

SENATE, No. 1963

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Establishes certain additional examination and special learner's permit requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/6/2021)

1 AN ACT concerning examination permits and special learner's
2 permits and amending various parts of the statutory law.

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]** 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 For **[six months]** one year immediately following the validation
30 of an examination permit, and until the holder passes the road test,
31 the holder who is less than 21 years of age shall operate the
32 passenger automobile only when accompanied by, and under the
33 supervision of, a New Jersey licensed driver who is at least 21 years
34 of age and has been licensed to drive a passenger automobile for not
35 less than three years. The holder of an examination permit who is at
36 least 21 years of age shall operate the passenger automobile for the
37 first three months under **[such]** this supervision and until the holder
38 passes the road test. The supervising driver of the passenger
39 automobile shall sit in the front seat of the vehicle. Whenever
40 operating a vehicle while in possession of an examination permit,
41 the holder of the permit shall operate the passenger automobile with
42 only one additional passenger in the vehicle excluding dependents
43 of the permit holder, except that this passenger restriction shall not
44 apply when the permit holder is at least 21 years of age or when the
45 permit holder is accompanied by a parent or guardian. Further, the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 holder of the passenger automobile permit who is less than 21 years
2 of age shall not drive during the hours between 11:01 p.m. and 5
3 a.m.; provided, however, that this condition may be waived for an
4 emergency which, in the judgment of local police, is of sufficient
5 severity and magnitude to substantially endanger the health, safety,
6 welfare, or property of a person, or for any bona fide employment
7 or religion-related activity if the employer or appropriate religious
8 authority provides written verification of **【such】** the activity in a
9 manner provided for by the chief administrator. The holder of the
10 examination permit shall not use any hand-held or hands-free
11 interactive wireless communication device, except in an emergency,
12 while operating a moving passenger automobile on a public road or
13 highway. "Use" shall include, but not be limited to, talking or
14 listening on any hand-held or hands-free interactive wireless
15 communication device or operating its keys, buttons, or other
16 controls. The passenger automobile permit holder shall ensure that
17 all occupants of the vehicle are secured in a properly adjusted and
18 fastened seat belt or child restraint system.

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

27 The holder of any examination permit shall not operate a
28 motorcycle having a motor with a maximum piston displacement
29 that is less than 50 cubic centimeters or a motor that is rated at no
30 more than 1.5 brake horsepower with a maximum speed of no more
31 than 35 miles per hour on a flat surface at anytime from a half-hour
32 after sunset to a half-hour before sunrise and shall not operate the
33 motorcycle with any other passenger. The holder of any
34 examination permit shall not operate such a motorcycle upon
35 limited-access interstate highways or public roads or highways with
36 a posted speed limit greater than 35 miles per hour.

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

43 The chief administrator shall provide the holder of an
44 examination permit with two removable, transferable, highly
45 visible, reflective decals indicating that the driver of the vehicle
46 may be the holder of an examination permit. The decals shall be
47 designed by the chief administrator, in consultation with the
48 Division of Highway Traffic Safety in the Department of Law and

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

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

1 An examination permit for a motorcycle or a commercial motor
2 vehicle issued to a person with a disability, as determined by the
3 New Jersey Motor Vehicle Commission after consultation with the
4 Department of Education, shall be valid for nine months or until the
5 completion of the road test portion of the license examination,
6 whichever period is shorter.

7 Each permit shall be sufficient license for the person to operate
8 **【such】** the designated class of motor vehicles in this State during
9 the period specified, while in the company of and under the control
10 of a driver licensed by this State to operate **【such】** the designated
11 class of motor vehicles, or, in the case of a commercial driver
12 license permit, while in the company of and under the control of a
13 holder of a valid commercial driver license for the appropriate
14 license class and with the appropriate endorsements issued by this
15 or any other state. **【Such】** The person, as well as the licensed
16 driver, except for a motor vehicle examiner administering a driving
17 skills test, shall be held accountable for all violations of this subtitle
18 committed by **【such】** the person while in the presence of the
19 licensed driver.

