

27:5F-36

LEGISLATIVE HISTORY CHECKLIST  
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(Mototcycle safety education)

NJSA: 27:5F-36

LAWS OF: 1991 CHAPTER: 452

BILL NO: S2950

SPONSOR(S): Cowan

DATE INTRODUCED: October 4, 1990

COMMITTEE: ASSEMBLY: Appropriations  
SENATE: Law, Public Safety; Revenue,  
Finance & Appropriations

AMENDED DURING PASSAGE: No Senate committee substitute enacted

DATE OF PASSAGE: ASSEMBLY: January 13, 1992  
SENATE: December 12, 1991

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes 1-31-91 & 12-5-91

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 2950

STATE OF NEW JERSEY

ADOPTED DECEMBER 5, 1991

Sponsored by Senator COWAN

1 AN ACT concerning motorcycle safety education, supplementing  
2 P.L.1987, c.284 (C.27:5F-18 et seq.) and amending R.S.39:3-10  
3 and P.L.1951, c.216.

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

7 1. (New section) a. The Director of the Office of Highway  
8 Traffic Safety in the Department of Law and Public Safety, after  
9 consultation with the motorcycle safety education advisory  
10 committee established under section 3 of P.L. , c. (C. )  
11 (now pending before the Legislature as this bill), shall establish a  
12 motorcycle safety education program. The program shall consist  
13 of a course of instruction and training designed to develop and  
14 instill the knowledge, attitudes, habits, and skills necessary for  
15 the safe operation and riding of a motorcycle and shall meet or  
16 exceed the standards and requirements of the rider's course  
17 developed by the Motorcycle Safety Foundation.

18 b. The motorcycle safety education course shall be open to any  
19 applicant for a New Jersey motorcycle license or endorsement  
20 and to any person who has been issued a New Jersey motorcycle  
21 license or endorsement. The course shall be scheduled for such  
22 times and places as the director shall determine are appropriate  
23 to enable interested applicants for and persons with motorcycle  
24 licenses and endorsements to participate.

25 c. The director may assign employees of the Office of  
26 Highway Traffic Safety to serve as instructors for the course, or  
27 may contract with such other persons who are certified as  
28 motorcycle safety education instructors pursuant to section 2 of  
29 P.L. , c. (C. ) (now pending before the Legislature as this  
30 bill) to serve as instructors for the course. A person with a  
31 motorcycle safety education instructor endorsement to an  
32 instructor's license issued pursuant to section 5 of P.L.1951,  
33 c.216 (C.39:12-5) may also be selected by the director to serve as  
34 an instructor for the course.

35 d. If the moneys deposited in the Motorcycle Safety Education  
36 Fund established pursuant to section 4 of P.L. , c. (C. )  
37 (now pending before the Legislature as this bill), are not  
38 sufficient to cover the costs of the program, the director may  
39 impose a registration fee to be paid by the participants in the  
40 course.

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 e. The motorcycle safety education course may also be  
2 provided by public and private educational institutions which are  
3 approved by the director to offer the course or by drivers'  
4 schools licensed pursuant to P.L.1951, c.216 (C.39:12-1 et seq.).

5 2. (New section) To qualify for certification as an instructor  
6 of the motorcycle safety education course established pursuant to  
7 section 1 of P.L. , c. (C. ) (now pending before the  
8 Legislature as this bill), a person shall:

9 a. be the holder of a motorcycle operator's license or  
10 endorsement issued by any state;

11 b. have at least two years of motorcycle riding experience;

12 c. have no record of a suspension or revocation of his driver's  
13 license or motorcycle license or endorsement during the past two  
14 years;

15 d. have no convictions for violating the provisions of  
16 R.S.39:4-50 during the past five years;

17 e. have accumulated no more than four points assessed against  
18 his driver's license or motorcycle license or endorsement by the  
19 director for motor vehicle offenses during the past two years;

20 f. be the holder of a current Motorcycle Safety Foundation  
21 certification as a motorcycle instructor; and

22 g. meet such other requirements as the Director of the Office  
23 of Highway Traffic Safety may deem appropriate and necessary.

