

39:3-10

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Illegal aliens--drivers licenses)

NJSA: 39:3-10

LAWS OF: 1993

CHAPTER: 34

BILL NO: A1694

SPONSOR(S) Kavanaugh and Penn

DATE INTRODUCED: August 3, 1992

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by asterisks

DATE OF PASSAGE: **ASSEMBLY:** November 12, 1992

SENATE: December 7, 1992

DATE OF APPROVAL: January 29, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:

"DMV gains legal backing...", 1-30-93 Star Ledger.

KBG:pp

[SECOND REPRINT]
ASSEMBLY, No. 1694

STATE OF NEW JERSEY

INTRODUCED AUGUST 3, 1992

By Assemblymen KAVANAUGH and PENN

1 AN ACT concerning the issuance of driver's licenses and
2 identification cards and amending R.S.39:3-10, R.S.39:3-13,
3 P.L.1950, c.127, P.L.1955, c.53 and P.L.1980, c.47.

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

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

8 39:3-10. No person shall drive a motor vehicle on a public
9 highway in this State unless licensed to do so in accordance with
10 this article. No person under 17 years of age shall be licensed to
11 drive motor vehicles, nor shall a person be licensed until he has
12 passed a satisfactory examination as to his ability as an
13 operator. The examination shall include a test of the applicant's
14 vision, his ability to understand traffic control devices, his
15 knowledge of safe driving practices and of the effects that
16 ingestion of alcohol or drugs has on a person's ability to operate
17 a motor vehicle, his knowledge of such portions of the mechanism
18 of motor vehicles as is necessary to insure the safe operation of a
19 vehicle of the kind or kinds indicated by the applicant and of the
20 laws and ordinary usages of the road and a demonstration of his
21 ability to operate a vehicle of the class designated.

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

31 ¹The director shall expand the driver's license examination to
32 include a question asking whether the applicant is aware of the
33 provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161
34 (C.26:6-57 et seq.) and the procedure for indicating on the
35 driver's license the intention to make a donation of body organs
36 or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).¹

37 Any person applying for a driver's license to operate a motor
38 vehicle or motorized bicycle in this State shall surrender to the
39 director any current driver's license issued to him by another
40 state upon his receipt of a driver's license for this State. The
41 director shall refuse to issue a driver's license if the applicant
42 fails to comply with this provision.

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 Assembly floor amendments adopted October 8, 1992.

² Senate floor amendments adopted November 30, 1992.

1 The director shall create classified licensing of drivers
2 covering the following classifications:

3 a. Motorcycles, except that for the purposes of this section,
4 motorcycle shall not include any three-wheeled motor vehicle
5 equipped with a single cab with glazing enclosing the occupant,
6 seats similar to those of a passenger vehicle or truck, seat belts
7 and automotive steering;

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

10 c. Articulated vehicles means a combination of a commercial
11 motor vehicle registered at a gross weight in excess of 18,000
12 pounds and one or more motor-drawn vehicles joined together by
13 means of a coupling device;

14 d. All motor vehicles not included in classifications a., b. and
15 c. A license issued pursuant to this classification d. shall be
16 referred to as the "basic driver's license."

17 Every applicant for a license under classification b. or c. shall
18 be a holder of a basic driver's license. Any issuance of a license
19 under classification b. or c. shall be by endorsement on the basic
20 driver's license.

21 A driver's license for motorcycles may be issued separately,
22 but if issued to the holder of a basic driver's license, it shall be
23 by endorsement on the basic driver's license.

24 The director, upon payment of the lawful fee and after he or a
25 person authorized by him has examined the applicant and is
26 satisfied of the applicant's ability as an operator, may, in his
27 discretion, license the applicant to drive a motor vehicle. The
28 license shall authorize him to drive any registered vehicle, of the
29 kind or kinds indicated, and shall expire, except as otherwise
30 provided, on the last day of the 48th calendar month following
31 the calendar month in which such license was issued.

32 The director may, at his discretion and for good cause shown,
33 issue licenses which shall expire on a date fixed by him. ²[If the
34 director issues a license to a person who has demonstrated
35 authorization to be present in the United States only for a
36 specified period of time, the director shall fix the expiration date
37 of the license at a date based on the period during which the
38 person is authorized to be present in the United States under
39 federal immigration laws and the director may renew such a
40 license only if it is demonstrated that the person's continued
41 presence in the United States is authorized under federal law.]²

42 The fee for [such] licenses with expiration dates fixed by the
43 director shall be fixed by the director in amounts proportionately
44 less or greater than the fee herein established.