20 In addition to requiring an applicant for an examination permit to
21 submit satisfactory proof of identity and age in accordance with the
22 type of license for which the applicant has applied, the chief
23 administrator also shall require the applicant to provide the requisite
24 number of documents providing satisfactory proof that the applicant
25 is a resident of the State in accordance with the provisions of
26 R.S.39:3-10.

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

42 Possession of a standard permit issued pursuant to this section
43 shall not be considered evidence of an individual's citizenship or
44 immigration status and shall not be used as a basis for an
45 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 permit pursuant to this section, shall not be
2 considered a government record pursuant to P.L.1963, c.73
3 (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 If the chief administrator has reasonable cause to suspect that
16 any document presented by an applicant pursuant to this section is
17 altered, false, or otherwise invalid, the chief administrator shall
18 refuse to grant the permit until such time as the document may be
19 verified by the issuing agency to the chief administrator's
20 satisfaction.

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

29 A probationary driver's license shall not be issued to the holder
30 of an examination permit under the age of 21 unless the permit
31 holder completes a minimum of 50 hours of practice driving, 10
32 hours of which shall be completed during hours of darkness. The
33 permit holder's parent or guardian, or the person who accompanied
34 and supervised the permit holder during the practice driving shall
35 certify that the permit holder has completed the required number of
36 hours of practice driving, including the required number of hours
37 during hours of darkness. The chief administrator shall suspend for
38 six months the driving privileges of any examination permit holder
39 who submits a fraudulent certification of a parent, guardian, or
40 supervising driver.

41 The holder of an examination permit shall be required to take a
42 road test in order to obtain a probationary license. No road test for
43 any person who has been issued an examination permit to operate a
44 passenger vehicle shall be given unless the person has met the
45 requirements of this section. No road test for a probationary license
46 shall be given unless the applicant has first secured an examination
47 permit and no **【such】** road test shall be scheduled for an applicant
48 who has secured an examination permit for a passenger vehicle or a

1 motorcycle for which an endorsement is not required until at least
2 **【six months】** one year for an applicant under 21 years of age or
3 three months for an applicant 21 years of age or older, **【shall】** have
4 elapsed following the validation of the examination permit for
5 practice driving or, in the case of an examination permit for other
6 vehicles, until 20 days have elapsed. In the case of an omnibus
7 endorsement or school bus, no road test shall be scheduled until at
8 least 10 days shall have elapsed. Every applicant for an examination
9 permit to qualify for an omnibus endorsement or an articulated
10 vehicle endorsement shall be a holder of a valid basic driver's
11 license.

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

14 Basic driver's license.....up to \$10

15 Motorcycle license or endorsement.....\$ 5

16 Omnibus or school bus endorsement.....\$25

17 The chief administrator shall waive the payment of fees for
18 issuance of examination permits for omnibus endorsements
19 whenever the applicant establishes to the chief administrator's
20 satisfaction that **【said】** the applicant will use the omnibus
21 endorsement exclusively for operating omnibuses owned by a
22 nonprofit organization duly incorporated under Title 15 or 16 of the
23 Revised Statutes or Title 15A of the New Jersey Statutes.

24 The specified period for which a permit is issued may be
25 extended for not more than an additional 60 days, without payment
26 of an added fee, upon application made by the holder thereof, where
27 the holder has applied to take the examination for a driver's license
28 prior to the expiration of the original period for which the permit
29 was issued and the chief administrator was unable to schedule an
30 examination during **【said】** the period.

31 As a condition for the issuance of an examination permit under
32 this section, the chief administrator shall secure a digitized
33 photograph of the applicant. The photograph shall be stored in a
34 manner prescribed by the chief administrator and may be displayed
35 on the examination permit.