24 Any person who meets the requirements set forth in this  
25 section may apply to the Director of the Office of Highway  
26 Traffic Safety to be certified as a motorcycle safety education  
27 instructor. The application shall be in writing and contain such  
28 information as the director shall require. No certification fee  
29 shall be charged by the director. A certification so issued shall  
30 be valid during such period as the instructor meets the  
31 requirements of subsections a. through g. of this section.

32 A person who holds a valid instructor's license issued pursuant  
33 to section 5 of P.L.1951, c.216 (C.39:12-5) may apply to the  
34 Director of the Division of Motor Vehicles for a motorcycle  
35 safety education instructor endorsement as provided for in  
36 section 5 of P.L.1951, c.216 (C.39:12-6).

37 3. (New section) There is established a motorcycle safety  
38 education advisory committee. The committee shall consist of  
39 nine members and shall include the Director of the Office of  
40 Highway Traffic Safety in the Department of Law and Public  
41 Safety, a representative designated by the New Jersey State  
42 Association of Chiefs of Police, a representative designated by  
43 the Driving School Association of New Jersey, a representative  
44 designated by the New Jersey Police Traffic Officers  
45 Association, and the Director of the Division of Motor Vehicles.  
46 The remaining four members, to be appointed by the Governor,  
47 shall include a motorcycle dealer, a motorcycle safety education  
48 instructor certified under section 2 of P.L. , c. (C. )  
49 (now pending before the Legislature as this bill), and two

1 representatives of American Bikers Aim To Educate.

2 The committee shall assist the Director of the Office of  
3 Highway Traffic Safety in developing the motorcycle safety  
4 education program in accordance with the provisions of section 1  
5 of P.L. , c. (C. ) (now pending before the Legislature as  
6 this bill) and in reviewing proposed changes in that program.

7 4. (New section) There is established a Motorcycle Safety  
8 Education Fund in the Office of Highway Traffic Safety. Such  
9 registration fees as may be imposed at the discretion of the  
10 Director of the Office of Highway Traffic Safety upon  
11 participants in a motorcycle safety education course, \$5.00 of the  
12 fee collected by the Director of the Division of Motor Vehicles  
13 for each motorcycle license or endorsement issued under the  
14 provisions of R.S.39:3-10, and any other moneys which may  
15 become available for motorcycle safety education shall be  
16 deposited in the fund. The moneys in the fund shall be used  
17 exclusively by the Office of Highway Traffic Safety to defray the  
18 costs of the motorcycle safety education program established  
19 pursuant to section 1 of P.L. , c. (C. ) (now pending  
20 before the Legislature as this bill). In addition, moneys in the  
21 fund may be used to provide for a full or part-time motorcycle  
22 safety education program coordinator.

23 5. (New section) The Director of the Office of Highway  
24 Traffic Safety, pursuant to the provisions of the "Administrative  
25 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall  
26 promulgate rules and regulations to effectuate the purposes of  
27 this act, including, but not limited to, the minimum level of  
28 knowledge, skill and ability required for the successful  
29 completion of the motorcycle safety education program  
30 established pursuant to section 1 of P.L. , c. (C. ) (now  
31 pending before the Legislature as this bill).

32 6. (New section) The Director of the Division of Motor  
33 Vehicles may waive the road test portion of the examinations  
34 required for a motorcycle license or endorsement under  
35 R.S.39:3-10 for the holder of an examination permit who has  
36 successfully completed a motorcycle safety education course  
37 established under the provisions of section 1 of P.L. , c.  
38 (C. )(now pending before the Legislature as this bill).

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

40 39:3-10. No person shall drive a motor vehicle on a public  
41 highway in this State unless licensed to do so in accordance with  
42 this article. No person under 17 years of age shall be licensed to  
43 drive motor vehicles, nor shall a person be licensed until he has  
44 passed a satisfactory examination as to his ability as an  
45 operator. The examination shall include a test of the applicant's  
46 vision, his ability to understand traffic control devices, his  
47 knowledge of safe driving practices and of the effects that  
48 ingestion of alcohol or drugs has on a person's ability to operate  
49 a motor vehicle, his knowledge of such portions of the mechanism

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1 of motor vehicles as is necessary to insure the safe operation of a  
2 vehicle of the kind or kinds indicated by the applicant and of the  
3 laws and ordinary usages of the road and a demonstration of his  
4 ability to operate a vehicle of the class designated.

