

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

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LAW/KR

P.L.2011, CHAPTER 13, *approved January 28, 2011*
Senate, No. 736 (*Third Reprint*)

1 AN ACT concerning motorcycle safety, amending R.S.39:3-10,
2 R.S.39:3-13, ³[R.S.39:8-1,]³ and P.L.1991, c.452,
3 supplementing chapter 3 of Title 39 of the Revised Statutes, and
4 repealing section 3 of P.L.1991, c.452.

5

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

8

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

10 39:3-10. No person shall drive a motor vehicle on a public
11 highway in this State unless the person is under supervision while
12 participating in a behind-the-wheel driving course pursuant to
13 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
14 validated permit, or a probationary or basic driver's license issued to
15 **[him]** that person in accordance with this article.

16 No person under 18 years of age shall be issued a basic license to
17 drive motor vehicles, nor shall a person be issued a validated
18 permit, including a validated examination permit, until **[he]** the
19 applicant has passed a satisfactory examination and other
20 requirements as to **[his]** the applicant's ability as an operator. The
21 examination shall include a test of the applicant's vision, **[his]** the
22 applicant's ability to understand traffic control devices, **[his]** the
23 applicant's knowledge of safe driving practices and of the effects
24 that ingestion of alcohol or drugs has on a person's ability to operate
25 a motor vehicle, **[his]** the applicant's knowledge of such portions
26 of the mechanism of motor vehicles as is necessary to insure the
27 safe operation of a vehicle of the kind or kinds indicated by the
28 applicant, and of the laws and ordinary usages of the road. No
29 person shall sit for an examination for any permit without
30 exhibiting photo identification deemed acceptable by the
31 commission, unless that person is a high school student
32 participating in a course of automobile driving education approved
33 by the State Department of Education and conducted in a public,
34 parochial, or private school of this State, pursuant to section 1 of
35 P.L.1950, c.127 (C.39:3-13.1). The commission may waive the
36 written law knowledge examination for any person 18 years of age

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted March 4, 2010.

²Senate SBA committee amendments adopted May 27, 2010.

³Assembly ATR committee amendments adopted November 15, 2010.

1 or older possessing a valid driver's license issued by any other state,
2 the District of Columbia ₂ or the United States Territories of
3 American Samoa, Guam, Puerto Rico ₂ or the Virgin Islands. The
4 commission shall be required to provide that person with a booklet
5 that highlights those motor vehicle laws unique to New Jersey. A
6 road test shall be required for a probationary license and serve as a
7 demonstration of the applicant's ability to operate a vehicle of the
8 class designated. No person shall sit for a road test unless that
9 person exhibits photo identification deemed acceptable by the
10 commission. A high school student who has completed a course of
11 behind-the-wheel automobile driving education approved by the
12 State Department of Education and conducted in a public, parochial
13 ₂ or private school of this State, who has been issued a special
14 learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-
15 13.1) prior to January 1, 2003, shall not be required to exhibit photo
16 identification in order to sit for a road test. The commission may
17 waive the road test for any person 18 years of age or older
18 possessing a valid driver's license issued by any other state, the
19 District of Columbia ₂ or the United States Territories of American
20 Samoa, Guam, Puerto Rico ₂ or the Virgin Islands. The road test
21 shall be given on public streets, where practicable and feasible, but
22 may be preceded by an off-street screening process to assess basic
23 skills. The commission shall approve locations for the road test
24 which pose no more than a minimal risk of injury to the applicant,
25 the examiner ₂ and other motorists. No new locations for the road
26 test shall be approved unless the test can be given on public streets.

27 A person who successfully completes a road test for a
28 motorcycle license or a motorcycle endorsement when operating a
29 motorcycle or motorized scooter with an engine displacement of
30 less than 231 cubic centimeters shall be issued a motorcycle license
31 or endorsement restricting the person's operation of such vehicles
32 to any motorcycle with an engine displacement of 500 cubic
33 centimeters or less. A person who successfully completes a road
34 test for a motorcycle license or motorcycle endorsement when
35 operating a motorcycle with an engine displacement of 231 or more
36 cubic centimeters shall be issued a motorcycle license or
37 endorsement without any restriction as to engine displacement.
38 Any person who successfully completes an approved motorcycle
39 safety education course established pursuant to the provisions of
40 section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a
41 motorcycle license or endorsement without restriction as to engine
42 displacement.

43 The commission shall issue a basic driver's license to operate a
44 motor vehicle other than a motorcycle to a person over 18 years of
45 age who previously has not been licensed to drive a motor vehicle
46 in this State or another jurisdiction only if that person has: (1)
47 operated a passenger automobile in compliance with the

1 requirements of this title for not less than one year, not including
2 any period of suspension or postponement, from the date of
3 issuance of a probationary license pursuant to section 4 of
4 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two
5 motor vehicle points; (3) not been convicted in the previous year for
6 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
7 50.4a), P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-
8 5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-
9 related violation the commission determines to be significant and
10 applicable pursuant to regulation; and (4) passed an examination of
11 **【his】** the applicant's ability to operate a motor vehicle pursuant to
12 this section.

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

23 Up to 20 questions may be added to the examination on subjects
24 to be determined by the commission that are of particular relevance
25 to youthful drivers, after consultation with the Director of the
26 **【Office】** Division of Highway Traffic Safety in the Department of
27 Law and Public Safety.

28 The commission shall expand the driver's license examination to
29 include a question asking whether the applicant is aware of the
30 provisions of the "Revised Uniform Anatomical Gift Act,"
31 P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on
32 the driver's license the intention to make a donation of body organs
33 or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

34 Any person applying for a driver's license to operate a motor
35 vehicle or motorized bicycle in this State shall surrender to the
36 commission any current driver's license issued to **【him】** the
37 applicant by another state or jurisdiction upon **【his】** the applicant's
38 receipt of a driver's license for this State. The commission shall
39 refuse to issue a driver's license if the applicant fails to comply with
40 this provision. An applicant for a permit or license who is less than
41 18 years of age, and who holds a permit or license for a passenger
42 automobile issued by another state or country that is valid or has
43 expired within a time period designated by the commission, shall be
44 subject to the permit and license requirements and penalties
45 applicable to State permit and license applicants who are of the
46 same age; except that if the other state or country has permit or

1 license standards substantially similar to those of this State, the
2 credentials of the other state or country shall be acceptable.

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

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

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

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

17 d. All motor vehicles not included in classifications a. and b. A
18 license issued pursuant to this classification d. shall be referred to
19 as the "basic driver's license."

20 Every applicant for a license under classification b. shall be a
21 holder of a basic driver's license. Any issuance of a license under
22 classification b. shall be by endorsement on the basic driver's
23 license.

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

32 The commission, upon payment of the lawful fee and after it or a
33 person authorized by it has examined the applicant and is satisfied
34 of the applicant's ability as an operator, may, in its discretion, issue
35 a license to the applicant to drive a motor vehicle. The license shall
36 authorize him to drive any registered vehicle, of the kind or kinds
37 indicated, and shall expire, except as otherwise provided, on the last
38 day of the 48th calendar month following the calendar month in
39 which such license was issued.

40 The commission may, at its discretion and for good cause shown,
41 issue licenses which shall expire on a date fixed by it. If the
42 commission issues a license to a person who has demonstrated
43 authorization to be present in the United States for a period of time
44 shorter than the standard period of the license, the commission shall
45 fix the expiration date of the license at a date based on the period in
46 which the person is authorized to be present in the United States
47 under federal immigration laws. The commission may renew such a

1 license only if it is demonstrated that the person's continued
2 presence in the United States is authorized under federal law. The
3 fee for licenses with expiration dates fixed by the commission shall
4 be fixed by the commission in amounts proportionately less or
5 greater than the fee herein established.