36 The chief administrator may require that whenever a person to
37 whom an examination permit has been issued has reconstructive or
38 cosmetic surgery which significantly alters the person's facial
39 features, the person shall notify the chief administrator who may
40 require the photograph of the person to be updated.

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

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

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

3 1. The Chief Administrator of the New Jersey Motor Vehicle
4 Commission may issue to a person over 16 years of age a special
5 learner's permit, under the hand and seal of the chief administrator,
6 allowing **【such】** the person, for the purpose of preparing to qualify
7 for a probationary license for a passenger automobile by operating a
8 dual pedal controlled motor vehicle while taking a required course
9 of one-on-one behind-the-wheel automobile driving education
10 approved by the State Department of Education and conducted in a
11 public, parochial, or private school of this State or a course of one-
12 on-one behind-the-wheel automobile driving instruction conducted
13 by a drivers' school duly licensed pursuant to the provisions of
14 P.L.1951, c.216 (C.39:12-1 et seq.). Nothing in this section shall be
15 interpreted to prohibit a public, parochial, or private school or a
16 driver's school licensed pursuant to the provisions of P.L.1951,
17 c.216 (C.39:12-1 et seq.) from permitting additional students in the
18 one-on-one behind-the-wheel automobile driving instruction course,
19 or the parents of the students, from being present in the rear seat of
20 the vehicle being used to provide behind-the-wheel instruction,
21 provided that the time a student spends in the rear seat of the
22 vehicle shall not be considered behind-the-wheel automobile
23 instruction for the purposes of the course.

24 Within 12 months of the effective date of P.L. _____,
25 c. (C. _____) (pending before the Legislature as this bill), the
26 commission shall adopt standard, up-to-date guidelines to be
27 implemented by public, parochial, or private schools and licensed
28 drivers' schools offering the course of behind-the-wheel automobile
29 driving education required by this section. These guidelines shall
30 be developed by the commission in consultation with the Division
31 of Highway Traffic Safety in the Department of Law and Public
32 Safety, the State Department of Education, and licensed drivers'
33 schools in this State.

34 The special learner's permit shall be issued in lieu of the
35 examination permit provided for in R.S.39:3-13. In addition to
36 requiring an applicant for a permit to submit satisfactory proof of
37 identity and age in accordance with the type of license for which the
38 applicant has applied, the chief administrator also shall require the
39 applicant to provide the requisite number of documents providing
40 satisfactory proof that the applicant is a resident of the State. Any
41 documents and personal information, including an applicant's
42 photograph, obtained by the commission from an applicant for a
43 standard permit shall be confidential, shall not be considered a
44 government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),
45 P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning
46 access to government records, and shall not be disclosed by the
47 commission for any purpose related to Title 8 of the United States
48 Code without the informed consent of the applicant, a warrant

1 signed by a State or federal judge, or a lawful court order or
2 subpoena; except that nothing in this section shall be construed to
3 prohibit, or in any way restrict, any action where such prohibition
4 or restriction would be contrary to federal law. When responding to
5 a warrant, court order, or subpoena, the commission may disclose
6 only those records or information specifically requested in the
7 warrant, court order, or subpoena.

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

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

29 If the chief administrator has reasonable cause to suspect that
30 any document presented by an applicant pursuant to this section is
31 altered, false or otherwise invalid, the chief administrator shall
32 refuse to grant the permit until such time as the document may be
33 verified by the issuing agency to the chief administrator's
34 satisfaction.

35 A person violating this section shall be subject to a fine not
36 exceeding \$500 or imprisonment in the county jail for not more
37 than 60 days, but if that person has never been licensed to drive in
38 this State or any other jurisdiction, the applicant shall be subject to
39 a fine of not less than \$200 and, in addition, the court shall issue an
40 order to the commission requiring the commission to refuse to issue
41 a license to operate a motor vehicle to the person for a period of not
42 less than 180 days.