5 The director shall expand the driver's license examination by  
6 20%. The additional questions to be added shall consist solely of  
7 questions developed in conjunction with the State Department of  
8 Health concerning the use of alcohol or drugs as related to  
9 highway safety. The director shall develop in conjunction with the  
10 State Department of Health supplements to the driver's manual  
11 which shall include information necessary to answer any question  
12 on the driver's license examination concerning alcohol or drugs  
13 as related to highway safety.

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

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

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

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

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

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

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

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

43 The director, upon payment of the lawful fee and after he or a  
44 person authorized by him has examined the applicant and is  
45 satisfied of the applicant's ability as an operator, may, in his  
46 discretion, license the applicant to drive a motor vehicle. The  
47 license shall authorize him to drive any registered vehicle, of the  
48 kind or kinds indicated, and shall expire, except as otherwise  
49 provided, on the last day of the 48th calendar month following

1 the calendar month in which such license was issued.

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

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

8 Motorcycle license or endorsement	[\$8.00] <u>\$13.00</u>
9 Omnibus or school bus endorsement	\$16.00
10 Articulated vehicle endorsement	\$8.00
11 Basic driver's license	16.00

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

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

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

25 The director in his discretion may refuse to grant a license to  
26 drive motor vehicles to a person who is, in his estimation, not a  
27 proper person to be granted such a license, but no defect of the  
28 applicant shall debar him from receiving a license unless it can be  
29 shown by tests approved by the Director of the Division of Motor  
30 Vehicles that the defect incapacitates him from safely operating  
31 a motor vehicle.

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

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

47 (cf: P.L.1988, c.8, s.2)

48 8. Section 5 of P.L.1951, c.216 (C.39:12-5) is amended to read  
49 as follows:

1       5. No person shall be employed by any such licensee to give  
2 instruction in driving a motor vehicle [or motorcycle,] unless he  
3 shall be licensed to act as such instructor by the director. No  
4 person shall be employed by such licensee to instruct a  
5 motorcycle safety education course as established pursuant to  
6 section 1 of P.L.    c.   (C.    )(now pending before the  
7 Legislature as this bill) unless he has received from the director a  
8 motorcycle safety education instructor endorsement to his  
9 instructor's license. The director shall issue a motorcycle safety  
10 education instructor endorsement to an instructor's license if the  
11 person meets the requirements set forth in section 2 of P.L. ....,  
12 c. ... (C. ....)(now pending before the Legislature as this bill).

13       Application [therefor] for an instructor's license or for a  
14 motorcycle safety education instructor endorsement to an  
15 instructor's license shall be in writing and shall contain such  
16 information as the director shall require.

17       The initial fee for an instructor's license shall be \$75.00 and a  
18 fee for an annual renewal thereof shall be \$30.00. No additional  
19 fee shall be charged by the director for a motorcycle safety  
20 education instructor endorsement. The license so issued shall be  
21 valid for the calendar year within which it is issued, and renewals  
22 shall be for succeeding calendar years.

23 (cf: P.L.1975, c.180, s.22)

24       9. Section 6 of P.L.1951, c.216 (C.39:12-6) is amended to read  
25 as follows:

26       6. The director may deny the application of any person for an  
27 instructor's license or for a motorcycle safety education  
28 instructor endorsement to an instructor's license if, in his  
29 discretion, he determines that:

30       a. [Such] the applicant has made a material false statement or  
31 concealed material fact in connection with his application  
32 therefor; [or]

33       b. [Such] the applicant has failed to furnish satisfactory  
34 evidence of the facts required of him in section five of this act[.];  
35 or

36       c. [Such] the applicant for an instructor's license is not of  
37 good moral character; that he has not held a license to drive a  
38 motor vehicle within the State for the past three consecutive  
39 years; that he has not had a driving record satisfactory to the  
40 director; that he has been convicted of crime; that he is  
41 disqualified for a motorcycle safety education instructor  
42 endorsement for any reason set forth in section 2 of P.L. ...., c.  
43 ... (C. ....)(now pending before the Legislature as this bill).

