[First Reprint]

SENATE, No. 2903

STATE OF NEW JERSEY

219th LEGISLATURE

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Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

Co-Sponsored by:
Senators Diegnan and Addiego

SYNOPSIS

Exempts Purple Heart recipients from payment of motor vehicle registration, driver's license, and identification card fees.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on October 8, 2020, with amendments.

(Sponsorship Updated As Of: 11/5/2020)

AN ACT concerning motor vehicle registration, licensing, and identification card fees for certain veterans and amending R.S.39:3-10, P.L.1948, c.28, and P.L.1980, c.47.

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

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

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

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

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:
[1]Senate STR committee amendments adopted October 8, 2020.

the three languages, other than English, most commonly spoken in the State.

A person shall not sit for an examination for any permit without exhibiting photo identification deemed acceptable by the commission, unless that person is a high school student participating in a course of automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the written law knowledge examination for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Northern Mariana Islands, Puerto Rico, or the Virgin Islands. The commission shall be required to provide that person with a booklet that highlights those motor vehicle laws unique to New Jersey. A road test shall be required for a probationary license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. During the road test, an applicant may use a rear visibility system, parking sensors, or other technology installed on the motor vehicle that enables the applicant to view areas directly behind the vehicle or alerts the applicant of obstacles while parking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the

provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

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

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

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

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

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

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

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

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

Every applicant for a license under classification b. shall be a holder of a basic driver's license. Any issuance of a license under

classification b. shall be by endorsement on the person's basic driver's license.

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

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

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

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

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

Standard motorcycle license or endorsement: $18.

REAL ID motorcycle license: $29.

Omnibus or school bus endorsement: $18.

Standard basic driver's license: $18.

REAL ID basic driver's license: $29.

The commission shall waive the payment of fees for <u>the</u> issuance of<u>:</u> omnibus endorsements whenever an applicant establishes to the commission's satisfaction that the applicant will use the omnibus

endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes; and licenses for persons who are recipients of the Purple Heart medal, or its successor military honor, for that person's service in the Armed Forced of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As used in this section:

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

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

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

2. Section 4 of P.L.2001, c.391 (C.39:3-10f4) is amended to read as follows:

4. The fee for a digitized photograph shall be $6 for each license, renewal, or duplicate thereof, and shall be in addition to the fee presently authorized for the issuance of a driver's license pursuant to R.S.39:3-10.

[1]<u>The commission shall waive the fee for a digitized photograph for persons who are recipients of the Purple Heart medal, or its successor military honor, for that person’s service in the Armed Forces of the United States.</u>**[1]**

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

[1]**[**2.**]** <u>3.</u>**[1]** Section 1 of P.L.1948, c.28 (C.39:3-27.1) is amended to read as follows:

1. ⟦No⟧ A fee shall not be charged for the registration, in any year or years, of one motor vehicle of passenger type, which is not to be used for hire, owned by any resident of the State of New Jersey, individually or jointly with a spouse⟦;⟧ , who:

(1) ⟦who⟧ is eligible for compensation pursuant to R.S. 38:18-1, R.S.38:18-2, and R.S.38:18-3⟦,⟧ ;

(2) ⟦who⟧ has qualified or shall qualify under the provisions of Public Law 663-79th Congress of the United States of America (August 8, 1946) or of Public Law 187--82nd Congress of the United States of America (October 20, 1951) or who is a veteran of World War I with service-connected disabilities of the kind set forth in ⟦said⟧ those Public Laws, and who is the holder of a current driver's license issued by this State, if such motor vehicle is equipped with such special attachments and devices as the ⟦Director of the Division of Motor Vehicles in the Department of Law and Public Safety⟧ Chief Administrator of the New Jersey Motor Vehicle Commission may deem necessary to provide for the safe operation thereof by such person⟦, or⟧ ;

(3) ⟦who⟧ is the holder of the Congressional Medal of Honor, which registration shall be evidenced by distinctive license plates of a design approved by the ⟦Director of the Division of Motor Vehicles⟧ chief administrator; or

(4) who is a recipient of the Purple Heart medal, or its successor military honor, for that person's service in the Armed Forces of the United States.

(cf: P.L.1979, c.122, s.1)

[1]⟦3.⟧ 4.**[1]** Section 6 of P.L.1980, c.47 (C.39:3-29.7) is amended to read as follows:

6. a. The chief administrator shall charge fees as follows:

Standard Identification Card, Original	$18
Identification Card, Duplicate	$5
Identification Card, Renewal	$18
REAL ID Identification Card	$29
Digitized photograph	$6, in addition to the fees required above

b. The chief administrator ⟦may⟧ shall waive the fees established under subsection a. of this section for:

(1) a person who is homeless who submits proof of temporary residence through a social worker or the coordinator of an emergency shelter for the homeless where the person is temporarily residing.

On or before December 31 of each year, the commission shall report to the Office of Homelessness Prevention in the Department of Community Affairs an accounting of each instance in which the commission provided a fee waiver pursuant to this section.

For the purposes of this section, "person who is homeless" means a person without a domicile who is unable to secure permanent and stable housing as determined by a social worker or the coordinator of an emergency shelter for the homeless established pursuant to P.L.1985, c.48 (C.55:13C-1 et seq.); and

(2) a person who is a recipient of the Purple Heart medal, or its successor military honor, for that person's service in the Armed Forces of the United States.

c. The chief administrator may waive the fee imposed for a duplicate identification card if the applicant, at the time of application: is applying for a REAL ID identification card, as that term is defined in R.S.39:1-1; currently holds a valid identification card issued by the commission; and is not eligible to renew the applicant's current identification card. The chief administrator's authority to waive the duplicate identification card fee under this subsection shall expire on October 1, 2020. In order to receive a REAL ID identification card pursuant to this subsection, the applicant shall first surrender to the commission the applicant's current identification card.

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

[1][4.] 5.[1] This act shall take effect on the first day of the thirteenth month after enactment, but the Chief Administrator of the New Jersey Motor Vehicle Commission may take such administrative action in advance as shall be necessary for the implementation of this act.