43 The special learner's permit described above, when issued to a
44 person taking a course of one-on-one behind-the-wheel driving
45 education conducted in a public, parochial, or private school, shall
46 be retained in the office of the school principal at all times except
47 **【during such time as】** when the person to whom the permit is issued
48 is undergoing one-on-one behind-the-wheel automobile driving

1 instruction. The chief administrator may make **【such】** rules and
2 regulations as **【he】** the chief administrator may deem necessary to
3 carry out the provisions of this section.

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

5
6 3. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to
7 read as follows:

8 6. a. Any person to whom a special learner's permit has been
9 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
10 successful completion of a State approved written examination, eye
11 examination, and an approved minimum six-hour one-on-one
12 behind-the-wheel driving course, shall be entitled to retain the
13 special learner's permit in **【his】** the person's own possession. The
14 special learner's permit shall be validated by the commission for the
15 purpose of driving a motor vehicle on a public highway in this State
16 after the holder has successfully met the necessary examination
17 requirements, and upon the successful completion of a one-on-one
18 behind-the-wheel driving course. **【Such】** The person may operate a
19 motor vehicle of the class for which a basic driver's license is
20 required except during the hours between 11:01 p.m. and 5:00 a.m.
21 while in the company and under the supervision, from the front
22 passenger seat, of a licensed motor vehicle driver of this State who
23 is over 21 years of age and has been licensed to drive a passenger
24 automobile for at least three years. **【Such】** The special learner's
25 permit shall be valid until **【such】** the person's **【seventeenth】** 17th
26 birthday or until **【he】** the person qualifies for a probationary
27 license. Except during an instructional period of a behind-the-wheel
28 driving course, the holder of a special learner's permit shall operate
29 a passenger automobile with only the following passengers: (1) the
30 supervising passenger; (2) any parent, guardian, or dependent of the
31 special learner's permit holder; and (3) one additional passenger.
32 The holder of the special learner's permit shall not use any hand-
33 held or hands-free interactive wireless communication device,
34 except in an emergency, while operating a moving passenger
35 automobile on a public road or highway. "Use" shall include, but
36 not be limited to, talking or listening on any hand-held or hands-
37 free interactive wireless communication device or operating its
38 keys, buttons, or other controls. All occupants of the automobile
39 shall be secured in a properly adjusted and fastened seat belt or
40 child restraint system.

41 The chief administrator shall provide the holder of a special
42 learner's permit with two removable, transferable, highly visible,
43 reflective decals indicating that the driver of the vehicle may be the
44 holder of a special learner's permit. The decals shall be designed by
45 the chief administrator, in consultation with the Division of
46 Highway Traffic Safety in the Department of Law and Public
47 Safety. The chief administrator may charge a fee for the decals not

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

9 b. When notified by a court of competent jurisdiction that a
10 special learner's permit holder has been convicted of a violation
11 which causes the permit holder to accumulate more than two motor
12 vehicle points or has been convicted of a violation of R.S.39:4-50;
13 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
14 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of
15 P.L.2017, c.165 (C.2C:11-5.3)**[,]** subsection c. of N.J.S.2C:12-1;
16 or any other motor vehicle-related law the chief administrator
17 determines to be significant and applicable pursuant to regulation,
18 and in addition to any other penalty that may be imposed, the chief
19 administrator shall, without the exercise of discretion or a hearing,
20 suspend the holder's special learner's permit for 90 days. The chief
21 administrator shall restore the permit following the term of the
22 permit suspension if the permit holder, regardless of age,
23 satisfactorily completes a remedial training course of not less than
24 four hours which may be given by the commission, a driving school
25 licensed by the chief administrator pursuant to section 2 of
26 P.L.1951, c.216 (C.39:12-2), or any Statewide safety organization
27 approved by the chief administrator. The course shall be
28 administered pursuant to rules and regulations promulgated by the
29 chief administrator and subject to oversight by the commission.
30 The authority of the chief administrator to suspend, revoke, or deny
31 issuance of an initial or renewal license to operate a driving school
32 or an instructor's license, and to assess fines, pursuant to P.L.1951,
33 c.216 (C.39:12-1 et seq.) shall apply to any violations related to the
34 administration of a remedial training course. The permit holder
35 shall also remit a course fee prior to the commencement of the
36 course. If, after completion of the remedial training course, the
37 chief administrator is notified by a court of competent jurisdiction
38 that the special learner's permit holder has been convicted of any
39 motor vehicle violation which results in the imposition of any motor
40 vehicle points or has been convicted of a violation of R.S.39:4-50;
41 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
42 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
43 N.J.S.2C:12-1; or any other motor vehicle-related law the chief
44 administrator deems significant and applicable pursuant to
45 regulation, the chief administrator, without the exercise of
46 discretion or a hearing, shall also postpone the issuance of a basic
47 license for 90 days. When the chief administrator is notified by a
48 court of competent jurisdiction that a special learner's permit holder