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

8 Motorcycle license or endorsement: \$18.

9 Omnibus or school bus endorsement: \$18.

10 Basic driver's license: \$18.

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

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

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

24 The commission in its discretion may refuse to grant a permit or
25 license to drive motor vehicles to a person who is, in its estimation,
26 not a proper person to be granted such a permit or license, but no
27 defect of the applicant shall debar **[him]** the applicant from
28 receiving a permit or license unless it can be shown by tests
29 approved by the commission that the defect incapacitates **[him]** the
30 applicant from safely operating a motor vehicle.

31 In addition to requiring an applicant for a driver's license to
32 submit satisfactory proof of identity and age, the commission also
33 shall require the applicant to provide, as a condition for obtaining a
34 permit and license, satisfactory proof that the applicant's presence
35 in the United States is authorized under federal law.

36 If the commission has reasonable cause to suspect that any
37 document presented by an applicant as proof of identity, age or
38 legal residency is altered, false or otherwise invalid, the
39 commission shall refuse to grant the permit or license until such
40 time as the document may be verified by the issuing agency to the
41 commission's satisfaction.

42 A person violating this section shall be subject to a fine not
43 exceeding \$500 or imprisonment in the county jail for not more
44 than 60 days, but if that person has never been licensed to drive in
45 this State or any other jurisdiction, **[he]** the applicant shall be
46 subject to a fine of not less than \$200 and, in addition, the court
47 shall issue an order to the commission requiring the commission to

1 refuse to issue a license to operate a motor vehicle to the person for
2 a period of not less than 180 days. The penalties provided for by
3 this paragraph shall not be applicable in cases where failure to have
4 actual possession of the operator's license is due to an
5 administrative or technical error by the commission.

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

9 (cf: P.L.2009, c.38, s.1)

10

11 2. Section 6 of P.L.1991, c.452 (C.39:3-10.31) is amended to
12 read as follows:

13 6. The **【Director】** Chief Administrator of the **【Division of】**
14 **Motor 【Vehicles】** Vehicle Commission may waive the written law
15 and knowledge and road test portion of the examinations required
16 for a motorcycle license or endorsement under R.S.39:3-10 for the
17 holder of an examination permit who has successfully completed a
18 motorcycle safety education course established under the provisions
19 of section 1 of P.L.1991, c.452 (C.27:5F-36).

20 (cf: P.L.1991, c.452, s.6)

21

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

23 39:3-13. The chief administrator may, in **【his】** the chief
24 administrator's discretion, issue to a person over 17 years of age an
25 examination permit, under the hand and seal of the chief
26 administrator, allowing such person, for the purpose of fitting
27 **【himself】** the person to become a licensed driver, to operate a
28 designated class of motor vehicles other than passenger automobiles
29 and motorcycles **【of persons licensed to operate motorcycles only】**
30 for a specified period of not more than 90 days, while in the
31 company and under the supervision of a driver licensed to operate
32 such designated class of motor vehicles.

33 The chief administrator, in **【his】** the chief administrator's
34 discretion, may issue for a specified period of not less than one year
35 a passenger automobile or motorcycle-only examination permit to a
36 person over 17 years of age regardless of whether a person has
37 completed a course of behind-the-wheel automobile driving
38 education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
39 An examination permit applicant who is under 18 years of age shall
40 obtain the signature of a parent or guardian for submission to the
41 commission on a form prescribed by the chief administrator. The
42 chief administrator shall postpone for six months the driving
43 privileges of any person who submits a fraudulent signature for a
44 parent or guardian.

45 For six months immediately following the validation of an
46 examination permit, and until the holder passes the road test, the
47 holder who is less than 21 years of age shall operate the passenger

1 automobile [or motorcycle] only when accompanied by, and under
2 the supervision of, a New Jersey licensed driver who is at least 21
3 years of age and has been licensed to drive a passenger automobile
4 [or motorcycle, as the case may be,] for not less than three years.
5 The holder of an examination permit who is at least 21 years of age
6 shall operate the passenger automobile [or motorcycle] for the first
7 three months under such supervision and until the holder passes the
8 road test. The supervising driver of the passenger automobile shall
9 sit in the front seat of the vehicle. Whenever operating a vehicle
10 while in possession of an examination permit, the holder of the
11 permit shall operate the passenger automobile with only one
12 additional passenger in the vehicle excluding dependents of the
13 permit holder, except that this passenger restriction shall not apply
14 when the permit holder is at least 21 years of age or when the
15 permit holder is accompanied by a parent or guardian. Further, the
16 holder of the passenger automobile permit who is less than 21 years
17 of age shall not drive during the hours between 11:01 p.m. and 5
18 a.m.; provided, however, that this condition may be waived for an
19 emergency which, in the judgment of local police, is of sufficient
20 severity and magnitude to substantially endanger the health, safety,
21 welfare, or property of a person, or for any bona fide employment
22 or religion-related activity if the employer or appropriate religious
23 authority provides written verification of such activity in a manner
24 provided for by the chief administrator. The holder of the
25 examination permit shall not use any hand-held or hands-free
26 interactive wireless communication device, except in an emergency,
27 while operating a moving passenger automobile on a public road or
28 highway. "Use" shall include, but not be limited to, talking or
29 listening on any hand-held or hands-free interactive wireless
30 communication device or operating its keys, buttons, or other
31 controls. The passenger automobile permit holder shall ensure that
32 all occupants of the vehicle are secured in a properly adjusted and
33 fastened seat belt or child restraint system.

34 The holder of an examination permit subject to the provisions of
35 section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a
36 motorcycle at any time from a half-hour after sunset to a half-hour
37 before sunrise. A motorcycle operated by the holder of an
38 examination permit shall carry only the operator and shall not be
39 operated on any toll road over which the New Jersey Turnpike
40 Authority or the South Jersey Transportation Authority has
41 jurisdiction or on any limited-access interstate highway.

42 The holder of any examination permit shall not operate a
43 motorcycle having a motor with a maximum piston displacement
44 that is less than 50 cubic centimeters or a motor that is rated at no
45 more than 1.5 brake horsepower with a maximum speed 'of' no
46 more than 35 miles per hour on a flat surface at anytime from a
47 half-hour after sunset to a half-hour before sunrise and shall not

1 operate the motorcycle with any other passenger. The holder of any
2 examination permit shall not operate 'such' a motorcycle upon
3 limited-access interstate highways or public roads or highways with
4 a posted speed limit greater than 35 miles per hour.

5 ²[On and after 'July 1, 2009'] the 90th day following the date
6 of enactment of P.L. , c. (pending before the Legislature as this
7 bill)' , an] An² applicant for an examination permit subject to the
8 provisions of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less
9 than 18 years of age, shall be required to successfully complete a
10 motorcycle safety education course established pursuant to the
11 provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a
12 condition for obtaining a motorcycle license or endorsement.

13 The chief administrator shall provide the holder of an
14 examination permit with two removable, transferable, highly
15 visible, reflective decals indicating that the driver of the vehicle
16 may be the holder of an examination permit. The decals shall be
17 designed by the chief administrator, in consultation with the
18 Division of Highway Traffic Safety in the Department of Law and
19 Public Safety. The chief administrator may charge a fee for the
20 decals not to exceed the actual cost of producing and distributing
21 the decals. The decals shall be displayed in a manner prescribed by
22 the chief administrator, in consultation with the Division of
23 Highway Traffic Safety in the Department of Law and Public
24 Safety, and shall be clearly visible to law enforcement officers. The
25 holder of an examination permit shall not operate a vehicle unless
26 the decals are displayed. The decal shall be removed once the
27 driver's examination permit period has ended.