44 (cf: P.L.1952, c.296, s.2)

45       10. Section 8 of P.L.1951, c.216 (C. 39:12-8) is amended to  
46 read as follows:

47       8. The director or any employee of the Division of Motor  
48 Vehicles deputized by him may suspend or revoke any  
49 instructor's license issued under the provisions of this act or

1 refuse to issue renewal thereof if:

2 a. The licensee has made a material false statement or  
3 concealed a material fact in connection with his application for  
4 the license or any renewal thereof;

5 b. The licensee has been convicted of a crime;

6 c. The licensee has failed to comply with any of the provisions  
7 of this act or any of the rules and regulations of the director  
8 establishing instructional standards of procedure; or

9 d. The licensee has been guilty of fraud or fraudulent practices  
10 in relation to securing for himself or another a license to drive a  
11 motor vehicle or motorcycle.

12 The director or any employee of the Division of Motor Vehicles  
13 deputized by him may suspend or revoke a motorcycle safety  
14 education instructor endorsement to an instructor's license  
15 issued under section 5 of P.L.1951, c.216 (C.39:12-5) or refuse to  
16 issue renewal thereof if:

17 a. The licensee has made a material false statement or  
18 concealed a material fact in connection with his application for  
19 the endorsement or renewal thereof;

20 b. The licensee is disqualified under one of the provisions of  
21 section 2 of P.L. , c. (C. )(now pending before the  
22 Legislature as this bill); or

23 c. The licensee has failed to comply with any of the provisions  
24 of this act or any of the rules and regulations of the director  
25 establishing instructional standards of procedure.

26 (cf: P.L.1951, c.216, s.8)

27 11. Section 9 of P.L.1951, c.216 (C.39:12-9) is amended to  
28 read as follows:

29 9. Notwithstanding the renewal of a license, the director may  
30 revoke or suspend such license or endorsement for causes and  
31 violations, as prescribed by this act, occurring during any prior  
32 license period.

33 (cf: P.L.1951, c.216, s.9)

34 12. Section 10 of P.L.1951, c.216 (C.39:12-10) is amended to  
35 read as follows:

36 10. Every applicant or licensee shall be entitled to a hearing,  
37 before his application for a license, an endorsement or a renewal  
38 thereof is refused or his license or endorsement is revoked, and  
39 shall be given due notice thereof. The sending of a notice of a  
40 hearing by registered mail to the last known address of a licensee  
41 or applicant ten days prior to the date of the hearing shall be  
42 deemed due notice. The director, or the person deputized by him  
43 to conduct a hearing, shall have power to subpoena witnesses,  
44 administer oaths to witnesses and take testimony of any person or  
45 cause his deposition to be taken. A subpoena issued under the  
46 authority of this section shall be served in the same manner as a  
47 subpoena issued out of the Superior Court. Witnesses subpoenaed  
48 hereunder shall be entitled to the same fees and mileage as are  
49 allowed in civil actions in courts of record.

50 (cf: P.L.1951, c.216, s.10)



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1       13. This act shall take effect on the first day of the sixth  
2 month following enactment.

3

4

MOTOR VEHICLES

5

6

7 Establishes motorcycle safety education course.

SENATE, No. 2950

STATE OF NEW JERSEY

INTRODUCED OCTOBER 4, 1990

By Senator COWAN

1 AN ACT concerning motorcycle safety education, supplementing  
2 chapter 3 of Title 39 of the Revised Statutes and amending  
3 R.S.39:3-10 and P.L.1951, c.216.

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

7 1. (New section) As used in this act:

8 "Certified motorcycle safety education instructor" or  
9 "certified instructor" means a person certified by the Division of  
10 Motor Vehicles in the Department of Law and Public Safety to  
11 give instruction in the safe operation of a motorcycle.

12 "Director" means the Director of the Division of Motor  
13 Vehicles in the Department of Law and Public Safety.

14 "Division" means the Division of Motor Vehicles in the  
15 Department of Law and Public Safety.

16 "Motorcycle safety education fund" or "fund" means the fund  
17 established under the provisions of section 5 of P.L..... c....  
18 (C.....) (now pending before the Legislature as this bill).

19 "Motorcycle safety education program" or "program" means a  
20 course of instruction, given under the direction of a certified  
21 instructor, in motorcycle rider safety. The curriculum for the  
22 program shall be modeled upon the Motorcycle Safety  
23 Foundation's rider course.