1 has been convicted of any alcohol or drug-related offense unrelated
2 to the operation of a motor vehicle and **【he】** the special learner's
3 permit holder is not otherwise subject to any other suspension
4 penalty therefor, the chief administrator shall, without the exercise
5 of discretion or a hearing, suspend the special learner's permit for
6 six months.

7 (cf: P.L.2017, c.165, s.12)

8
9 4. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to
10 read as follows:

11 3. No special learner's permit shall be issued unless the person
12 applying therefor shall present a written application for the same,
13 bearing a certification by the principal of the school indicating that
14 the person is enrolled in an approved one-on-one behind-the-wheel
15 driving education course in the principal's school **【of which he is**
16 **principal】** or by the person operating a duly licensed drivers' school
17 indicating that the person has contracted to take a course of one-on-
18 one behind-the-wheel automobile driving instruction offered by the
19 school and shall pay a sum of up to \$10 as determined by the
20 **【director】** chief administrator to an agent of the **【Division of Motor**
21 **Vehicles】** commission, which sum shall be turned over by the agent
22 to the **【director】** chief administrator, and by **【him】** the chief
23 administrator remitted with the other funds collected **【in his**
24 **division】** by the commission to the State Treasurer, in accordance
25 with law. Nothing in this section shall be interpreted to prohibit a
26 public, parochial, or private school or a driver's school licensed
27 pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.)
28 from permitting additional students in the one-on-one behind-the-
29 wheel automobile driving instruction course, or the parents of the
30 students, from being present in the rear seat of the vehicle being
31 used to provide behind-the-wheel instruction, provided that the time
32 a student spends in the rear seat of the vehicle shall not be
33 considered behind-the-wheel automobile instruction for the
34 purposes of the course. A special learner's permit to operate a
35 passenger automobile shall not be issued to any person younger
36 than 18 years of age without the signature of a parent or guardian.
37 The signature shall be submitted to the **【division】** commission on a
38 form prescribed by the **【director】** chief administrator. The
39 **【director】** chief administrator shall postpone for six months the
40 driving privileges of any **【person】** special learner's permit applicant
41 who submits a fraudulent signature for a parent or guardian.

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

43
44 5. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to
45 read as follows:

46 4. a. The holder of a special learner's permit shall be entitled to
47 a probationary driver's license (1) upon attaining the age of 17

1 years【,】; (2) upon the satisfactory completion of an approved one-
2 on-one behind-the-wheel driver training course as indicated upon
3 the face of the special learner's permit over the signature of the
4 principal of the school or the person operating the driving school in
5 which the course was conducted【,】; (3) upon the completion of 【six
6 months'】 one year driving experience with a validated special
7 learner's permit in compliance with the provisions of section 6 of
8 P.L.1977, c.25 (C.39:3-13.2a)【, and】; (4) upon passing the road test
9 pursuant to R.S.39:3-10; and (5) upon completing a minimum of 50
10 hours of practice driving, 10 hours of which shall be completed
11 during hours of darkness. The permit holder's parent or guardian,
12 or the person who accompanied and supervised the permit holder
13 during the practice driving shall certify that the permit holder has
14 completed the required number of hours of practice driving,
15 including the required number of hours during hours of darkness.
16 The chief administrator shall suspend for six months the driving
17 privileges of any special learner's permit holder who submits a
18 fraudulent certification of a parent, guardian, or supervising driver.