28 When notified by a court of competent jurisdiction that an
29 examination permit holder has been convicted of a violation which
30 causes the permit holder to accumulate more than two motor vehicle
31 points or has been convicted of a violation of R.S.39:4-50; section 2
32 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
33 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any
34 other motor vehicle-related law the chief administrator deems
35 significant and applicable pursuant to regulation, in addition to any
36 other penalty that may be imposed, the chief administrator shall,
37 without the exercise of discretion or a hearing, suspend the
38 examination permit holder's examination permit for 90 days. The
39 chief administrator shall restore the permit following the term of the
40 permit suspension if the permit holder satisfactorily completes a
41 remedial training course of not less than four hours which may be
42 given by the commission, a driving school licensed by the chief
43 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2),
44 or any Statewide safety organization approved by the chief
45 administrator. The course shall be subject to oversight by the
46 commission according to its guidelines. The permit holder shall
47 also remit a course fee prior to the commencement of the course.

1 The chief administrator also shall postpone without the exercise of
2 discretion or a hearing the issuance of a basic license for 90 days if
3 the chief administrator is notified by a court of competent
4 jurisdiction that the examination permit holder, after completion of
5 the remedial training course, has been convicted of any motor
6 vehicle violation which results in the imposition of any motor
7 vehicle points or has been convicted of a violation of R.S.39:4-50;
8 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182
9 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
10 N.J.S.2C:12-1 or any other motor vehicle-related law the chief
11 administrator deems significant and applicable pursuant to
12 regulation. When the chief administrator is notified by a court of
13 competent jurisdiction that an examination permit holder has been
14 convicted of any alcohol or drug-related offense unrelated to the
15 operation of a motor vehicle and is not otherwise subject to any
16 other suspension penalty therefor, the chief administrator shall,
17 without the exercise of discretion or a hearing, suspend the
18 examination permit for six months.

19 An examination permit for a motorcycle or a commercial motor
20 vehicle issued to a handicapped person, as determined by the New
21 Jersey Motor Vehicle Commission after consultation with the
22 Department of Education, shall be valid for nine months or until the
23 completion of the road test portion of his license examination,
24 whichever period is shorter.

25 Each permit shall be sufficient license for the person to operate
26 such designated class of motor vehicles in this State during the
27 period specified, while in the company of and under the control of a
28 driver licensed by this State to operate such designated class of
29 motor vehicles, or, in the case of a commercial driver license
30 permit, while in the company of and under the control of a holder of
31 a valid commercial driver license for the appropriate license class
32 and with the appropriate endorsements issued by this or any other
33 state. Such person, as well as the licensed driver, except for a motor
34 vehicle examiner administering a driving skills test, shall be held
35 accountable for all violations of this subtitle committed by such
36 person while in the presence of the licensed driver. In addition to
37 requiring an applicant for an examination permit to submit
38 satisfactory proof of identity and age, the chief administrator also
39 shall require the applicant to provide, as a condition for obtaining
40 the permit, satisfactory proof that the applicant's presence in the
41 United States is authorized under federal law. If the chief
42 administrator has reasonable cause to suspect that any document
43 presented by an applicant as proof of identity, age, or legal
44 residency is altered, false, or otherwise invalid, the chief
45 administrator shall refuse to grant the permit until such time as the
46 document may be verified by the issuing agency to the chief
47 administrator's satisfaction.

1 The holder of an examination permit shall be required to take a
2 road test in order to obtain a probationary license. No road test for
3 any person who has been issued an examination permit to operate a
4 passenger vehicle shall be given unless the person has met the
5 requirements of this section. No road test for a probationary license
6 shall be given unless the applicant has first secured an examination
7 permit and no such road test shall be scheduled for an applicant
8 who has secured an examination permit for a passenger vehicle or a
9 motorcycle for which an endorsement is not required until at least
10 six months for an applicant under 21 years of age or three months
11 for an applicant 21 years of age or older shall have elapsed
12 following the validation of the examination permit for practice
13 driving or, in the case of an examination permit for other vehicles,
14 until 20 days have elapsed. In the case of an omnibus endorsement
15 or school bus, no road test shall be scheduled until at least 10 days
16 shall have elapsed. Every applicant for an examination permit to
17 qualify for an omnibus endorsement or an articulated vehicle
18 endorsement shall be a holder of a valid basic driver's license.

19 The required fees for special learner's permits and examination
20 permits shall be as follows:

- 21 Basic driver's license.....up to \$10
- 22 Motorcycle license or endorsement.....\$ 5
- 23 Omnibus or school bus endorsement.....\$25

24 The chief administrator shall waive the payment of fees for
25 issuance of examination permits for omnibus endorsements
26 whenever the applicant establishes to the chief administrator's
27 satisfaction that said applicant will use the omnibus endorsement
28 exclusively for operating omnibuses owned by a nonprofit
29 organization duly incorporated under Title 15 or 16 of the Revised
30 Statutes or Title 15A of the New Jersey Statutes.

31 The specified period for which a permit is issued may be
32 extended for not more than an additional 60 days, without payment
33 of an added fee, upon application made by the holder thereof, where
34 the holder has applied to take the examination for a driver's license
35 prior to the expiration of the original period for which the permit
36 was issued and the chief administrator was unable to schedule an
37 examination during said period.

38 As a condition for the issuance of an examination permit under
39 this section, the chief administrator shall secure a digitized picture
40 of the applicant. The picture shall be stored in a manner prescribed
41 by the chief administrator and may be displayed on the examination
42 permit.

43 The chief administrator may require that whenever a person to
44 whom an examination permit has been issued has reconstructive or
45 cosmetic surgery which significantly alters the person's facial
46 features, the person shall notify the chief administrator who may
47 require the picture of the person to be updated.

1 Specific use of the examination permit and any information
2 stored or encoded, electronically or otherwise, in relation thereto
3 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
4 the federal Driver's Privacy Protection Act of 1994, Pub.L.103-322.
5 Notwithstanding the provisions of any other law to the contrary, the
6 digitized picture or any access thereto or any use thereof shall not
7 be sold, leased, or exchanged for value.

8 (cf: P.L.2009, c.38, s.5)

9

10 ³[4. R.S.39:8-1 is amended to read as follows:

11 39:8-1. a. Every motor vehicle registered in this State which is
12 used over any public road, street, or highway or any public or quasi-
13 public property in this State, and every vehicle subject to enhanced
14 inspection and maintenance programs pursuant to 40 C.F.R.
15 s.51.356, except historic motor vehicles registered as such, collector
16 motor vehicles designated as such pursuant to this subsection,
17 'motorcycles having a motor with a maximum piston displacement
18 that is less than 50 cubic centimeters or a motor that is rated at no
19 more than 1.5 brake horsepower with a maximum speed of no more
20 than 35 miles per hour on a flat surface'¹ and those vehicles over
21 8,500 pounds gross weight that are under the inspection jurisdiction
22 of the commission pursuant to Titles 27 and 48 [(as amended by
23 this legislation)] of the Revised Statutes, shall be inspected by
24 designated examiners or at official inspection facilities to be
25 designated by the commission or at licensed private inspection
26 facilities. The commission shall adopt rules and regulations
27 establishing a procedure for the designation of motor vehicles as
28 collector motor vehicles, which designation shall include
29 consideration by the commission of one or more of the following
30 factors: the age of the vehicle, the number of such vehicles
31 originally manufactured, the number of such vehicles that are
32 currently in use, the total number of miles the vehicle has been
33 driven, the number of miles the vehicle has been driven during the
34 previous year or other period of time determined by the
35 commission, and whether the vehicle has a collector classification
36 for insurance purposes.

