

39:3-9a

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:3-9a

(Drivers licenses--clarify certain penalties)

LAWS OF: 1988

CHAPTER: 8

Bill No: S541

Sponsor(s): Rand

Date Introduced: Pre-filed

Committee: Assembly: -----

Senate: Law, Public Safety & Defense

Amended during passage: No

Date of Passage: Assembly: February 29, 1988

Senate: February 2, 1988

Date of Approval: April 4, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

1 AN ACT concerning motor vehicle drivers' licenses and amending
P.L. 1987, c. 20 and R.S. 39:3-10.

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

1. Section 2 of P.L. 1987, c. 20 (C. 39:3-9a) is amended to read
7 as follows:

2. Each driver's license issued pursuant to R.S. 39:3-10 shall
9 have the legal name of the licensee endorsed thereon in his own
handwriting. For purposes of this section, legal name shall mean
11 the name recorded on a birth certificate unless otherwise
changed by marriage, divorce or order of court. The director
13 may require that only the legal name be recorded on the driver's
license. A person who has been issued a driver's license pursuant
15 to R.S. 39:3-10 whose name is changed due to marriage, divorce
or by order of court shall notify the director of the change in
17 name within two weeks after the change is made.

A person who fails to notify the Director of the Division of
19 Motor Vehicles of a change in name as required in [R.S. 39:3-10]
this section shall be subject to a fine of \$10.00. A person who
21 fails to endorse a driver's license in his own handwriting as
required in [R.S. 39:3-10] this section shall be subject to a fine of
23 \$20.00. A person who is fined under this section for a violation of
this section shall not be subject to a surcharge under the New
25 Jersey Merit Rating Plan as provided in section 6 of P.L. 1983, c.
65 (C. 17:29A-35).

27 (cf: P.L. 1987, c. 20, s. 2)

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

29 39:3-10. No person shall drive a motor vehicle on a public
highway in this State unless licensed to do so in accordance with
31 this article. No person under 17 years of age shall be licensed to
drive motor vehicles, nor shall a person be licensed until he has
33 passed a satisfactory examination as to his ability as an

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 operator. The examination shall include a test of the applicant's
vision, his ability to understand traffic control devices, his
3 knowledge of safe driving practices and of the effects that
ingestion of alcohol or drugs has on a person's ability to operate
5 a motor vehicle, his knowledge of such portions of the mechanism
of motor vehicles as is necessary to insure the safe operation of a
7 vehicle of the kind or kinds indicated by the applicant and of the
laws and ordinary usages of the road and a demonstration of his
9 ability to operate a vehicle of the class designated.

The director shall expand the driver's license examination by
11 20%. The additional questions to be added shall consist solely of
questions developed in conjunction with the State Department of
13 Health concerning the use of alcohol or drugs as related to
highway safety. The director shall develop in conjunction with the
15 State Department of Health supplements to the driver's manual
which shall include information necessary to answer any question
17 on the driver's license examination concerning alcohol or drugs
as related to highway safety.

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

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

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

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

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

d. All motor vehicles not included in classifications a., b. and
39 c. A license issued pursuant to this classification d. shall be

1 referred to as the "basic driver's license."

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

7 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 basic driver's license.

9 The director, upon payment of the lawful fee and after he or a
 person authorized by him has examined the applicant and is
 11 satisfied of the applicant's ability as an operator, may, in his
 discretion, license the applicant to drive a motor vehicle. The
 13 license shall authorize him to drive any registered vehicle, of the
 kind or kinds indicated, and shall expire, except as otherwise
 15 provided, on the last day of the forty-eighth calendar month
 following the calendar month in which such license was issued.

17 The director may, at his discretion and for good cause shown,
 issue licenses which shall expire on a date fixed by him. The fee
 19 for such licenses shall be fixed by the director in amounts
 proportionately less or greater than the fee herein established.

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

23	Motorcycle license or endorsement	\$8.00
	Omnibus or school bus endorsement	\$16.00
25	Articulated vehicle endorsement	\$8.00
	Basic driver's license	\$16.00

27 The director shall waive the payment of fees for issuance of
 omnibus endorsements whenever an applicant establishes to the
 29 director's satisfaction that said applicant will use the omnibus
 endorsement exclusively for operating omnibuses owned by a
 31 nonprofit organization duly incorporated under Title 15 or 16 of
 the Revised Statutes or Title 15A of the New Jersey Statutes.

33 [The driver's license shall have the legal name of the licensee
 endorsed thereon in his own handwriting. For purposes of this
 35 section, legal name shall mean the name recorded on a birth
 certificate unless otherwise changed by marriage, divorce or
 37 order of court. The director may require that only the legal
 name be recorded on the driver's license. A licensee whose name
 39 is changed due to marriage, divorce, or by judgment of the court

1 shall notify the director of the change in name within two weeks
after the change is made.]

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

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

11 The director in his discretion may refuse to grant a license to
drive motor vehicles to a person who is, in his estimation, not a
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
shown by tests approved by the Director of the Division of Motor
15 Vehicles that the defect incapacitates him from safely operating
a motor vehicle.

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

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

(cf. P.L. 1987, c. 20, s. 1)

33 3. This act shall take effect immediately.

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MOTOR VEHICLES

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Motor Vehicle - License and Registration

39 Clarifies certain driver's license penalties.

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STATEMENT

3 This bill makes clear that a licensee's failure to sign his
5 driver's license or failure to notify the Division of Motor
7 Vehicles of a change in his name within two weeks after the
9 change is made are subject only to the penalties provided in P.L.
1987, c. 20 (C. 39:3-9a) and are not subject to surcharges under
the New Jersey Merit Rating Plan, P.L. 1983, c. 65 (C.
17:29A-35).

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MOTOR VEHICLES

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Motor Vehicle - License and Registration

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Clarifies certain driver's license penalties.

S.S. 1

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 541

STATE OF NEW JERSEY

DATED: JANUARY 28, 1988

Senate Bill 541 clarifies that the failure of a holder of a driver's license to sign the license or to notify the Division of Motor Vehicles of a name change will be classified as an offense under P.L. 1987, c. 20 (C. 39:3-9a) and not as an offense under R.S. 39:3-10. Existing language in R.S. 39:3-10 concerning the failure to sign a driver's license or to notify the division of a name change is deleted.

This bill will resolve an existing problem brought on by the fact that the failure to sign a driver's license or to notify the division of a name change is classified as a violation of 39:3-10 even though the penalty for that violation is imposed under 39:3-9a. In general, a violation classified as 39:3-10 results in a surcharge under the New Jersey Merit Rating Plan, P.L. 1983, c. 65 (C. 17:29A-35); however, 39:3-9a specifically states that the failure to sign a driver's license or to notify the division of a name change will not result in the imposition of a surcharge under the New Jersey Merit Rating Plan against the violator.

This awkward statutory construction creates confusion for the record keepers at the courts and the Division of Motor Vehicles and this confusion may result in the mistaken imposition of a surcharge against a person who fails to sign a driver's license or notify the division of a name change even though such an imposition is specifically prohibited.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.