19 b. The holder of a probationary license shall be permitted to
20 operate the passenger automobile with only one additional
21 passenger in the vehicle besides any dependent of the probationary
22 license holder, except that this passenger restriction shall not apply
23 when the holder of the probationary license is at least 21 years of
24 age or the probationary license holder is accompanied by a parent or
25 guardian. Further, the holder of the probationary license who is
26 under 21 years of age shall not drive during the hours between
27 11:01 p.m. and 5 a.m.; provided however, that this condition may
28 be waived for an emergency which, in the judgment of local police,
29 is of sufficient severity and magnitude to substantially endanger the
30 health, safety, welfare, or property of a person or for any bona fide
31 employment or religion-related activity if the employer or
32 appropriate religious authority provides written verification of such
33 activity in a manner provided for by the chief administrator.

34 c. The holder of the probationary license shall not use any
35 hand-held or hands-free interactive wireless communication device,
36 except in an emergency, while operating a moving passenger
37 automobile on a public road or highway. "Use" shall include, but
38 not be limited to, talking or listening on any hand-held or hands-
39 free interactive wireless communication device or operating its
40 keys, buttons, or other controls. In addition, the holder of the
41 probationary license shall ensure that all occupants of the vehicle
42 are secured in a properly adjusted and fastened seat belt or child
43 restraint system.

44 d. In addition to any other penalties provided under law, the
45 holder of a probationary license who accumulates more than two
46 motor vehicle points or is convicted of a violation of R.S.39:4-50;
47 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
48 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of

1 P.L.2017, c.165 (C.2C:11-5.3); subsection c. of N.J.S.2C:12-1; or
2 any other motor vehicle law the chief administrator deems to be
3 significant and applicable pursuant to regulation shall, for the first
4 violation, be required to satisfactorily complete a remedial training
5 course of not less than four hours which may be given by the
6 commission, a driving school licensed by the chief administrator
7 pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any
8 Statewide safety organization approved by the chief administrator.
9 The course shall be administered pursuant to rules and regulations
10 promulgated by the chief administrator and subject to oversight by
11 the commission. The authority of the chief administrator to
12 suspend, revoke, or deny issuance of an initial or renewal license to
13 operate a driving school or an instructor's license, and to assess
14 fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to
15 any violations related to the administration of a remedial training
16 course. The license holder shall also remit a course fee prior to the
17 commencement of the course.

18 e. When notified by a court of competent jurisdiction that a
19 probationary license holder has been convicted of a second or
20 subsequent violation, in addition to any other penalties provided
21 under law, the chief administrator shall, without the exercise of
22 discretion or a hearing, suspend the probationary license for three
23 months, and shall postpone eligibility for a basic license for an
24 equivalent period. In addition, when the chief administrator is
25 notified by a court of competent jurisdiction that a probationary
26 license holder has been convicted of any alcohol or drug-related
27 offense unrelated to the operation of a motor vehicle, and **[he]** the
28 probationary license holder is not otherwise subject to any other
29 suspension penalty therefor, the chief administrator shall, without
30 the exercise of discretion or a hearing, suspend the probationary
31 license for six months.

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

47 g. A probationary license may be sent by mail and shall be
48 clearly identifiable and distinguishable in appearance from a basic

1 license by any name, mark, color, or device deemed appropriate by
2 the chief administrator.