45 The required fee for a license for the 48-month period shall be
46 as follows:

47 Motorcycle license or endorsement \$13.00
48 Omnibus or school bus endorsement \$16.00
49 Articulated vehicle endorsement \$8.00
50 Basic driver's license 16.00

51 The director shall waive the payment of fees for issuance of
52 omnibus endorsements whenever an applicant establishes to the
53 director's satisfaction that said applicant will use the omnibus
54 endorsement exclusively for operating omnibuses owned by a

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

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

7 All applications for renewals of licenses shall be made on forms
8 prescribed by the director and in accordance with procedures
9 established by him.

10 The director in his discretion may refuse to grant a license to
11 drive motor vehicles to a person who is, in his estimation, not a
12 proper person to be granted such a license, but no defect of the
13 applicant shall debar him from receiving a license unless it can be
14 shown by tests approved by the Director of the Division of Motor
15 Vehicles that the defect incapacitates him from safely operating
16 a motor vehicle.

17 In addition to requiring an applicant for a driver's license to
18 submit satisfactory proof of identity and age, the director also
19 shall require the applicant to provide, as a condition for obtaining
20 a license, satisfactory proof that the applicant's presence in the
21 United States is authorized under federal law.

22 A person violating this section shall be subject to a fine not
23 exceeding \$500.00 or imprisonment in the county jail for not
24 more than 60 days, but if that person has never been licensed to
25 drive in this State or any other jurisdiction, he shall be subject to
26 a fine of not less than \$200.00 and, in addition, the court shall
27 issue an order to the Director of the Division of Motor Vehicles
28 requiring the director to refuse to issue a license to operate a
29 motor vehicle to the person for a period of not less than 180
30 days. The penalties provided for by this paragraph shall not be
31 applicable in cases where failure to have actual possession of the
32 operator's license is due to an administrative or technical error
33 by the Division of Motor Vehicles.

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

37 (cf: P.L.1992, c.110, s.1)

38 2. R.S.39:3-13 is amended to read as follows:

39 39:3-13. The director may, in his discretion, issue to a person
40 over 17 years of age an examination permit, under the hand and
41 seal of the director, allowing such person, for the purpose of
42 fitting himself to become a licensed driver, to operate a
43 designated class of motor vehicles for a specified period of not
44 more than 90 days, while in the company and under the
45 supervision of a driver licensed to operate such designated class
46 of motor vehicles. An examination permit issued to a
47 handicapped person, as determined by the Division of Motor
48 Vehicles after consultation with the Department of Education,
49 shall be valid for nine months or until the completion of the road
50 test portion of his license examination, whichever period is
51 shorter. The permit shall be sufficient license for the person to
52 operate such designated class of motor vehicles in this State
53 during the period specified, while in the company of and under
54 the control of a driver licensed by this State to operate such

1 designated class of motor vehicles, or, in the case of a
 2 commercial driver license permit, while in the company of and
 3 under the control of a holder of a valid commercial driver license
 4 for the appropriate license class and with the appropriate
 5 endorsements issued by this or any other state. Such person, as
 6 well as the licensed driver, except for a motor vehicle examiner
 7 administering a driving skills test, shall be held accountable for
 8 all violations of this subtitle committed by such person while in
 9 the presence of the licensed driver. In addition to requiring an
 10 applicant for an examination permit to submit satisfactory proof
 11 of identity and age, the director also shall require the applicant
 12 to provide, as a condition for obtaining the permit, satisfactory
 13 proof that the applicant's presence in the United States is
 14 authorized under federal law.

15 No examination for a driver's license shall be given unless the
 16 applicant has first secured a special learner's permit or
 17 examination permit and no road test shall be scheduled for an
 18 applicant who has secured an examination permit until at least 20
 19 days shall have elapsed following the validation of the
 20 examination permit for practice driving, except that in the case
 21 of an omnibus endorsement or school bus no road test shall be
 22 scheduled until at least 10 days shall have elapsed.

23 Every applicant for an examination permit to qualify for an
 24 omnibus endorsement or an articulated vehicle endorsement shall
 25 be a holder of a valid basic driver's license.

26 The required fees for special learners' permits and
 27 examination permits shall be as follows:

- 28 Basic driver's license \$5.00
- 29 Motorcycle license or endorsement 5.00
- 30 Omnibus or school bus endorsement 25.00
- 31 Articulated vehicle endorsement 15.00

32 The director shall waive the payment of fees for issuance of
 33 examination permits for omnibus endorsements whenever the
 34 applicant establishes to the director's satisfaction that said
 35 applicant will use the omnibus endorsement exclusively for
 36 operating omnibuses owned by a nonprofit organization duly
 37 incorporated under Title 15 or 16 of the Revised Statutes or Title
 38 15A of the New Jersey Statutes.

39 The specified period for which a permit is issued may be
 40 extended for not more than an additional 60 days, without
 41 payment of added fee, upon application made by the holder
 42 thereof, where the holder has applied to take the examination for
 43 a driver's license prior to the expiration of the original period for
 44 which the permit was issued and the director was unable to
 45 schedule an examination during said period.

