

[First Reprint]

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 reported by the Senate Transportation Committee on May 6, 2021, with amendments.



(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]** ¹the 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted May 6, 2021.

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 ¹**[5]**
3 5:00 a.m.; provided, however, that this condition may be waived
4 for an emergency which, in the judgment of local police, is of
5 sufficient severity and magnitude to substantially endanger the
6 health, safety, welfare, or property of a person, or for any bona fide
7 employment or religion-related activity if the employer or
8 appropriate religious authority provides written verification of
9 **[such]** the activity in a manner provided for by the chief
10 administrator. The holder of the examination permit shall not use
11 any hand-held or hands-free interactive wireless communication
12 device, except in an emergency, while operating a moving
13 passenger automobile on a public road or highway. "Use" shall
14 include, but not be limited to, talking or listening on any hand-held
15 or hands-free interactive wireless communication device or
16 operating its keys, buttons, or other controls. The passenger
17 automobile permit holder shall ensure that all occupants of the
18 vehicle are secured in a properly adjusted and fastened seat belt or
19 child restraint system.

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

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

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

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

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

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

1 without the exercise of discretion or a hearing, suspend the
2 examination permit for six months.

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

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

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

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

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

1 Information regarding an applicant's Individual ¹**['Tax]**
2 Taxpayer¹ Identification Number, social security number, or
3 ineligibility to receive a social security number obtained by the
4 commission for the issuance of a standard permit pursuant to this
5 section, shall not be considered a government record pursuant to
6 P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-
7 5 et al.), or the common law concerning access to government
8 records, and shall not be disclosed by the commission except where:
9 (1) required by section 11 of P.L.1998, c.1 (C.2A:17-56.60); (2) the
10 applicant provides written informed consent to the disclosure; (3)
11 the requesting entity presents a warrant signed by a State or federal
12 judge, a lawful court order, or a subpoena; (4) required by State or
13 federal law, and to the extent that the disclosure may be necessary
14 to permit the State to participate in the National Driver Register
15 program, as set forth in 49 U.S.C. s.30301 et seq.; or (5) the
16 disclosure is in connection with an audit or investigation of identity
17 fraud, driver's license fraud, or non-driver identification card fraud.

18 If the chief administrator has reasonable cause to suspect that
19 any document presented by an applicant pursuant to this section is
20 altered, false, or otherwise invalid, the chief administrator shall
21 refuse to grant the permit until ¹**['such time as']** the document
22 ¹**['may be']** is¹ verified by the issuing agency to the chief
23 administrator's satisfaction.

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

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

44 The holder of an examination permit shall be required to take a
45 road test in order to obtain a probationary license. No road test for
46 any person who has been issued an examination permit to operate a
47 passenger vehicle shall be given unless the person has met the
48 requirements of this section. No road test for a probationary license

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

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

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

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

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

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

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

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

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

44 Specific use of the examination permit and any information
45 stored or encoded, electronically or otherwise, in relation thereto
46 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
47 the federal "Driver's Privacy Protection Act of 1994," Pub.L.103-

1 322. Notwithstanding the provisions of any other law to the
2 contrary, the digitized photograph or any access thereto or any use
3 thereof shall not be sold, leased, or exchanged for value.

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

5
6 2. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to
7 read as follows:

8 1. The Chief Administrator of the New Jersey Motor Vehicle
9 Commission may issue to a person over 16 years of age a special
10 learner's permit, under the hand and seal of the chief administrator,
11 allowing **[such]** the person, for the purpose of preparing to qualify
12 for a probationary license for a passenger automobile by operating a
13 dual pedal controlled motor vehicle while taking a required course
14 of one-on-one behind-the-wheel automobile driving education
15 approved by the State Department of Education and conducted in a
16 public, parochial, or private school of this State or a course of one-
17 on-one behind-the-wheel automobile driving instruction conducted
18 by a drivers' school duly licensed pursuant to the provisions of
19 P.L.1951, c.216 (C.39:12-1 et seq.). The special learner's permit
20 shall be issued in lieu of the examination permit provided for in
21 R.S.39:3-13.

22 Nothing in this section shall be interpreted to prohibit a public,
23 parochial, or private school or a driver's school licensed pursuant to
24 the provisions of P.L.1951, c.216 (C.39:12-1 et seq.) from
25 permitting additional students in the one-on-one behind-the-wheel
26 automobile driving instruction course, or the parents of the students,
27 from being present in the rear seat of the vehicle being used to
28 provide behind-the-wheel instruction, provided that the time a
29 student spends in the rear seat of the vehicle shall not be considered
30 behind-the-wheel automobile instruction for the purposes of the
31 course.