3 h. A person issued a probationary license pursuant to this
4 section may be issued a standard probationary license or a REAL
5 ID probationary license. The chief administrator shall require an
6 applicant for a standard probationary license to provide as proof of
7 the applicant's identity, age, and residence primary and secondary
8 documents, with which the chief administrator shall attribute point
9 values in accordance with the point based identification verification
10 program established pursuant to section 28 of P.L.2003, c.13
11 (C.39:2A-28). The point total required to prove the identity of an
12 applicant for the standard probationary license shall be the same for
13 every applicant, regardless of immigration status. In the event that
14 the commission changes the point total threshold, the requirement
15 that every applicant reach the same point total threshold shall
16 remain in effect.

17 In addition to requiring an applicant for a probationary license to
18 submit satisfactory proof of identity and age, the chief administrator
19 shall require the applicant to provide:

20 (1) as a condition for obtaining a standard probationary license,
21 proof of the applicant's social security number and one document
22 providing satisfactory proof that the applicant is a New Jersey
23 resident. If the applicant does not have a social security number,
24 the applicant shall either:

25 (a) provide satisfactory proof of an Individual Taxpayer
26 Identification Number; or

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

31 (2) as a condition for obtaining a REAL ID probationary
32 license: two documents providing satisfactory proof that the
33 applicant is a New Jersey resident; proof of the applicant's social
34 security number or verification of ineligibility for a social security
35 number in accordance with the "REAL ID Act of 2005," Pub.L.109-
36 13, any acts amendatory or supplementary thereto, and any federal
37 regulations adopted thereunder; and proof that the applicant's
38 presence in the United States is authorized under federal law.

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

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 probationary license until such time as the

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

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

30 Information regarding an applicant's Individual Tax
31 Identification Number, social security number, or ineligibility to
32 receive a social security number obtained by the commission for the
33 issuance of a standard probationary license pursuant to this section,
34 shall not be considered a government record pursuant to P.L.1963,
35 c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the
36 common law concerning access to government records, and shall
37 not be disclosed by the commission except where: (1) required by
38 section 11 of P.L.1998, c.1 (C.2A:17-56.60); (2) the applicant
39 provides written informed consent to the disclosure; (3) the
40 requesting entity presents a warrant signed by a State or federal
41 judge, a lawful court order, or a subpoena; (4) required by State or
42 federal law, and to the extent that the disclosure may be necessary
43 to permit the State to participate in the National Driver Register
44 program, as set forth in 49 U.S.C. s.30301 et seq.; or (5) the
45 disclosure is in connection with an audit or investigation of identity
46 fraud, driver's license fraud, or non-driver identification card fraud.
47 (cf: P.L.2019, c.271, s.14)

1 6. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to
2 read as follows:

3 8. a. The Director of the Division of Highway Traffic Safety in
4 the Department of Law and Public Safety, after consultation with
5 the Chief Administrator of the New Jersey Motor Vehicle
6 Commission, shall develop curriculum guidelines for use by
7 teachers of approved classroom driver education courses. The
8 course of instruction for approved courses shall be no less than 30
9 hours in length and be designed to develop and instill the
10 knowledge and attitudes necessary for the safe operation and
11 driving of motor vehicles. Defensive driving; highway courtesy;
12 dangers of driving a vehicle in an aggressive manner, which shall
13 include, but not be limited to, unexpectedly altering the speed of a
14 vehicle, making improper or erratic traffic lane changes,
15 disregarding traffic control devices, failing to yield the right of way,
16 and following another vehicle too closely; accident avoidance;
17 understanding and respect for the State's motor vehicle laws;
18 techniques for the safe operation and proper maintenance of a
19 vehicle, which shall include, but not be limited to, safety tips to
20 avoid carbon monoxide poisoning from motor vehicles; insurance
21 fraud; operating a motor vehicle in a manner that safely shares the
22 roadway with pedestrians, cyclists, skaters, riders of motorized-
23 scooters, and other non-motorized vehicles, which shall include, but
24 not be limited to, passing a cyclist on the roadway, recognizing
25 bicycle lanes, navigating intersections with pedestrians and cyclists,
26 and exiting a vehicle without endangering pedestrians and cyclists;
27 and State requirements for and benefits of maintaining automobile
28 insurance shall be emphasized. The incorporation of these
29 curriculum guidelines in these classroom courses and the use of
30 related instructional materials shall be a requirement for approval of
31 the course by the chief administrator.