46 (cf: P.L.1990, c.103, s.28)

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

- 49 1. The Director of the Division of Motor Vehicles may issue to
 50 a person over 16 years of age a special learner's permit, under
 51 the hand and seal of the director, allowing such person, for the
 52 purpose of fitting himself to become a motor vehicle driver, to
 53 operate a dual pedal controlled motor vehicle while enrolled in a
 54 course of behind-the-wheel automobile driving education

1 approved by the State Department of Education and conducted in
2 a public, parochial or private school of this State or while taking
3 a course of behind-the-wheel automobile driving instruction
4 conducted by a drivers' school duly licensed pursuant to the
5 provisions of P.L.1951, c.216 (C.39:12-1 et seq.), which special
6 learner's permit shall be issued in lieu of the examination permit
7 provided for in R.S.39:3-13. In addition to requiring an applicant
8 for a permit to submit satisfactory proof of identity and age, the
9 director also shall require the applicant to provide, as a condition
10 for obtaining the permit, satisfactory proof that the applicant's
11 presence in the United States is authorized under federal law.

12 The special learner's permit described above when issued to a
13 person enrolled in a course of driving education conducted in a
14 public, parochial or private school shall be retained in the office
15 of the school principal at all times except during such time as the
16 person to whom the permit is issued is undergoing
17 behind-the-wheel automobile driving instruction.

18 The director may make such rules and regulations as he may
19 deem necessary to carry out the provisions of this section.

20 (cf: P.L.1977, c.25, s.4)

21 4. Section 1 of P.L.1955, c.53 (C.39:3-17.1) is amended to read
22 as follows:

23 1. Except as provided in section 9 of P.L.1990, c.103
24 (C.39:3-10.17), any person who becomes a resident of this State
25 and who immediately prior thereto was authorized to operate and
26 drive a motor vehicle or motor vehicles in this State as a
27 nonresident pursuant to R.S.39:3-15 and R.S.39:3-17, shall not
28 lose his right to so operate and drive such motor vehicle or motor
29 vehicles by becoming a resident of this State, but such right shall
30 continue to be in full force and effect for 60 days, unless a longer
31 period of reciprocity is otherwise provided by law, after the
32 establishment of his residence in this State in the same manner
33 and to the same extent as though he were a nonresident. The
34 director shall not issue a driver's license to a person who is
35 entitled to operate a motor vehicle in this State under a
36 reciprocity privilege granted by any law.

37 (cf: P.L.1990, c.103, s.29)

38 5. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read
39 as follows:

40 2. The Division of Motor Vehicles shall issue an identification
41 card to any resident of the State who is 17 years of age or older
42 and who is not the holder of a valid learner's permit or a valid
43 driver's license. The identification card shall attest to the true
44 name, correct age, and other identifying data as certified by the
45 applicant for such identification card. Every application for an
46 identification card shall be signed and verified by the applicant
47 and shall be supported by such documentary evidence of the age
48 and identity, or blindness, disability, or handicap, of such person
49 as the division may require. In addition to requiring an applicant
50 for an identification card to submit satisfactory proof of identity
51 and age, the director also shall require the applicant to provide,
52 as a condition for obtaining the card, satisfactory proof that the
53 applicant's presence in the United States is authorized under
54 federal law.

55 (cf: P.L.1990, c.30, s.2)

1 6. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read
2 as follows:

3 4. [Each] ²[a. Except as provided in subsection b. of this
4 section, each] Each² original identification card authorized by
5 section 2 of this act shall, unless canceled earlier, be valid for 48
6 calendar months from its date of issuance, and shall be renewable
7 upon the request of the bearer of the card, pursuant to terms of
8 license renewal established by the Division of Motor Vehicles,
9 and upon payment of a fee as required by section 6 of this act.
10 An identification card issued pursuant to this act to an applicant
11 who is blind, disabled, or handicapped shall be valid for the life of
12 the holder unless canceled by the holder. Cards issued prior to
13 October 16, 1989 and valid upon the effective date of this
14 amendatory act shall be valid for the life of the holder unless
15 canceled by the holder. Cards issued to blind, disabled or
16 handicapped persons between October 16, 1989 and the effective
17 date of this amendatory act, and which are valid on the effective
18 date of this act, shall be made valid for the life of the holder
19 unless canceled by the holder, upon presentation of proof that the
20 blindness, disability, or handicap existed at the time of the
21 original application. The director is authorized to require
22 periodic verification of information included on any identification
23 card issued for or valid for the life of the holder.