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

42 In addition to requiring an applicant for a permit to submit
43 satisfactory proof of identity and age in accordance with the type of
44 license for which the applicant has applied, the chief administrator
45 also shall require the applicant to provide the requisite number of
46 documents providing satisfactory proof that the applicant is a
47 resident of the State. Any documents and personal information,
48 including an applicant's photograph, obtained by the commission

1 from an applicant for a standard permit shall be confidential, shall
2 not be 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 for any purpose related to Title
6 8 of the United States Code without the informed consent of the
7 applicant, a warrant signed by a State or federal judge, or a lawful
8 court order or subpoena; except that nothing in this section shall be
9 construed to prohibit, or in any way restrict, any action where such
10 prohibition or restriction would be contrary to federal law. When
11 responding to a warrant, court order, or subpoena, the commission
12 may disclose only those records or information specifically
13 requested in the warrant, court order, or subpoena.

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

18 Information regarding an applicant's Individual ¹**['Tax]**
19 Taxpayer¹ Identification Number, social security number, or
20 ineligibility to receive a social security number obtained by the
21 commission for the issuance of a standard permit pursuant to this
22 section, shall not be considered a government record pursuant to
23 P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-
24 5 et al.), or the common law concerning access to government
25 records, and shall not be disclosed by the commission except where:
26 (1) required by section 11 of P.L.1998, c.1 (C.2A:17-56.60); (2) the
27 applicant provides written informed consent to the disclosure; (3)
28 the requesting entity presents a warrant signed by a State or federal
29 judge, a lawful court order, or a subpoena; (4) required by State or
30 federal law, and to the extent that the disclosure may be necessary
31 to permit the State to participate in the National Driver Register
32 program, as set forth in 49 U.S.C. s.30301 et seq.; or (5) the
33 disclosure is in connection with an audit or investigation of identity
34 fraud, driver's license fraud, or non-driver identification card fraud.

35 If the chief administrator has reasonable cause to suspect that
36 any document presented by an applicant pursuant to this section is
37 altered, false or otherwise invalid, the chief administrator shall
38 refuse to grant the permit until such time as the document may be
39 verified by the issuing agency to the chief administrator's
40 satisfaction.

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

1 The special learner's permit described above, when issued to a
2 person taking a course of one-on-one behind-the-wheel driving
3 education conducted in a public, parochial, or private school, shall
4 be retained in the office of the school principal at all times except
5 **【during such time as】** when the person to whom the permit is issued
6 is undergoing one-on-one behind-the-wheel automobile driving
7 instruction. The chief administrator may make **【such】** rules and
8 regulations as **【he】** the chief administrator may deem necessary to
9 carry out the provisions of this section.

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

11
12 3. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to
13 read as follows:

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

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

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

1 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
2 N.J.S.2C:12-1; or any other motor vehicle-related law the chief
3 administrator deems significant and applicable pursuant to
4 regulation, the chief administrator, without the exercise of
5 discretion or a hearing, shall also postpone the issuance of a basic
6 license for 90 days. When the chief administrator is notified by a
7 court of competent jurisdiction that a special learner's permit holder
8 has been convicted of any alcohol or drug-related offense unrelated
9 to the operation of a motor vehicle and **【he】** the special learner's
10 permit holder is not otherwise subject to any other suspension
11 penalty therefor, the chief administrator shall, without the exercise
12 of discretion or a hearing, suspend the special learner's permit for
13 six months.

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

15
16 4. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to
17 read as follows:

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

1 driving privileges of any **person** special learner's permit applicant
2 who submits a fraudulent signature for a parent or guardian.
3 (cf: P.L.1998, c.108, s.6)

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

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

28 b. The holder of a probationary license shall be permitted to
29 operate the passenger automobile with only one additional
30 passenger in the vehicle besides any dependent of the probationary
31 license holder, except that this passenger restriction shall not apply
32 when the holder of the probationary license is at least 21 years of
33 age or the probationary license holder is accompanied by a parent or
34 guardian. Further, the holder of the probationary license who is
35 under 21 years of age shall not drive during the hours between
36 11:01 p.m. and **'[5] 5:00'** a.m.; provided however, that this
37 condition may be waived for an emergency which, in the judgment
38 of local police, is of sufficient severity and magnitude to
39 substantially endanger the health, safety, welfare, or property of a
40 person or for any bona fide employment or religion-related activity
41 if the employer or appropriate religious authority provides written
42 verification of such activity in a manner provided for by the chief
43 administrator.

