

[First Reprint]

SENATE, No. 2231

STATE OF NEW JERSEY
219th LEGISLATURE

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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 reported by the Senate Transportation Committee on August 10, 2020, with amendments.



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

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted August 10, 2020.

1 A person shall not sit for an examination for any permit without
2 exhibiting photo identification deemed acceptable by the commission,
3 unless that person is a high school student participating in a course of
4 automobile driving education approved by the State Department of
5 Education and conducted in a public, parochial, or private school of
6 this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).

7 Prior to taking an examination for ¹[a validated] any¹ permit, a
8 person shall watch a video created by the commission, in conjunction
9 with the Attorney General, explaining the rights and responsibilities of
10 a driver stopped by a law enforcement officer. ¹The video shall be
11 used for informational purposes only and shall not be used in any
12 criminal proceeding involving a driver stopped by a law enforcement
13 officer.¹

14 The commission may waive the written law knowledge
15 examination for any person 18 years of age or older possessing a valid
16 driver's license issued by any other state, the District of Columbia, or
17 the United States Territories of American Samoa, Guam, Northern
18 Mariana Islands, Puerto Rico, or the Virgin Islands. The commission
19 shall be required to provide that person with a booklet that highlights
20 those motor vehicle laws unique to New Jersey. A road test shall be
21 required for a probationary license and serve as a demonstration of the
22 applicant's ability to operate a vehicle of the class designated. During
23 the road test, an applicant may use a rear visibility system, parking
24 sensors, or other technology installed on the motor vehicle that enables
25 the applicant to view areas directly behind the vehicle or alerts the
26 applicant of obstacles while parking.

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

46 A person who successfully completes a road test for a motorcycle
47 license or a motorcycle endorsement when operating a motorcycle or
48 motorized scooter with an engine displacement of less than 231 cubic

1 centimeters shall be issued a motorcycle license or endorsement
2 restricting the person's operation of the vehicles to any motorcycle
3 with an engine displacement of 500 cubic centimeters or less. A
4 person who successfully completes a road test for a motorcycle license
5 or motorcycle endorsement when operating a motorcycle with an
6 engine displacement of 231 or more cubic centimeters shall be issued a
7 motorcycle license or endorsement without any restriction as to engine
8 displacement. Any person who successfully completes an approved
9 motorcycle safety education course established pursuant to the
10 provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued
11 a motorcycle license or endorsement without restriction as to engine
12 displacement.

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

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

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

31 If the person does not have a social security number, the person
32 shall either:

33 (a) provide satisfactory proof of an Individual Taxpayer
34 Identification Number; or

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

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

47 A standard motorcycle license shall indicate that the license shall
48 not be accepted as identification for an official purpose, as that term is

1 defined under the "REAL ID Act of 2005," Pub.L.109-13, any acts
2 amendatory or supplementary thereto, and any federal regulations
3 adopted thereunder.

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

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

29 Up to 20 questions may be added to the examination on subjects to
30 be determined by the commission that are of particular relevance to
31 youthful drivers, including the importance of operating a motor vehicle
32 in a manner that safely shares the roadway with pedestrians, cyclists,
33 skaters, riders of motorized-scooters, and other non-motorized
34 vehicles, which shall include, but not be limited to, passing a cyclist on
35 the roadway, recognizing bicycle lanes, navigating intersections with
36 pedestrians and cyclists, and exiting a vehicle without endangering
37 pedestrians and cyclists, and the dangers of driving a vehicle in an
38 aggressive manner, which shall include, but not be limited to,
39 unexpectedly altering the speed of a vehicle, making improper or
40 erratic traffic lane changes, disregarding traffic control devices, failing
41 to yield the right of way, and following another vehicle too closely,
42 after consultation with the Director of the Division of Highway Traffic
43 Safety in the Department of Law 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 dangers
5 of failing to comply with this State's motor vehicle traffic laws and the
6 "STOP for Nikhil Safety Pledge" set forth in subsection e. of R.S.39:3-
7 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 who
19 holds a permit or license for a passenger automobile issued by another
20 state or country that is valid or has expired within a time period
21 designated by the commission, shall be subject to the permit and
22 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 to
25 those of this State, the credentials of the other state or country shall be
26 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 to
34 R.S.39:1-1 having a motor with a maximum piston displacement that
35 is less than 50 cubic centimeters or a motor that is rated at no more
36 than 1.5 brake horsepower with a maximum speed of no more than 35
37 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 be
5 authorized to operate a motorcycle having a motor with a maximum
6 piston displacement that is less than 50 cubic centimeters or a motor
7 that is rated at no more than 1.5 brake horsepower with a maximum
8 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 issued
17 and on the same calendar day as the person's date of birth. If the
18 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 immigration
29 laws. The commission may renew the person's REAL ID basic driver's
30 license or REAL ID motorcycle license only if it is demonstrated that
31 the person's continued presence in the United States is authorized
32 under federal law. The fee for licenses with expiration dates fixed by
33 the commission shall be fixed by the commission in amounts
34 proportionately less or greater than the fee herein established.

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

38 Standard motorcycle license or endorsement: \$18.

39 REAL ID motorcycle license: \$29.

40 Omnibus or school bus endorsement: \$18.

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

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

43 The commission shall waive the payment of fees for issuance of
44 omnibus endorsements whenever an applicant establishes to the
45 commission's satisfaction that the applicant will use the omnibus
46 endorsement exclusively for operating omnibuses owned by a
47 nonprofit organization duly incorporated under Title 15 or 16 of the
48 Revised Statutes or Title 15A of the New Jersey Statutes.

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

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

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

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

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

31 (1) as a condition for obtaining a permit and standard basic driver's
32 license, proof of the person's social security number and one document
33 providing satisfactory proof that the applicant is a New Jersey resident.
34 If the person does not have a social security number, the person shall
35 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.39:3-10o et
40 al.), that the person is not eligible to receive a social security number;
41 or

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

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

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

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

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

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

27 Any documents and personal information, including an applicant's
28 photograph, obtained by the commission from an applicant for a
29 standard basic driver's license or standard motorcycle license shall be
30 confidential, shall not be considered a government record pursuant to
31 P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.),
32 or the common law concerning access to government records, and
33 shall not be disclosed by the commission for any purpose related to
34 Title 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 requested
41 in the warrant, court order, or subpoena.

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

47 Information regarding an applicant's Individual Tax Identification
48 Number, social security number, or ineligibility to receive a social

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

16 As used in this section:

17 "Parking sensors" means proximity sensors which use either
18 electromagnetic or ultrasonic technology and are designed to alert the
19 driver to obstacles while parking.

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

23 (cf: P.L.2019, c.271, s.8)

24

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