24 2. (New section) The director, after consultation with the  
25 motorcycle safety education advisory committee established  
26 under the provisions of section 4 of P.L..... c.... (C.....) (now  
27 pending before the Legislature as this bill), shall establish a  
28 motorcycle safety education program. The program, which shall  
29 consist of a uniform course of instruction and training designed to  
30 develop and instill the knowledge, attitudes, habits, and skills  
31 necessary for the safe operation and riding of a motorcycle and  
32 which shall be modeled upon the Motorcycle Safety Foundation's  
33 rider course, shall be open to any applicant for a New Jersey  
34 motorcycle license or endorsement and to any person who has  
35 been issued a New Jersey motorcycle license or endorsement.

36 The program shall be scheduled for such times and such places  
37 as the director shall determine are appropriate to enable  
38 interested applicants and persons issued motorcycle licenses and  
39 endorsements to participate. The program may also be provided  
40 by drivers' schools licensed by the director pursuant to the

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 provisions of P.L.1951, c.216 (C.39:12-1 et seq.) and public and  
2 private educational institutions, provided that those schools and  
3 educational institutions meet all the requirements otherwise set  
4 forth in P.L..... c.... (C.....) (now pending before the  
5 Legislature as this bill) and are approved by the director.

6 In the event the moneys deposited in the Motorcycle Safety  
7 Education Fund, established pursuant to section 4 of P.L..... c....  
8 (C.....) (now pending before the Legislature as this bill) are  
9 insufficient to cover the actual costs of the program, the director  
10 is authorized to impose a registration fee to be paid by the  
11 participants in the program.

12 The director may assign division employees who meet the  
13 qualifications set forth in section 3 of P.L..... c.... (C.....) (now  
14 pending before the Legislature as this bill) as instructors for the  
15 program or may contract with persons who, pursuant to section 3  
16 of P.L..... c.... (C.....) (now pending before the Legislature as  
17 this bill), are licensed as certified motorcycle safety education  
18 instructors for that purpose.

19 3. (New section) To qualify as a program instructor, a person  
20 shall:

- 21 a. be the holder of a high school diploma or its equivalent;
- 22 b. be the holder of a New Jersey driver's license and a New  
23 Jersey motorcycle license or endorsement;
- 24 c. have at least two years of motorcycle riding experience;
- 25 d. have no record of a suspension or revocation of his driver's  
26 license or motorcycle license or endorsement in the immediate  
27 preceding two years;
- 28 e. have no convictions for violating the provisions of  
29 R.S.39:4-50 in the immediate preceding five years;
- 30 f. have accumulated no more than four points assessed against  
31 his driver's license or motorcycle license or endorsement by the  
32 director for motor vehicle offenses in the immediate preceding  
33 two years;
- 34 g. be the holder of a current Motorcycle Safety Foundation  
35 certification as a motorcycle instructor; and
- 36 h. meet such other requirements as the director may deem  
37 appropriate and necessary.

38 Any person who meets the requirements set forth in this  
39 section may apply to the director to be licensed as a certified  
40 motorcycle safety education instructor. The application shall be  
41 in writing and shall contain such information as the director may  
42 require. The fee for licensing as a certified motorcycle safety  
43 education instructor shall be \$25.00. A license issued under the  
44 provisions of this section shall be valid for the calender year  
45 within which it is issued and may be renewed upon application to  
46 the director.

47 In the case of persons engaged in the business of conducting a  
48 drivers' school or employed by a person engaged in the business

1 of conducting a drivers' school pursuant to P.L.1951, c.216  
2 (C.39:12-1 et seq.), the licensing fee required under this section  
3 shall be in addition to the fee required for drivers' school  
4 instructors under the provisions of section 5 of P.L.1951, c.216  
5 (C.39:12-5).

6 4. (New section) There is established a motorcycle safety  
7 education advisory committee. The committee shall consist of  
8 seven members and shall include the Director of the Office of  
9 Highway Safety in the Department of Law and Public Safety, a  
10 representative of the New Jersey State Association of Chiefs of  
11 Police, a representative of the New Jersey Police Traffic  
12 Officers Association, and four representatives of American  
13 Bikers Aim to Educate.

14 The committee shall assist the director in developing the  
15 motorcycle safety education program required under the  
16 provisions of section 2 of P.L..... c.... (C.....) (now pending  
17 before the Legislature as this bill) and in reviewing and proposed  
18 changes in that program.