37 b. The commission shall determine the official inspection
38 facility or private inspection facility at which a motor vehicle,
39 depending upon its characteristics, shall be inspected. The
40 commission, with the concurrence of the Department of
41 Environmental Protection, may exclude by regulation from this
42 inspection requirement any category of motor vehicle if good cause
43 for such exclusion exists, unless the exclusion is likely to prevent
44 this State from meeting the applicable performance standard
45 established by the United States Environmental Protection Agency.
46 The commission may determine that a vehicle is in compliance with
47 the inspection requirements of this section if the vehicle has been

1 inspected and passed under a similar inspection program of another
2 state, district, or territory of the United States.

3 (cf: P.L.2003, c.13, s.75)]³

4

5 ³[5.]4.³ Section 1 of P.L.1991, c.452 (C.27:5F-36) is
6 amended to read as follows:

7 1. a. The chief administrator of the New Jersey Motor Vehicle
8 Commission [, after consultation with the motorcycle safety
9 education advisory committee established under section 3 of
10 P.L.1991, c.452 (C.27:5F-38),] shall establish a motorcycle safety
11 education program. The program shall consist of a course of
12 instruction and training designed to develop and instill the
13 knowledge, attitudes, habits, and skills necessary for the safe
14 operation and riding of a motorcycle and shall meet or exceed the
15 standards and requirements of the rider's course developed by the
16 Motorcycle Safety Foundation.

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

24 c. The chief administrator may assign employees of the Motor
25 Vehicle Commission to serve as instructors for the course, or may
26 contract with such other persons who are certified as motorcycle
27 safety education instructors pursuant to section 2 of P.L.1991, c.452
28 (C.27:5F-37) to serve as instructors for the course. A person with a
29 motorcycle safety education instructor endorsement to an
30 instructor's license issued pursuant to section 5 of P.L.1951, c.216
31 (C.39:12-5) may also be selected by the chief administrator to serve
32 as an instructor for the course.

33 d. [If the moneys deposited in the Motorcycle Safety
34 Education Fund established pursuant to section 4 of P.L.1991, c.452
35 (C.27:5F-39), are not sufficient to cover the costs of the program,
36 the] The chief administrator may impose a registration fee to be
37 paid by the participants in the course.

38 e. The motorcycle safety education course may also be
39 provided by:

40 (1) public and private educational institutions which are
41 approved by the chief administrator to offer the course ;

42 (2) drivers' schools licensed pursuant to P.L.1951, c.216
43 (C.39:12-1 et seq.); [or]

44 (3) dealers engaged in the business of selling new motorcycles
45 and licensed pursuant to R.S.39:10-19 and which are approved by
46 the chief administrator to offer the course. A dealer approved to
47 offer the motorcycle safety education course shall not restrict

1 enrollment therein to persons who have purchased or agreed to
2 purchase a motorcycle or other vehicle from that dealer, and shall
3 not charge a higher fee for enrollment therein based upon whether a
4 person has made or has agreed to make such a purchase ; or

5 (4) private entities which are approved by the chief
6 administrator to offer the course. The motorcycle safety education
7 course provided by a private entity shall meet or exceed the
8 standards and requirements of the rider's course developed by the
9 Motorcycle Safety Foundation including, but not limited to, course
10 curriculum, motorcycle range, and motorcycle instructor
11 certification.

12 f. Upon and after the effective date of this act, the chief
13 administrator may impose upon an entity seeking approval to
14 provide the motorcycle safety education course in accordance with
15 subsection e. of this section, a course certification fee for each
16 location at which the entity intends to offer motorcycle range
17 instruction. The chief administrator shall adopt regulations
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.) to fix the amount of the course certification
20 fee. Moneys collected pursuant to this subsection shall be
21 deposited in the Motorcycle Safety Education Fund, pursuant to
22 section 4 of P.L.1991, c.452 (C.27:5F-39).

23 g. **【**Upon and after the effective date of this act, the**】** The chief
24 administrator **【shall】** may collect from each entity approved to
25 provide the motorcycle safety education course pursuant to
26 subsection e. of this section, a road test waiver fee for each student
27 who has successfully completed the course and has qualified for a
28 waiver of the road test portion of the examination required pursuant
29 to section 6 of P.L.1991, c.452 (C.39:3-10.31) to obtain a
30 motorcycle license or endorsement. The chief administrator shall
31 adopt regulations pursuant to the "Administrative Procedure Act,"
32 P.L.1968, c.410 (C.52:14B-1 et seq.) to fix the amount of the road
33 test waiver fee. Moneys collected pursuant to this subsection shall
34 be deposited in the Motorcycle Safety Education Fund, pursuant to
35 section 4 of P.L.1991, c.452 (C.27:5F-39).

36 h. Notwithstanding subsection a. of this section, the chief
37 administrator may enter into a contract with a public or private
38 entity authorizing such entity to implement and administer the
39 motorcycle safety education course established by the chief
40 administrator pursuant to this section. The chief administrator may
41 suspend or revoke an authorization to administer the motorcycle
42 safety education course on any reasonable ground.

43 (cf: P.L.2007, c.179, s.1)

44

45 ³**【6.】** 5.³ Section 2 of P.L.1991, c.452 (C.27:5F-37) is amended
46 to read as follows:

1 2. To qualify for certification as an instructor of the motorcycle
2 safety education course established pursuant to section 1 of
3 P.L.1991, c.452 (C.27:5F-36), a person shall:

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

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

7 c. have no record of a suspension or revocation of his driver's
8 license or motorcycle license or endorsement during the past two
9 years;

10 d. have no convictions for violating the provisions of R.S.39:4-
11 50 during the past five years;

12 e. have accumulated no more than four points assessed against
13 his driver's license or motorcycle license or endorsement by the
14 **[director]** chief administrator for motor vehicle offenses during the
15 past two years;

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

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

20 Any person who meets the requirements set forth in this section
21 may apply to the **[Director]** Chief Administrator of the **[Office of**
22 **Highway Traffic Safety]** Motor Vehicle Commission to be certified
23 as a motorcycle safety education instructor. The application shall
24 be in writing and contain such information as the **[director]** chief
25 administrator shall require. No certification fee shall be charged by
26 the **[director]** chief administrator. A certification so issued shall be
27 valid during such period as the instructor meets the requirements of
28 subsections a. through g. of this section.

29 A person who holds a valid instructor's license issued pursuant to
30 section 5 of P.L.1951, c.216 (C.39:12-5) may apply to the
31 **[Director]** Chief Administrator of the **[Division of]** Motor
32 **[Vehicles]** Vehicle Commission for a motorcycle safety education
33 instructor endorsement as provided for in section 5 of P.L.1951,
34 c.216 (C.39:12-5).

