been licensed to drive a passenger automobile or motorcycle for
12 not less than three years shall be deemed to meet the requirement
13 that a parent or guardian complete the program. Prior to the
14 issuance of a special learner's permit, the applicant shall submit for
15 review to the commission a certificate issued by an approved teen
16 driver orientation program indicating that the applicant, and the
17 applicant's parent or guardian, if required, have completed an
18 approved teen driver orientation program. The chief administrator
19 shall postpone or suspend for six months the driving privileges of
20 any special learner's permit applicant who submits a fraudulent
21 certificate of completion.

22 (cf: P.L.1998, c.108, s.6)

23
24 3. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to
25 read as follows:

26 8. a. The Director of the Division of Highway Traffic Safety in
27 the Department of Law and Public Safety, after consultation with
28 the Chief Administrator of the New Jersey Motor Vehicle
29 Commission, shall develop curriculum guidelines for use by
30 teachers of approved classroom driver education courses. The
31 course of instruction for approved courses shall be no less than 30
32 hours in length and be designed to develop and instill the
33 knowledge and attitudes necessary for the safe operation and
34 driving of motor vehicles. Defensive driving; highway courtesy;
35 dangers of driving a vehicle in an aggressive manner, which shall
36 include, but not be limited to, unexpectedly altering the speed of a
37 vehicle, making improper or erratic traffic lane changes,
38 disregarding traffic control devices, failing to yield the right of way,
39 and following another vehicle too closely; accident avoidance;
40 understanding and respect for the State's motor vehicle laws;
41 techniques for the safe operation and proper maintenance of a
42 vehicle, which shall include, but not be limited to, safety tips to
43 avoid carbon monoxide poisoning from motor vehicles; insurance
44 fraud; operating a motor vehicle in a manner that safely shares the
45 roadway with pedestrians, cyclists, skaters, riders of motorized-
46 scooters, and other non-motorized vehicles, which shall include, but
47 not be limited to, passing a cyclist on the roadway, recognizing
48 bicycle lanes, navigating intersections with pedestrians and cyclists,

1 and exiting a vehicle without endangering pedestrians and cyclists;
2 and State requirements for and benefits of maintaining automobile
3 insurance shall be emphasized. The incorporation of these
4 curriculum guidelines in these classroom courses and the use of
5 related instructional materials shall be a requirement for approval of
6 the course by the chief administrator.

7 b. The Director of the Division of Highway Traffic Safety, in
8 consultation with the Chief Administrator of the New Jersey Motor
9 Vehicle Commission, shall produce an informational brochure for
10 parents and guardians of beginning drivers under the age of 18
11 years. The commission shall ensure that the parents or guardians of
12 a permit holder receive these brochures at the time a permit is
13 issued to a beginning driver. The brochures shall include, but not be
14 limited to, the following information:

15 (1) Setting an example for the beginning driver;

16 (2) Accident and fatality statistics about beginning drivers;

17 (3) Causes of accidents among beginning drivers;

18 (4) The need to supervise vehicle operation by a beginning
19 driver;

20 (5) Methods to coach a beginning driver on how to reduce
21 accidents;

22 (6) A description of the graduated driver's license program;

23 (7) Benefits of classroom and behind-the-wheel driver education
24 under the direction of State certified or licensed driving instructors,
25 as the case may be;

26 (8) The dangers of driving a vehicle in an aggressive manner,
27 which shall include, but not be limited to, unexpectedly altering the
28 speed of a vehicle, making improper or erratic traffic lane changes,
29 disregarding traffic control devices, failing to yield the right of way,
30 and following another vehicle too closely;

31 (9) The dangers of carbon monoxide poisoning from motor
32 vehicles and techniques for the safe operation and proper
33 maintenance of a vehicle, which shall include, but not be limited to,
34 safety tips to avoid carbon monoxide poisoning from motor
35 vehicles; and

36 (10) Maintaining an awareness of operating a motor vehicle in a
37 manner that safely shares the roadway with pedestrians, cyclists,
38 skaters, riders of motorized-scooters, and other non-motorized
39 vehicles, which shall include, but not be limited to, passing a cyclist
40 on the roadway, recognizing bicycle lanes, navigating intersections
41 with pedestrians and cyclists, and exiting a vehicle without
42 endangering pedestrians and cyclists.

43 (cf:P.L.2017, c.374, s.2)

44
45 4. This act shall take effect on the first day of the 13th month
46 after enactment, but the New Jersey Motor Vehicle Commission
47 may take anticipatory actions necessary to implement the provisions
48 of this act.

STATEMENT

This bill establishes the teen driver orientation program and requires certain examination permit and special learner's permit applicants, and their parents or guardians, to complete the program.

Under the bill, an applicant for a special learner's permit who is under 18 years of age and an applicant for an examination permit who is under 21 years of age cannot obtain the permit unless the applicant has first completed a teen driver orientation program (program) approved by the Division of Highway Traffic Safety in the Department of Law and Public Safety, in consultation with the New Jersey Motor Vehicle Commission (MVC). An applicant for an examination permit and an applicant for a special learner's permit who is under 18 years of age cannot obtain the permit unless the applicant's parent or guardian has first completed the program. The program may be completed by the applicant's parent or guardian through an on-line provider approved by the Chief Administrator of the MVC. In the event that a parent or guardian is unable to complete the program, the bill permits a relative or supervising adult who is at least 21 years of age and who has been licensed to drive a passenger automobile or motorcycle for at least three years to complete the program.

Under the bill, the program is also available to, but not required of, the parent or guardian of an examination permit applicant who is at least 18 years of age but less than 21 years of age. The bill requires all permit applicants to submit to the MVC a certificate issued by an approved teen driver orientation program indicating that the applicant and the applicant's parent or guardian, if required, completed the teen driver orientation program. The chief administrator is to suspend or postpone the driving privileges of any applicant who submits a fraudulent certificate of completion.

The bill also requires the distribution of informational brochures to the parents and guardians of beginning drivers under 18 years of age at approved teen driver orientation programs. Under current law, these brochures are provided at the time a permit is issued to a beginning driver.