19 5. (New section) There is established a Motorcycle Safety  
20 Education Fund. The moneys collected by the director for  
21 licensing persons as certified motorcycle safety education  
22 instructors pursuant to section 3 of P.L..... c.... (C.....) (now  
23 pending before the Legislature as this bill), \$5.00 of the fee  
24 collected by the director for each motorcycle license or  
25 endorsement issued under the provisions of R.S.39:3-10, and any  
26 other moneys which might become available for motorcycle  
27 safety education shall be deposited in the fund. The moneys in  
28 the fund shall be used exclusively by the division to defray the  
29 costs of the motorcycle safety education program established  
30 pursuant to the provisions of this act.

31 6. (New section) The director shall waive the road test portion  
32 of the examinations required for a motorcycle license or  
33 endorsement under R.S.39:3-10 for the holder of an examination  
34 permit who has successfully completed a motorcycle safety  
35 education program established under the provisions of this act.

36 7. (New section) The director, pursuant to the provisions of  
37 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
38 et seq.), shall promulgate rules and regulations to effectuate the  
39 purposes of this act, including but not limited to, the minimum  
40 level of knowledge, skill and ability required for the successful  
41 completion of the motorcycle safety education program.

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

43 39:3-10. No person shall drive a motor vehicle on a public  
44 highway in this State unless licensed to do so in accordance with  
45 this article. No person under 17 years of age shall be licensed to  
46 drive motor vehicles, nor shall a person be licensed until he has  
47 passed a satisfactory examination as to his ability as an  
48 operator. The examination shall include a test of the applicant's

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

9 The director shall expand the driver's license examination by  
10 20%. The additional questions to be added shall consist solely of  
11 questions developed in conjunction with the State Department of  
12 Health concerning the use of alcohol or drugs as related to  
13 highway safety. The director shall develop in conjunction with the  
14 State Department of Health supplements to the driver's manual  
15 which shall include information necessary to answer any question  
16 on the driver's license examination concerning alcohol or drugs  
17 as related to highway safety.

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

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

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

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

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

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

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

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

47 The director, upon payment of the lawful fee and after he or a  
48 person authorized by him has examined the applicant and is

1 satisfied of the applicant's ability as an operator, may, in his  
 2 discretion, license the applicant to drive a motor vehicle. The  
 3 license shall authorize him to drive any registered vehicle, of the  
 4 kind or kinds indicated, and shall expire, except as otherwise  
 5 provided, on the last day of the 48th calendar month following  
 6 the calendar month in which such license was issued.

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

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

13	Motorcycle license or endorsement	<del>[\$8.00]</del> <u>\$13.00</u>
14	Omnibus or school bus endorsement	\$16.00
15	Articulated vehicle endorsement	\$8.00
16	Basic driver's license	16.00

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

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

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

30 The director in his discretion may refuse to grant a license to  
 31 drive motor vehicles to a person who is, in his estimation, not a  
 32 proper person to be granted such a license, but no defect of the  
 33 applicant shall debar him from receiving a license unless it can be  
 34 shown by tests approved by the Director of the Division of Motor  
 35 Vehicles that the defect incapacitates him from safely operating  
 36 a motor vehicle.

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

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

4 (cf: P.L.1988, c.8, s.2)

5 9. Section 5 of P.L.1951, c.216 (C.39:12-5) is amended to read  
6 as follows:

7 5. No person shall be employed by any such licensee to give  
8 instruction in driving a motor vehicle [or motorcycle,] unless he  
9 shall be licensed to act as such by the director. No person shall  
10 be employed by such licensee to give instruction in driving a  
11 motorcycle unless he shall be licensed as a certified motorcycle  
12 safety instructor by the director pursuant to section 3 of P.L....  
13 c.... (C.....)(now pending before the Legislature as this bill).

14 Application therefor shall be in writing and shall contain such  
15 information as the director shall require.

16 The initial fee for an instructor's license shall be \$75.00 and a  
17 fee for an annual renewal thereof shall be \$30.00. In addition to  
18 that fee, a person employed to give instruction in driving a  
19 motorcycle shall be required to pay the licensing fee required  
20 under the provisions of section 3 of P.L.... c.... (C.....) (now  
21 pending before the Legislature as this bill). The license so issued  
22 shall be valid for the calendar year within which it is issued, and  
23 renewals shall be for succeeding calendar years.