35 (cf: P.L.1991, c.452, s.2)

36
37 ³**[7.]** 6.³ Section 4 of P.L.1991, c.452 (C.27:5F-39) is
38 amended to read as follows:

39 4. There is established a Motorcycle Safety Education Fund in
40 the **[Office of Highway Traffic Safety]** Motor Vehicle
41 Commission. Such registration fees as may be imposed at the
42 discretion of the **[Director]** Chief Administrator of the **[Office of**
43 **Highway Traffic Safety]** Motor Vehicle Commission upon
44 participants in a motorcycle safety education course, \$5.00 of the
45 fee collected by the **[Director]** Chief Administrator of the
46 **[Division of]** Motor **[Vehicles]** Vehicle Commission for each

1 motorcycle license or endorsement issued under the provisions of
 2 R.S.39:3-10, and any other moneys which may become available
 3 for motorcycle safety education shall be deposited in the fund. The
 4 moneys in the fund shall be used exclusively by the **【Office of**
 5 **Highway Traffic Safety】** Motor Vehicle Commission to defray the
 6 costs of the motorcycle safety education program established
 7 pursuant to section 1 of P.L.1991, c.452 (C.27:5F-36). In addition,
 8 moneys in the fund may be used to provide for a full or part-time
 9 motorcycle safety education program coordinator.
 10 (cf: P.L.1991, c.452, s.4)

11

12 ³**【8.】** 7.³ (New section) A motorcycle having a motor with a
 13 maximum piston displacement that is less than 50 cubic centimeters
 14 or a motor that is rated at no more than 1.5 brake horsepower with a
 15 maximum speed of no more than 35 miles per hour on a flat surface
 16 shall not be operated upon limited-access interstate highways or
 17 public roads or highways with posted speed limits greater than 35
 18 miles per hour.

19 Every person operating a motorcycle upon a public road or
 20 highway shall be subject to all of the duties applicable to the driver
 21 of a vehicle under chapter 4 of Title 39 of the Revised Statutes and
 22 N.J.S.2C:11-5 and all amendments and supplements thereto.

23

24 ³**【9.】** 8.³ Section 5 of P.L.1991, c.452 (C.27:5F-40) is
 25 amended to read as follows:

26 5. The **【Director】** Chief Administrator of the **【Office of**
 27 **Highway Traffic Safety】** Motor Vehicle Commission, pursuant to
 28 the provisions of the "Administrative Procedure Act," P.L.1968,
 29 c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations
 30 to effectuate the purposes of this act, including, but not limited to,
 31 the minimum level of knowledge, skill and ability required for the
 32 successful completion of the motorcycle safety education program
 33 established pursuant to section 1 of P.L.1991, c.452 (C.27:5F-36).
 34 (cf: P.L.1991, c.452, s.5)

35

36 ³**【10.】** 9.³ Section 3 of P.L.1991, c.452 (C.27:5F-38) is
 37 repealed.

38

39 ³**【11.】** 10.³ Sections 2, ³4.³ 5, 6, 7, 8, 9, ³**【10.】**³ and this section
 40 of this act shall take effect immediately, ³**【sections】** section³ 3
 41 ³**【and 4】**³ shall take effect on the first day of the fourth month
 42 following enactment, and section 1 shall take effect immediately
 43 but shall remain inoperative until the date the Chief Administrator
 44 of the Motor Vehicle Commission certifies to the Governor that the
 45 commission is prepared to issue motorcycle licenses and
 46 endorsements with restriction as to engine displacement ¹**【and to**

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16

1 collect the increased motorcycle license or endorsement fee¹, but
2 such operative date shall be 'as soon as practicable and' no later
3 than January 1, '~~2011~~ 2013'. The chief administrator may take
4 such anticipatory administrative action in advance as shall be
5 necessary for the implementation of this act.

6

7

8

9

10 Establishes new motorcycle safety provisions.

SENATE, No. 736

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Establishes new motorcycle safety provisions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S736 SACCO

2

1 AN ACT concerning motorcycle safety, amending R.S.39:3-10,
2 R.S.39:3-13, R.S.39:8-1, and P.L.1991, c.452, supplementing
3 chapter 3 of Title 39 of the Revised Statutes, and repealing
4 section 3 of P.L.1991, c.452 .
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

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

10 39:3-10. No person shall drive a motor vehicle on a public
11 highway in this State unless the person is under supervision while
12 participating in a behind-the-wheel driving course pursuant to
13 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
14 validated permit, or a probationary or basic driver's license issued to
15 **【him】** that person in accordance with this article.

16 No person under 18 years of age shall be issued a basic license to
17 drive motor vehicles, nor shall a person be issued a validated
18 permit, including a validated examination permit, until **【he】** the
19 applicant has passed a satisfactory examination and other
20 requirements as to **【his】** the applicant's ability as an operator. The
21 examination shall include a test of the applicant's vision, **【his】** the
22 applicant's ability to understand traffic control devices, **【his】** the
23 applicant's knowledge of safe driving practices and of the effects
24 that ingestion of alcohol or drugs has on a person's ability to operate
25 a motor vehicle, **【his】** the applicant's knowledge of such portions
26 of the mechanism of motor vehicles as is necessary to insure the
27 safe operation of a vehicle of the kind or kinds indicated by the
28 applicant , and of the laws and ordinary usages of the road. No
29 person shall sit for an examination for any permit without
30 exhibiting photo identification deemed acceptable by the
31 commission, unless that person is a high school student
32 participating in a course of automobile driving education approved
33 by the State Department of Education and conducted in a public,
34 parochial , or private school of this State, pursuant to section 1 of
35 P.L.1950, c.127 (C.39:3-13.1). The commission may waive the
36 written law knowledge examination for any person 18 years of age
37 or older possessing a valid driver's license issued by any other state,
38 the District of Columbia , or the United States Territories of
39 American Samoa, Guam, Puerto Rico , or the Virgin Islands. The
40 commission shall be required to provide that person with a booklet
41 that highlights those motor vehicle laws unique to New Jersey. A
42 road test shall be required for a probationary license and serve as a
43 demonstration of the applicant's ability to operate a vehicle of the
44 class designated. No person shall sit for a road test unless that

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 person exhibits photo identification deemed acceptable by the
2 commission. A high school student who has completed a course of
3 behind-the-wheel automobile driving education approved by the
4 State Department of Education and conducted in a public, parochial
5 , or private school of this State, who has been issued a special
6 learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-
7 13.1) prior to January 1, 2003, shall not be required to exhibit photo
8 identification in order to sit for a road test. The commission may
9 waive the road test for any person 18 years of age or older
10 possessing a valid driver's license issued by any other state, the
11 District of Columbia , or the United States Territories of American
12 Samoa, Guam, Puerto Rico , or the Virgin Islands. The road test
13 shall be given on public streets, where practicable and feasible, but
14 may be preceded by an off-street screening process to assess basic
15 skills. The commission shall approve locations for the road test
16 which pose no more than a minimal risk of injury to the applicant,
17 the examiner , and other motorists. No new locations for the road
18 test shall be approved unless the test can be given on public streets.

19 A person who successfully completes a road test for a
20 motorcycle license or a motorcycle endorsement when operating a
21 motorcycle or motorized scooter with an engine displacement of
22 less than 231 cubic centimeters shall be issued a motorcycle license
23 or endorsement restricting the person's operation of such vehicles
24 to any motorcycle with an engine displacement of 500 cubic
25 centimeters or less. A person who successfully completes a road
26 test for a motorcycle license or motorcycle endorsement when
27 operating a motorcycle with an engine displacement of 231 or more
28 cubic centimeters shall be issued a motorcycle license or
29 endorsement without any restriction as to engine displacement.
30 Any person who successfully completes an approved motorcycle
31 safety education course established pursuant to the provisions of
32 section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a
33 motorcycle license or endorsement without restriction as to engine
34 displacement.

