

SENATE, No. 2231

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Requires person taking written examination for permit to watch video of rights and responsibilities of driver stopped by law enforcement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT concerning motor vehicle driver education and testing, and
2 amending R.S.39:3-10.

3

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

6

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

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

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

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 A person shall not sit for an examination for any permit without
2 exhibiting photo identification deemed acceptable by the
3 commission, unless that person is a high school student participating
4 in a course of automobile driving education approved by the State
5 Department of Education and conducted in a public, parochial, or
6 private school of this State, pursuant to section 1 of P.L.1950, c.127
7 (C.39:3-13.1). Prior to taking an examination for a validated permit,
8 a person shall watch a video created by the commission, in
9 conjunction with the Attorney General, explaining the rights and
10 responsibilities of a driver stopped by a law enforcement officer. The
11 commission may waive the written law knowledge examination for
12 any person 18 years of age or older possessing a valid driver's license
13 issued by any other state, the District of Columbia, or the United
14 States Territories of American Samoa, Guam, Northern Mariana
15 Islands, Puerto Rico, or the Virgin Islands. The commission shall be
16 required to provide that person with a booklet that highlights those
17 motor vehicle laws unique to New Jersey. A road test shall be
18 required for a probationary license and serve as a demonstration of
19 the applicant's ability to operate a vehicle of the class designated.
20 During the road test, an applicant may use a rear visibility system,
21 parking sensors, or other technology installed on the motor vehicle
22 that enables the applicant to view areas directly behind the vehicle or
23 alerts the applicant of obstacles while parking.

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

43 A person who successfully completes a road test for a motorcycle
44 license or a motorcycle endorsement when operating a motorcycle or
45 motorized scooter with an engine displacement of less than 231 cubic
46 centimeters shall be issued a motorcycle license or endorsement
47 restricting the person's operation of the vehicles to any motorcycle
48 with an engine displacement of 500 cubic centimeters or less. A

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

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

23 In addition to requiring the person to submit satisfactory proof of
24 identity and age, the commission shall require the person to provide:

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

28 If the person does not have a social security number, the person
29 shall either:

30 (a) provide satisfactory proof of an Individual Taxpayer
31 Identification Number; or

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

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

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

1 The commission shall issue a standard basic driver's license or a
2 REAL ID basic driver's license to operate a motor vehicle other than
3 a motorcycle to a person over 18 years of age who previously has not
4 been licensed to drive a motor vehicle in this State or another
5 jurisdiction only if that person has: (1) operated a passenger
6 automobile in compliance with the requirements of this Title for not
7 less than one year, not including any period of suspension or
8 postponement, from the date of issuance of a probationary license
9 pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been
10 assessed more than two motor vehicle points; (3) not been convicted
11 in the previous year for a violation of R.S.39:4-50, section 2 of
12 P.L.1981, c.512 (C.39:4-50.4a), section 1 of P.L.1992, c.189
13 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-5, section 1 of P.L.2017,
14 c.165 (C.2C:11-5.3), subsection c. of N.J.S.2C:12-1, or any other
15 motor vehicle-related violation the commission determines to be
16 significant and applicable pursuant to regulation; and (4) passed an
17 examination of the applicant's ability to operate a motor vehicle
18 pursuant to this section.

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

28 Up to 20 questions may be added to the examination on subjects
29 to be determined by the commission that are of particular relevance
30 to youthful drivers, including the importance of operating a motor
31 vehicle in a manner that safely shares the roadway with pedestrians,
32 cyclists, skaters, riders of motorized-scooters, and other non-
33 motorized vehicles, which shall include, but not be limited to, passing
34 a cyclist on the roadway, recognizing bicycle lanes, navigating
35 intersections with pedestrians and cyclists, and exiting a vehicle
36 without endangering pedestrians and cyclists, and the dangers of
37 driving a vehicle in an aggressive manner, which shall include, but
38 not be limited to, unexpectedly altering the speed of a vehicle,
39 making improper or erratic traffic lane changes, disregarding traffic
40 control devices, failing to yield the right of way, and following
41 another vehicle too closely, after consultation with the Director of
42 the Division of Highway Traffic Safety in the Department of Law
43 and Public Safety.

44 The commission shall expand the driver's license examination to
45 include a question asking whether the applicant is aware of the
46 provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008,
47 c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's

1 license the intention to make a donation of body organs or tissues
2 pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

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

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

12 Any person applying for a driver's license to operate a motor
13 vehicle or motorized bicycle in this State shall surrender to the
14 commission any current driver's license issued to the applicant by
15 another state or jurisdiction upon the applicant's receipt of a driver's
16 license for this State. The commission shall refuse to issue a driver's
17 license if the applicant fails to comply with this provision. An
18 applicant for a permit or license who is under 18 years of age, and
19 who holds a permit or license for a passenger automobile issued by
20 another state or country that is valid or has expired within a time
21 period designated by the commission, shall be subject to the permit
22 and license requirements and penalties applicable to State permit and
23 license applicants who are of the same age; except that if the other
24 state or country has permit or license standards substantially similar
25 to those of this State, the credentials of the other state or country shall
26 be acceptable.