44 c. The holder of the probationary license shall not use any
45 hand-held or hands-free interactive wireless communication device,
46 except in an emergency, while operating a moving passenger
47 automobile on a public road or highway. "Use" shall include, but

1 not be limited to, talking or listening on any hand-held or hands-
2 free interactive wireless communication device or operating its
3 keys, buttons, or other controls. In addition, the holder of the
4 probationary license shall ensure that all occupants of the vehicle
5 are secured in a properly adjusted and fastened seat belt or child
6 restraint system.

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

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

43 f. The chief administrator shall provide the holder of a
44 probationary license with two removable, transferable, highly
45 visible, reflective decals indicating that the driver of the vehicle
46 may be the holder of a probationary license. 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 a probationary license shall not operate a vehicle unless
8 the decals are displayed. The decal shall be removed once the
9 driver's probationary license period has ended.

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

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

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

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

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

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

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

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

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

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

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

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

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

41 Information regarding an applicant's Individual **'[Tax]**
42 Taxpayer¹ Identification Number, social security number, or
43 ineligibility to receive a social security number obtained by the
44 commission for the issuance of a standard probationary license
45 pursuant to this section, shall not be considered a government
46 record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001,
47 c.404 (C.47:1A-5 et al.), or the common law concerning access to
48 government records, and shall not be disclosed by the commission

1 except where: (1) required by section 11 of P.L.1998, c.1 (C.2A:17-
2 56.60); (2) the applicant provides written informed consent to the
3 disclosure; (3) the requesting entity presents a warrant signed by a
4 State or federal judge, a lawful court order, or a subpoena; (4)
5 required by State or federal law, and to the extent that the disclosure
6 may be necessary to permit the State to participate in the National
7 Driver Register program, as set forth in 49 U.S.C. s.30301 et seq.;
8 or (5) the disclosure is in connection with an audit or investigation
9 of identity fraud, driver's license fraud, or non-driver identification
10 card fraud.

11 (cf: P.L.2019, c.271, s.14)

12

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

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

44 b. The Director of the Division of Highway Traffic Safety, in
45 consultation with the Chief Administrator of the New Jersey Motor
46 Vehicle Commission, shall produce an informational brochure for
47 parents and guardians of beginning drivers under the age of 18
48 years. The commission shall ensure that the parents or guardians of

1 a permit holder receive these brochures at the time a permit is
2 issued to a beginning driver. The brochures shall include, but not be
3 limited to, the following information:

- 4 (1) Setting an example for the beginning driver;
 - 5 (2) Accident and fatality statistics about beginning drivers;
 - 6 (3) Causes of accidents among beginning drivers;
 - 7 (4) The need to supervise vehicle operation by a beginning
8 driver;
 - 9 (5) Methods to coach a beginning driver on how to reduce
10 accidents;
 - 11 (6) A description of the graduated driver's license program;
 - 12 (7) Benefits of classroom and behind-the-wheel driver education
13 under the direction of State certified or licensed driving instructors,
14 as the case may be;
 - 15 (8) The dangers of driving a vehicle in an aggressive manner,
16 which shall include, but not be limited to, unexpectedly altering the
17 speed of a vehicle, making improper or erratic traffic lane changes,
18 disregarding traffic control devices, failing to yield the right of way,
19 and following another vehicle too closely;
 - 20 (9) The dangers of carbon monoxide poisoning from motor
21 vehicles and techniques for the safe operation and proper
22 maintenance of a vehicle, which shall include, but not be limited to,
23 safety tips to avoid carbon monoxide poisoning from motor
24 vehicles; **[and]**
 - 25 (10) Maintaining an awareness of operating a motor vehicle in a
26 manner that safely shares the roadway with pedestrians, cyclists,
27 skaters, riders of motorized-scooters, and other non-motorized
28 vehicles, which shall include, but not be limited to, passing a cyclist
29 on the roadway, recognizing bicycle lanes, navigating intersections
30 with pedestrians and cyclists, and exiting a vehicle without
31 endangering pedestrians and cyclists; and
 - 32 (11) A sample practice driving log.
- 33 (cf: P.L.2017, c.374, s.2)
- 34

35 7. This act shall take effect on the first day of the 13th month
36 after enactment, but the New Jersey Motor Vehicle Commission
37 may take anticipatory actions necessary to implement the provisions
38 of this act.