35 The commission shall issue a basic driver's license to operate a
36 motor vehicle other than a motorcycle to a person over 18 years of
37 age who previously has not been licensed to drive a motor vehicle
38 in this State or another jurisdiction only if that person has: (1)
39 operated a passenger automobile in compliance with the
40 requirements of this title for not less than one year, not including
41 any period of suspension or postponement, from the date of
42 issuance of a probationary license pursuant to section 4 of
43 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two
44 motor vehicle points; (3) not been convicted in the previous year for
45 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
46 50.4a), P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-
47 5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-

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1 related violation the commission determines to be significant and
2 applicable pursuant to regulation; and (4) passed an examination of
3 **【his】** the applicant's ability to operate a motor vehicle pursuant to
4 this section.

5 The commission 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 and Senior Services concerning the use of alcohol or drugs
9 as related to highway safety. The commission shall develop in
10 conjunction with the State Department of Health and Senior
11 Services supplements to the driver's manual which shall include
12 information necessary to answer any question on the driver's license
13 examination concerning alcohol or drugs as related to highway
14 safety.

15 Up to 20 questions may be added to the examination on subjects
16 to be determined by the commission that are of particular relevance
17 to youthful drivers, after consultation with the Director of the
18 **【Office】** Division of Highway Traffic Safety in the Department of
19 Law and Public Safety.

20 The commission shall expand the driver's license examination to
21 include a question asking whether the applicant is aware of the
22 provisions of the "Revised Uniform Anatomical Gift Act,"
23 P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on
24 the driver's license the intention to make a donation of body organs
25 or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

26 Any person applying for a driver's license to operate a motor
27 vehicle or motorized bicycle in this State shall surrender to the
28 commission any current driver's license issued to **【him】** the
29 applicant by another state or jurisdiction upon **【his】** the applicant's
30 receipt of a driver's license for this State. The commission shall
31 refuse to issue a driver's license if the applicant fails to comply with
32 this provision. An applicant for a permit or license who is less than
33 18 years of age, and who holds a permit or license for a passenger
34 automobile issued by another state or country that is valid or has
35 expired within a time period designated by the commission, shall be
36 subject to the permit and license requirements and penalties
37 applicable to State permit and license applicants who are of the
38 same age; except that if the other state or country has permit or
39 license standards substantially similar to those of this State, the
40 credentials of the other state or country shall be acceptable.

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

43 a. Motorcycles, except that for the purposes of this section,
44 motorcycle shall not include any three-wheeled motor vehicle
45 equipped with a single cab with glazing enclosing the occupant,
46 seats similar to those of a passenger vehicle or truck, seat belts and
47 automotive steering or any vehicle defined as a motorcycle pursuant

1 to R.S.39:1-1 having a motor with a maximum piston displacement
2 that is less than 50 cubic centimeters or a motor that is rated at no
3 more than 1.5 brake horsepower with a maximum speed of no more
4 than 35 miles per hour on a flat surface .

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

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

8 d. All motor vehicles not included in classifications a. and b. A
9 license issued pursuant to this classification d. shall be referred to
10 as the "basic driver's license."

11 Every applicant for a license under classification b. shall be a
12 holder of a basic driver's license. Any issuance of a license under
13 classification b. shall be by endorsement on the basic driver's
14 license.

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

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

31 The commission may, at its discretion and for good cause shown,
32 issue licenses which shall expire on a date fixed by it. If the
33 commission issues a license to a person who has demonstrated
34 authorization to be present in the United States for a period of time
35 shorter than the standard period of the license, the commission shall
36 fix the expiration date of the license at a date based on the period in
37 which the person is authorized to be present in the United States
38 under federal immigration laws. The commission may renew such a
39 license only if it is demonstrated that the person's continued
40 presence in the United States is authorized under federal law. The
41 fee for licenses with expiration dates fixed by the commission shall
42 be fixed by the commission in amounts proportionately less or
43 greater than the fee herein established.

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

46 Motorcycle license or endorsement: \$18.

47 Omnibus or school bus endorsement: \$18.

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1 Basic driver's license: \$18.

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

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

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

15 The commission in its discretion may refuse to grant a permit or
16 license to drive motor vehicles to a person who is, in its estimation,
17 not a proper person to be granted such a permit or license, but no
18 defect of the applicant shall debar **【him】** the applicant from
19 receiving a permit or license unless it can be shown by tests
20 approved by the commission that the defect incapacitates **【him】** the
21 applicant from safely operating a motor vehicle.

22 In addition to requiring an applicant for a driver's license to
23 submit satisfactory proof of identity and age, the commission also
24 shall require the applicant to provide, as a condition for obtaining a
25 permit and license, satisfactory proof that the applicant's presence
26 in the United States is authorized under federal law.

27 If the commission has reasonable cause to suspect that any
28 document presented by an applicant as proof of identity, age or
29 legal residency is altered, false or otherwise invalid, the
30 commission shall refuse to grant the permit or license until such
31 time as the document may be verified by the issuing agency to the
32 commission's satisfaction.

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

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.2009, c.38, s.1)

1 2. Section 6 of P.L.1991, c.452 (C.39:3-10.31) is amended to
2 read as follows:

3 6. The **【Director】** Chief Administrator of the **【Division of】**
4 **Motor 【Vehicles】** Vehicle Commission may waive the written law
5 and knowledge and road test portion of the examinations required
6 for a motorcycle license or endorsement under R.S.39:3-10 for the
7 holder of an examination permit who has successfully completed a
8 motorcycle safety education course established under the provisions
9 of section 1 of P.L.1991, c.452 (C.27:5F-36).
10 (cf: P.L.1991, c.452, s.6)

11
12 3. R.S.39:3-13 is amended to read as follows:

13 39:3-13. The chief administrator may, in **【his】** the chief
14 administrator's discretion, issue to a person over 17 years of age an
15 examination permit, under the hand and seal of the chief
16 administrator, allowing such person, for the purpose of fitting
17 **【himself】** the person to become a licensed driver, to operate a
18 designated class of motor vehicles other than passenger automobiles
19 and motorcycles **【of persons licensed to operate motorcycles only】**
20 for a specified period of not more than 90 days, while in the
21 company and under the supervision of a driver licensed to operate
22 such designated class of motor vehicles.

23 The chief administrator, in **【his】** the chief administrator's
24 discretion, may issue for a specified period of not less than one year
25 a passenger automobile or motorcycle-only examination permit to a
26 person over 17 years of age regardless of whether a person has
27 completed a course of behind-the-wheel automobile driving
28 education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
29 An examination permit applicant who is under 18 years of age shall
30 obtain the signature of a parent or guardian for submission to the
31 commission on a form prescribed by the chief administrator. The
32 chief administrator shall postpone for six months the driving
33 privileges of any person who submits a fraudulent signature for a
34 parent or guardian.