27 The commission shall create classified licensing of drivers
28 covering the following classifications:

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

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

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

41 d. All motor vehicles not included in classifications a. and b. A
42 license issued pursuant to this classification d. shall be referred to as
43 the "basic driver's license" and may be issued as a standard basic
44 driver's license or a REAL ID basic driver's license.

45 Every applicant for a license under classification b. shall be a
46 holder of a basic driver's license. Any issuance of a license under
47 classification b. shall be by endorsement on the person's basic driver's
48 license.

1 A driver's license for motorcycles may be issued separately, but if
2 issued to the holder of a basic driver's license, it shall be by
3 endorsement on the person's basic driver's license. The holder of a
4 basic driver's license or a separately issued motorcycle license shall
5 be authorized to operate a motorcycle having a motor with a
6 maximum piston displacement that is less than 50 cubic centimeters
7 or a motor that is rated at no more than 1.5 brake horsepower with a
8 maximum speed no more than 35 miles per hour on a flat surface.

9 The commission, upon payment of the lawful fee and after it or a
10 person authorized by it has examined the applicant and is satisfied of
11 the applicant's ability as an operator, may, in its discretion, issue a
12 license to the applicant to drive a motor vehicle. The license shall
13 authorize the person to drive any registered vehicle, of the kind or
14 kinds indicated.

15 The license shall expire, except as otherwise provided, during the
16 fourth calendar year following the date in which the license was
17 issued and on the same calendar day as the person's date of birth. If
18 the person's date of birth does not correspond to a calendar day of the
19 fourth calendar year, the license shall expire on the last day of the
20 person's birth month.

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

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

39 Standard motorcycle license or endorsement: \$18.

40 REAL ID motorcycle license: \$29.

41 Omnibus or school bus endorsement: \$18.

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

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

44 The commission shall waive the payment of fees for issuance of
45 omnibus endorsements whenever an applicant establishes to the
46 commission's satisfaction that the applicant will use the omnibus
47 endorsement exclusively for operating omnibuses owned by a

1 nonprofit organization duly incorporated under Title 15 or 16 of the
2 Revised Statutes or Title 15A of the New Jersey Statutes.

3 The commission shall issue licenses for the following license
4 period on and after the first day of the calendar month immediately
5 preceding the commencement of the period, the licenses to be
6 effective immediately.

7 All applications for renewals of licenses shall be made in a manner
8 prescribed by the commission and in accordance with procedures
9 established by it.

10 The commission in its discretion may refuse to grant a permit or
11 license to drive motor vehicles to a person who is, in its estimation,
12 not a proper person to be granted a permit or license, but a defect of
13 the applicant shall not debar the applicant from receiving a permit or
14 license unless it can be shown by tests approved by the commission
15 that the defect incapacitates the applicant from safely operating a
16 motor vehicle.

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

31 In addition to requiring an applicant for a driver's license to submit
32 satisfactory proof of identity and age, the commission also shall
33 require the applicant to provide:

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

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

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

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

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

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

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

15 A person violating this section shall be subject to a fine not
16 exceeding \$500 or imprisonment in the county jail for not more than
17 60 days, but if that person has never been licensed to drive in this
18 State or any other jurisdiction, the applicant shall be subject to a fine
19 of not less than \$200 and, in addition, the court shall issue an order
20 to the commission requiring the commission to refuse to issue a
21 license to operate a motor vehicle to the person for a period of not
22 less than 180 days. The penalties provided for by this paragraph shall
23 not be applicable in cases where failure to have actual possession of
24 the operator's license is due to an administrative or technical error by
25 the commission.

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

29 Any documents and personal information, including an applicant's
30 photograph, obtained by the commission from an applicant for a
31 standard basic driver's license or standard motorcycle license shall be
32 confidential, shall not be considered a government record pursuant to
33 P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et
34 al.), or the common law concerning access to government records,
35 and shall not be disclosed by the commission for any purpose related
36 to Title 8 of the United States Code without the informed consent of
37 the 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 requested
43 in the warrant, court order, or subpoena.

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

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

19 As used in this section:

20 "Parking sensors" means proximity sensors which use either
21 electromagnetic or ultrasonic technology and are designed to alert the
22 driver to obstacles while parking.

23 "Rear visibility system" means devices or components installed on
24 a motor vehicle at the time of manufacture that allow a forward facing
25 driver to view a visual image of the area directly behind the vehicle.
26 (cf: P.L. 2019, c.271, s.8)

27
28 2. This act shall take effect on the first day of the seventh month
29 after enactment, but the Chief Administrator of the New Jersey Motor
30 Vehicle Commission may take any anticipatory administrative action
31 necessary for the timely implementation of this act.

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STATEMENT

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36 This bill requires a person to watch a video created by the New
37 Jersey Motor Vehicle Commission (MVC), in conjunction with the
38 Attorney General, before the person takes a written examination for
39 a validated permit. Under the bill, the video is to explain the rights
40 and responsibilities of a driver stopped by a law enforcement officer.