24 ²[b. If the director issues an identification card to a person
25 who has demonstrated authorization to be present in the United
26 States only for a specified period of time, the director shall fix
27 the expiration date of the card at a date based on the period
28 during which the person is authorized to be present in the United
29 States under federal immigration laws and the director may
30 renew the card only if it is demonstrated that the person's
31 continued presence in the United States is authorized under
32 federal law.]²

33 (cf: P.L.1990, c.30, s.1)

34 7. This act shall take effect immediately.

35
36
37
38
39 Requires denial of driver's license or identification card to
40 person who cannot demonstrate that presence in United States is
41 authorized under federal law.

1 months from its date of issuance, and shall be renewable upon the
2 request of the bearer of the card, pursuant to terms of license
3 renewal established by the Division of Motor Vehicles, and upon
4 payment of a fee as required by section 6 of this act. An
5 identification card issued pursuant to this act to an applicant who
6 is blind, disabled, or handicapped shall be valid for the life of the
7 holder unless canceled by the holder. Cards issued prior to
8 October 16, 1989 and valid upon the effective date of this
9 amendatory act shall be valid for the life of the holder unless
10 canceled by the holder. Cards issued to blind, disabled or
11 handicapped persons between October 16, 1989 and the effective
12 date of this amendatory act, and which are valid on the effective
13 date of this act, shall be made valid for the life of the holder
14 unless canceled by the holder, upon presentation of proof that the
15 blindness, disability, or handicap existed at the time of the
16 original application. The director is authorized to require
17 periodic verification of information included on any identification
18 card issued for or valid for the life of the holder.

19 b. If the director issues an identification card to a person who
20 has demonstrated authorization to be present in the United States
21 only for a specified period of time, the director shall fix the
22 expiration date of the card at a date based on the period during
23 which the person is authorized to be present in the United States
24 under federal immigration laws and the director may renew the
25 card only if it is demonstrated that the person's continued
26 presence in the United States is authorized under federal law.

27 (cf: P.L.1990, c.30, s.1)

28 7. This act shall take effect immediately.

29

30

31

STATEMENT

32

33 This bill authorizes the Division of Motor Vehicles (DMV) to
34 require proof that an applicant's presence in the United States is
35 authorized by federal immigration laws as a condition for the
36 issuance to the applicant of a driver's license, special learner's
37 permit, examination permit or identification card.

38 The purpose of the bill is to authorize DMV to continue its
39 policy of precluding undocumented aliens from obtaining driver's
40 licenses and to extend that policy to the issuance of
41 identification cards. Driver's licenses and identification cards
42 issued by DMV to persons who do not drive are commonly used as
43 a means of identification and the State has a significant interest
44 in the proper issuance of these documents.

45

46

47

48

49 _____
50 Requires denial of driver's license or identification card to
51 person who cannot demonstrate that presence in United States is
authorized under federal law.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1694

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 1694.

This bill authorizes the Division of Motor Vehicles (DMV) to require proof that an applicant's presence in the United States is authorized by federal immigration laws as a condition for the issuance to the applicant of a driver's license, special learner's permit, examination permit or identification card. In addition to requiring an applicant to submit satisfactory proof of identity and age, the director also shall require the applicant to provide satisfactory proof that the applicant's presence in the United States is authorized under federal law.

The purpose of the bill is to authorize DMV to continue its policy of precluding undocumented aliens from obtaining driver's licenses and to extend that policy to the issuance of identification cards. Driver's licenses and identification cards issued by DMV to persons who do not drive are commonly used as a means of identification and the State has a significant interest in the proper issuance of these documents.

If the director of DMV issues a license to a person who has demonstrated authorization to be present in the United States only for a specified period of time, the director shall fix the expiration date of the license at a date based on the period during which the person is authorized to be present in the United States under federal immigration laws and the director may renew such a license only if it is demonstrated that the person's continued presence in the United States is authorized under federal law.



OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001
Contact:**

**TRENTON, N.J. 08625
Release:**

Jon Shure
Jo Astrid Glading
609-777-2600

Friday,
Jan. 29, 1993

GOVERNOR SIGNS LAW CLARIFYING RULES ON ALIEN DRIVERS

Gov. Jim Florio today signed into law a measure that clarifies the authority of the Division of Motor Vehicles to make a condition of issuing a drivers license the ability of the applicant to prove his or her presence in the United States is authorized.

The law allows DMV to continue its current practice of rejecting applications for drivers licences from undocumented aliens. It extends that policy for the issuance of ID cards that non-drivers seek to prove their age or residence. For a brief period last summer DMV suspended its policy, but it was reinstated at the direction of Attorney General Robert Del Tufo.

A-1694/S-1073 was sponsored by Assemblymen Kavanaugh and Penn and by Senator Kosco. Co-sponsors were Assembly members Albohn, Zecker, Bagger, Martin, Lustbader, Felice, Moran, Conors, and Vandervalk, and Senators Smith, Scott and Connors.

#