24 (cf: P.L.1975, c.180, s.22)

25 10. This act shall take effect on the first day of the sixth  
26 month following enactment.

27

28

#### 29 STATEMENT

30

31 This bill requires the Division of Motor Vehicles to establish a  
32 motorcycle safety education program. The program, which is to  
33 be open to both applicants for and those already issued a  
34 motorcycle license or endorsement, is to be modeled on the  
35 Motorcycle Safety Foundation's rider course that is designed to  
36 develop and instill the knowledge, attitudes, habits and skills  
37 necessary for the safe operation of a motorcycle.

38 The bill permits the Director of the Division of Motor Vehicles  
39 either to assign qualified division employees to serve as program  
40 instructors or to contract with persons licensed as certified  
41 motorcycle safety instructors.

42 To be licensed as a certified motorcycle safety instructor, a  
43 person must meet all the qualifications set forth in the bill and  
44 apply to the director. The annual fee for licensing as a certified  
45 motorcycle safety instructor is \$25.

46 Any applicant for a motorcycle license or endorsement who  
47 successfully completes the program is not required to take the  
48 road test portion of the required licensing examination.

1       The division shall offer the program; however, the bill also  
2       permits approved driving schools and educational institutions to  
3       offer the program.

4       The bill also amends R.S.39:3-10 to increase the fee for a  
5       motorcycle license or endorsement from \$8 to \$13. The \$5  
6       increase and the \$25 annual licensing fee for certified motorcycle  
7       safety instructors are to be deposited in a special fund which is to  
8       be used exclusively to defray the costs of the program. In the  
9       event the moneys in the fund are insufficient to cover the costs,  
10      the director is authorized to impose a registration fee on the  
11      participants in the program.

12

13

#### 14                               MOTOR VEHICLES

15

16      Directs DMV to establish a motorcycle safety education program.



ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 2950**

**STATE OF NEW JERSEY**

DATED: JANUARY 8, 1992

The Assembly Appropriations Committee reports favorably Senate Bill No. 2950 SCS/1R.

Senate Bill No. 2950 SCS/1R requires the Office of Highway Traffic Safety in the Department of Law and Public Safety to create a motorcycle safety education course. The course, open to applicants for a motorcycle license or endorsement and to those who already have a license or endorsement, must meet or exceed the requirements of the rider's course developed by the Motorcycle Safety Foundation. It is intended to develop and instill the knowledge, attitudes, habits and skills necessary for the safe operation of a motorcycle.

The Director of the Office of Highway Traffic Safety is permitted to either assign qualified office employees to serve as course instructors or to contract with persons certified by the division as motorcycle safety education instructors.

The Office of Highway Traffic Safety is to offer the course Statewide; however, the bill permits educational institutions and private driving schools to offer this course as well.

The bill amends R.S.39:3-10 to increase the fee for a motorcycle license or endorsement from \$8 to \$13. The \$5 increase will be deposited in a special fund to be used exclusively by the Office of Highway Traffic Safety to defray the costs of providing the course. In the event the money in the fund is insufficient to cover the costs, the director may require a registration fee to be paid by persons taking the course.

FISCAL IMPACT

The DMV estimates the implementation costs of Assembly Bill No. 1126 of 1990, a substantially similar bill which would require DMV to establish a motorcycle safety education program, at \$321,504 in the first year after enactment. This figure is based on an estimated annual enrollment of 1,250 riders in 125 two-day training sessions. It includes \$133,456 in salaries and fringe benefits for four positions: a principal training technician, two training technicians and a secretary. The DMV estimate also includes \$51,000 in one-time equipment costs for 12 motorcycles and computer equipment and \$75,000 for a communications plan to inform motorcyclists and applicants about the program. DMV estimates program costs at \$217,030 and \$227,881 in the second and third years, respectively.

DMV also notes that the State may be liable for injuries sustained by program participants, which may increase costs significantly.

The Office of Legislative Services (OLS) does not concur with the DMV estimate and questions the need for the program to provide motorcycles for the use of participants. After removing the cost of 10 motorcycles and related expenses and assuming an inflation rate of 5 percent, the cost of implementing this bill may be stated as \$292,062, \$209,479 and \$219,952 in the first three years after enactment, respectively. OLS also notes that DMV would realize some offsetting savings because it would no longer have to road test license applicants who have completed the training program.