32 b. The Director of the Division of Highway Traffic Safety, in
33 consultation with the Chief Administrator of the New Jersey Motor
34 Vehicle Commission, shall produce an informational brochure for
35 parents and guardians of beginning drivers under the age of 18
36 years. The commission shall ensure that the parents or guardians of
37 a permit holder receive these brochures at the time a permit is
38 issued to a beginning driver. The brochures shall include, but not be
39 limited to, the following information:

- 40 (1) Setting an example for the beginning driver;
- 41 (2) Accident and fatality statistics about beginning drivers;
- 42 (3) Causes of accidents among beginning drivers;
- 43 (4) The need to supervise vehicle operation by a beginning
44 driver;
- 45 (5) Methods to coach a beginning driver on how to reduce
46 accidents;
- 47 (6) A description of the graduated driver's license program;

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

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

9 (9) The dangers of carbon monoxide poisoning from motor
10 vehicles and techniques for the safe operation and proper
11 maintenance of a vehicle, which shall include, but not be limited to,
12 safety tips to avoid carbon monoxide poisoning from motor
13 vehicles; **[and]**

14 (10) Maintaining an awareness of operating a motor vehicle in a
15 manner that safely shares the roadway with pedestrians, cyclists,
16 skaters, riders of motorized-scooters, and other non-motorized
17 vehicles, which shall include, but not be limited to, passing a cyclist
18 on the roadway, recognizing bicycle lanes, navigating intersections
19 with pedestrians and cyclists, and exiting a vehicle without
20 endangering pedestrians and cyclists; and

21 (11) A sample practice driving log.

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

23
24 7. This act shall take effect on the first day of the 13th month
25 after enactment, but the New Jersey Motor Vehicle Commission
26 may take anticipatory actions necessary to implement the provisions
27 of this act.

30 STATEMENT

31
32 This bill adds new examination permit and special learner's
33 permit requirements.

34 Under the bill, holders of examination permits and special
35 learner's permits under the age of 21 are required to complete at
36 least 50 hours of practice driving, at least 10 hours of which are to
37 be completed during hours of darkness. The parent, guardian, or
38 the supervising driver of a permit holder is to certify that these
39 hours of practice driving were completed. The Chief Administrator
40 of the New Jersey Motor Vehicle Commission (MVC) is to suspend
41 the driving privileges of any permit holder who submits a
42 fraudulent certification.

43 The bill provides that the six-hour, behind-the-wheel automobile
44 driving education course required pursuant to the State's graduated
45 driver licensing law is to be completed through one-on-one
46 instruction. However, the bill provides that a public, parochial, or
47 private school or a licensed driver's school may permit additional
48 students in the course or the parents of the students to be present in

1 the rear seat of the vehicle, provided that the time a student spends
2 in the rear seat of the vehicle is not to be considered behind-the-
3 wheel automobile instruction for the purposes of the course.

4 The bill requires the MVC, in consultation with the Division of
5 Highway Traffic Safety, the State Department of Education, and
6 licensed drivers' schools in this State, to adopt standard, up-to-date
7 guidelines to be implemented by public, private, and parochial
8 schools and licensed drivers' schools offering courses of behind-
9 the-wheel automobile driving education.

10 The bill increases from six months to 12 months the amount of
11 time that a permit holder is required to hold a permit before
12 becoming eligible for a probationary license.

13 The bill also requires a sample practice driving log, in addition to
14 other required information, to be included in informational
15 brochures distributed to parents and guardians of beginning drivers
16 under the age of 18.