35 For six months immediately following the validation of an
36 examination permit, and until the holder passes the road test, the
37 holder who is less than 21 years of age shall operate the passenger
38 automobile **【or motorcycle】** only when accompanied by, and under
39 the supervision of, a New Jersey licensed driver who is at least 21
40 years of age and has been licensed to drive a passenger automobile
41 **【or motorcycle, as the case may be,】** for not less than three years.
42 The holder of an examination permit who is at least 21 years of age
43 shall operate the passenger automobile **【or motorcycle】** for the first
44 three months under such supervision and until the holder passes the
45 road test. The supervising driver of the passenger automobile shall
46 sit in the front seat of the vehicle. Whenever operating a vehicle
47 while in possession of an examination permit, the holder of the

1 permit shall operate the passenger automobile with only one
2 additional passenger in the vehicle excluding dependents of the
3 permit holder, except that this passenger restriction shall not apply
4 when the permit holder is at least 21 years of age or when the
5 permit holder is accompanied by a parent or guardian. Further, the
6 holder of the passenger automobile permit who is less than 21 years
7 of age shall not drive during the hours between 11:01 p.m. and 5
8 a.m.; provided, however, that this condition may be waived for an
9 emergency which, in the judgment of local police, is of sufficient
10 severity and magnitude to substantially endanger the health, safety,
11 welfare, or property of a person, or for any bona fide employment
12 or religion-related activity if the employer or appropriate religious
13 authority provides written verification of such activity in a manner
14 provided for by the chief administrator. The holder of the
15 examination permit shall not use any hand-held or hands-free
16 interactive wireless communication device, except in an emergency,
17 while operating a moving passenger automobile on a public road or
18 highway. "Use" shall include, but not be limited to, talking or
19 listening on any hand-held or hands-free interactive wireless
20 communication device or operating its keys, buttons, or other
21 controls. The passenger automobile permit holder shall ensure that
22 all occupants of the vehicle are secured in a properly adjusted and
23 fastened seat belt or child restraint system.

24 The holder of an examination permit subject to the provisions of
25 section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a
26 motorcycle at any time from a half-hour after sunset to a half-hour
27 before sunrise. A motorcycle operated by the holder of an
28 examination permit shall carry only the operator and shall not be
29 operated on any toll road over which the New Jersey Turnpike
30 Authority or the South Jersey Transportation Authority has
31 jurisdiction or on any limited-access interstate highway.

32 The holder of any examination permit shall not operate a
33 motorcycle having a motor with a maximum piston displacement
34 that is less than 50 cubic centimeters or a motor that is rated at no
35 more than 1.5 brake horsepower with a maximum speed no more
36 than 35 miles per hour on a flat surface at anytime from a half-hour
37 after sunset to a half-hour before sunrise and shall not operate the
38 motorcycle with any other passenger. The holder of any
39 examination permit shall not operate a motorcycle upon limited-
40 access interstate highways or public roads or highways with a
41 posted speed limit greater than 35 miles per hour.

42 On and after July 1, 2009, an applicant for an examination permit
43 subject to the provisions of section 1 of P.L.1977, c.23 (C.39:3-
44 10b), who is less than 18 years of age, shall be required to
45 successfully complete a motorcycle safety education course
46 established pursuant to the provisions of section 1 of P.L.1991,

1 c.452 (C.27:5F-36) as a condition for obtaining a motorcycle
2 license or endorsement.

3 The chief administrator shall provide the holder of an
4 examination permit with two removable, transferable, highly
5 visible, reflective decals indicating that the driver of the vehicle
6 may be the holder of an examination permit. The decals shall be
7 designed by the chief administrator, in consultation with the
8 Division of Highway Traffic Safety in the Department of Law and
9 Public Safety. The chief administrator may charge a fee for the
10 decals not to exceed the actual cost of producing and distributing
11 the decals. The decals shall be displayed in a manner prescribed by
12 the chief administrator, in consultation with the Division of
13 Highway Traffic Safety in the Department of Law and Public
14 Safety, and shall be clearly visible to law enforcement officers. The
15 holder of an examination permit shall not operate a vehicle unless
16 the decals are displayed. The decal shall be removed once the
17 driver's examination permit period has ended.

18 When notified by a court of competent jurisdiction that an
19 examination permit holder has been convicted of a violation which
20 causes the permit holder to accumulate more than two motor vehicle
21 points or has been convicted of a violation of R.S.39:4-50; section 2
22 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
23 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any
24 other motor vehicle-related law the chief administrator deems
25 significant and applicable pursuant to regulation, in addition to any
26 other penalty that may be imposed, the chief administrator shall,
27 without the exercise of discretion or a hearing, suspend the
28 examination permit holder's examination permit for 90 days. The
29 chief administrator shall restore the permit following the term of the
30 permit suspension if the permit holder satisfactorily completes a
31 remedial training course of not less than four hours which may be
32 given by the commission, a driving school licensed by the chief
33 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2),
34 or any Statewide safety organization approved by the chief
35 administrator. The course shall be subject to oversight by the
36 commission according to its guidelines. The permit holder shall
37 also remit a course fee prior to the commencement of the course.
38 The chief administrator also shall postpone without the exercise of
39 discretion or a hearing the issuance of a basic license for 90 days if
40 the chief administrator is notified by a court of competent
41 jurisdiction that the examination permit holder, after completion of
42 the remedial training course, has been convicted of any motor
43 vehicle violation which results in the imposition of any motor
44 vehicle points or has been convicted of a violation of R.S.39:4-50;
45 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182
46 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
47 N.J.S.2C:12-1 or any other motor vehicle-related law the chief

1 administrator deems significant and applicable pursuant to
2 regulation. When the chief administrator is notified by a court of
3 competent jurisdiction that an examination permit holder has been
4 convicted of any alcohol or drug-related offense unrelated to the
5 operation of a motor vehicle and is not otherwise subject to any
6 other suspension penalty therefor, the chief administrator shall,
7 without the exercise of discretion or a hearing, suspend the
8 examination permit for six months.

9 An examination permit for a motorcycle or a commercial motor
10 vehicle issued to a handicapped person, as determined by the New
11 Jersey Motor Vehicle Commission after consultation with the
12 Department of Education, shall be valid for nine months or until the
13 completion of the road test portion of his license examination,
14 whichever period is shorter.

15 Each permit shall be sufficient license for the person to operate
16 such designated class of motor vehicles in this State during the
17 period specified, while in the company of and under the control of a
18 driver licensed by this State to operate such designated class of
19 motor vehicles, or, in the case of a commercial driver license
20 permit, while in the company of and under the control of a holder of
21 a valid commercial driver license for the appropriate license class
22 and with the appropriate endorsements issued by this or any other
23 state. Such person, as well as the licensed driver, except for a motor
24 vehicle examiner administering a driving skills test, shall be held
25 accountable for all violations of this subtitle committed by such
26 person while in the presence of the licensed driver. In addition to
27 requiring an applicant for an examination permit to submit
28 satisfactory proof of identity and age, the chief administrator also
29 shall require the applicant to provide, as a condition for obtaining
30 the permit, satisfactory proof that the applicant's presence in the
31 United States is authorized under federal law. If the chief
32 administrator has reasonable cause to suspect that any document
33 presented by an applicant as proof of identity, age, or legal
34 residency is altered, false, or otherwise invalid, the chief
35 administrator shall refuse to grant the permit until such time as the
36 document may be verified by the issuing agency to the chief
37 administrator's satisfaction.

38 The holder of an examination permit shall be required to take a
39 road test in order to obtain a probationary license. No road test for
40 any person who has been issued an examination permit to operate a
41 passenger vehicle shall be given unless the person has met the
42 requirements of this section. No road test for a probationary license
43 shall be given unless the applicant has first secured an examination
44 permit and no such road test shall be scheduled for an applicant
45 who has secured an examination permit for a passenger vehicle or a
46 motorcycle for which an endorsement is not required until at least
47 six months for an applicant under 21 years of age or three months

1 for an applicant 21 years of age or older shall have elapsed
2 following the validation of the examination permit for practice
3 driving or, in the case of an examination permit for other vehicles,
4 until 20 days have elapsed. In the case of an omnibus endorsement
5 or school bus, no road test shall be scheduled until at least 10 days
6 shall have elapsed. Every applicant for an examination permit to
7 qualify for an omnibus endorsement or an articulated vehicle
8 endorsement shall be a holder of a valid basic driver's license.