Based on the DMV estimate, OLS estimates revenues collected under this bill to be \$410,025, \$225,215 and \$124,340 in the first three years after enactment. This estimate assumes the same number of motorcyclists will be licensed in the next four years as in the past four years. Therefore, OLS estimates net surpluses of \$117,963 and \$15,736 for the first two years after the bill's enactment and a net deficit of \$95,612 for the third year.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

**SENATE, No. 2950**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 31, 1991

The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill No. 2950 with amendments.

As amended, this bill requires the Office of Highway Traffic Safety in the Department of Law and Public Safety to create a motorcycle safety education course. The course, which is to be open to both applicants for and those who already have a motorcycle license or endorsement, must meet or exceed the requirements of the rider's course developed by the Motorcycle Safety Foundation. The purpose of this bill is to offer a course which develops and instills the knowledge, attitudes, habits and skills necessary for the safe operation of a motorcycle.

The bill permits the Director of the Office of Highway Traffic Safety to either assign qualified office employees to serve as course instructors or to contract with persons certified by the division as motorcycle safety education instructors.

To be certified as a motorcycle safety instructor, a person must meet all the qualifications set forth in section 2 of the bill, and the Director of the Office of Highway Traffic Safety will, upon application, issue a certification to the qualified applicant.

Any applicant for a motorcycle license or endorsement who successfully completes this motorcycle safety education course will be exempt from the road test portion of the licensing examination given by the Division of Motor Vehicles.

The Office of Highway Traffic Safety is to offer the course Statewide; however, the bill permits educational institutions to offer this course as well.

The bill amends R.S.39:3-10 to increase the fee for a motorcycle license or endorsement from \$8 to \$13. The \$5 increase will be deposited in a special fund which is to be used exclusively by the Office of Highway Traffic Safety to defray the costs of providing the course. In the event the money in the fund is insufficient to cover the costs, the director may require a registration fee to be paid by persons taking the course.

The committee amended the bill to transfer the motorcycle safety education program from the Office of Motor Vehicles to the Office of Highway Traffic Safety; to eliminate the fee which would have been charged under the bill for a license to become an instructor of a motorcycle safety education course; to change the membership of the motorcycle safety education advisory committee created in section 3 of the bill; to remove references to licensed driving schools; and to change the wording of the bill in order to clarify its purpose.

SENATE REVENUE, FINANCE AND  
APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 2950**

**STATE OF NEW JERSEY**

DATED: DECEMBER 5, 1991

The Senate Revenue, Finance and Appropriations Committee reports favorably the Senate Committee Substitute for Senate Bill No. 2950.

Senate Committee Substitute for Senate Bill No. 2950 requires the Office of Highway Traffic Safety in the Department of Law and Public Safety to create a motorcycle safety education course. The course, which is to be open to applicants for a motorcycle license or endorsement and to those who already have a license or endorsement, must meet or exceed the requirements of the rider's course developed by the Motorcycle Safety Foundation. The course is intended to develop and instill the knowledge, attitudes, habits and skills necessary for the safe operation of a motorcycle.

The substitute permits the Director of the Office of Highway Traffic Safety to either assign qualified office employees to serve as course instructors or to contract with persons certified by the division as motorcycle safety education instructors. To be certified as a motorcycle safety instructor, a person must meet all the qualifications set forth in section 2 of the substitute. The Director of the Office of Highway Traffic Safety will, upon application, issue a certificate to the qualified applicant.

The Director of the Division of Motor Vehicles (DMV) may waive the road test portion of the licensing examination for an applicant for a motorcycle license or endorsement who successfully completes this motorcycle safety education course.

The Office of Highway Traffic Safety is to offer the course Statewide; however, the bill permits educational institutions and private driving schools to offer this course as well.

The bill amends R.S.39:3-10 to increase the fee for a motorcycle license or endorsement from \$8 to \$13. The \$5 increase will be deposited in a special fund which is to be used exclusively by the Office of Highway Traffic Safety to defray the costs of providing the course. In the event the money in the fund is insufficient to cover the costs, the director may require a registration fee to be paid by persons taking the course.

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