9 The required fees for special learner's permits and examination
10 permits shall be as follows:

- 11 Basic driver's license.....up to \$10
- 12 Motorcycle license or endorsement.....\$ 5
- 13 Omnibus or school bus endorsement.....\$25

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

21 The specified period for which a permit is issued may be
22 extended for not more than an additional 60 days, without payment
23 of an added fee, upon application made by the holder thereof, where
24 the holder has applied to take the examination for a driver's license
25 prior to the expiration of the original period for which the permit
26 was issued and the chief administrator was unable to schedule an
27 examination during said period.

28 As a condition for the issuance of an examination permit under
29 this section, the chief administrator shall secure a digitized picture
30 of the applicant. The picture shall be stored in a manner prescribed
31 by the chief administrator and may be displayed on the examination
32 permit.

33 The chief administrator may require that whenever a person to
34 whom an examination permit has been issued has reconstructive or
35 cosmetic surgery which significantly alters the person's facial
36 features, the person shall notify the chief administrator who may
37 require the picture of the person to be updated.

38 Specific use of the examination permit and any information
39 stored or encoded, electronically or otherwise, in relation thereto
40 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
41 the federal Driver's Privacy Protection Act of 1994, Pub. L.103-
42 322. Notwithstanding the provisions of any other law to the
43 contrary, the digitized picture or any access thereto or any use
44 thereof shall not be sold, leased, or exchanged for value.

45 (cf: P.L.2009, c.38, s.5)

46

47 4. R.S.39:8-1 is amended to read as follows:

1 39:8-1. a. Every motor vehicle registered in this State which is
2 used over any public road, street, or highway or any public or quasi-
3 public property in this State, and every vehicle subject to enhanced
4 inspection and maintenance programs pursuant to 40 C.F.R.
5 s.51.356, except historic motor vehicles registered as such, collector
6 motor vehicles designated as such pursuant to this subsection, and
7 those vehicles over 8,500 pounds gross weight that are under the
8 inspection jurisdiction of the commission pursuant to Titles 27 and
9 48 **[(as amended by this legislation)]** of the Revised Statutes, shall
10 be inspected by designated examiners or at official inspection
11 facilities to be designated by the commission or at licensed private
12 inspection facilities. The commission shall adopt rules and
13 regulations establishing a procedure for the designation of motor
14 vehicles as collector motor vehicles, which designation shall
15 include consideration by the commission of one or more of the
16 following factors: the age of the vehicle, the number of such
17 vehicles originally manufactured, the number of such vehicles that
18 are currently in use, the total number of miles the vehicle has been
19 driven, the number of miles the vehicle has been driven during the
20 previous year or other period of time determined by the
21 commission, and whether the vehicle has a collector classification
22 for insurance purposes.

23 b. The commission shall determine the official inspection
24 facility or private inspection facility at which a motor vehicle,
25 depending upon its characteristics, shall be inspected. The
26 commission, with the concurrence of the Department of
27 Environmental Protection, may exclude by regulation from this
28 inspection requirement any category of motor vehicle if good cause
29 for such exclusion exists, unless the exclusion is likely to prevent
30 this State from meeting the applicable performance standard
31 established by the United States Environmental Protection Agency.
32 The commission may determine that a vehicle is in compliance with
33 the inspection requirements of this section if the vehicle has been
34 inspected and passed under a similar inspection program of another
35 state, district, or territory of the United States.

36 (cf: P.L.2003, c.13, s.75)

37

38 5. Section 1 of P.L.1991, c.452 (C.27:5F-36) is amended to
39 read as follows:

40 1. a. The chief administrator of the New Jersey Motor Vehicle
41 Commission **],** after consultation with the motorcycle safety
42 education advisory committee established under section 3 of
43 P.L.1991, c.452 (C.27:5F-38), **]** shall establish a motorcycle safety
44 education program. The program shall consist of a course of
45 instruction and training designed to develop and instill the
46 knowledge, attitudes, habits, and skills necessary for the safe
47 operation and riding of a motorcycle and shall meet or exceed the

- 1 standards and requirements of the rider's course developed by the
2 Motorcycle Safety Foundation.
- 3 b. The motorcycle safety education course shall be open to any
4 applicant for a New Jersey motorcycle license or endorsement and
5 to any person who has been issued a New Jersey motorcycle license
6 or endorsement. The course shall be scheduled for such times and
7 places as the chief administrator shall determine are appropriate to
8 enable interested applicants for and persons with motorcycle
9 licenses and endorsements to participate.
- 10 c. The chief administrator may assign employees of the Motor
11 Vehicle Commission to serve as instructors for the course, or may
12 contract with such other persons who are certified as motorcycle
13 safety education instructors pursuant to section 2 of P.L.1991, c.452
14 (C.27:5F-37) to serve as instructors for the course. A person with a
15 motorcycle safety education instructor endorsement to an
16 instructor's license issued pursuant to section 5 of P.L.1951, c.216
17 (C.39:12-5) may also be selected by the chief administrator to serve
18 as an instructor for the course.
- 19 d. **【**If the moneys deposited in the Motorcycle Safety
20 Education Fund established pursuant to section 4 of P.L.1991, c.452
21 (C.27:5F-39), are not sufficient to cover the costs of the program,
22 the**】** The chief administrator may impose a registration fee to be
23 paid by the participants in the course.
- 24 e. The motorcycle safety education course may also be
25 provided by:
- 26 (1) public and private educational institutions which are
27 approved by the chief administrator to offer the course ;
- 28 (2) drivers' schools licensed pursuant to P.L.1951, c.216
29 (C.39:12-1 et seq.); **【or】**
- 30 (3) dealers engaged in the business of selling new motorcycles
31 and licensed pursuant to R.S.39:10-19 and which are approved by
32 the chief administrator to offer the course. A dealer approved to
33 offer the motorcycle safety education course shall not restrict
34 enrollment therein to persons who have purchased or agreed to
35 purchase a motorcycle or other vehicle from that dealer, and shall
36 not charge a higher fee for enrollment therein based upon whether a
37 person has made or has agreed to make such a purchase ; or
- 38 (4) private entities which are approved by the chief
39 administrator to offer the course. The motorcycle safety education
40 course provided by a private entity shall meet or exceed the
41 standards and requirements of the rider's course developed by the
42 Motorcycle Safety Foundation including, but not limited to, course
43 curriculum, motorcycle range, and motorcycle instructor
44 certification.
- 45 f. Upon and after the effective date of this act, the chief
46 administrator may impose upon an entity seeking approval to
47 provide the motorcycle safety education course in accordance with

1 subsection e. of this section, a course certification fee for each
2 location at which the entity intends to offer motorcycle range
3 instruction. The chief administrator shall adopt regulations
4 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
5 (C.52:14B-1 et seq.) to fix the amount of the course certification
6 fee. Moneys collected pursuant to this subsection shall be
7 deposited in the Motorcycle Safety Education Fund, pursuant to
8 section 4 of P.L.1991, c.452 (C.27:5F-39).

9 g. **【Upon and after the effective date of this act, the】** The chief
10 administrator **【shall】** may collect from each entity approved to
11 provide the motorcycle safety education course pursuant to
12 subsection e. of this section, a road test waiver fee for each student
13 who has successfully completed the course and has qualified for a
14 waiver of the road test portion of the examination required pursuant
15 to section 6 of P.L.1991, c.452 (C.39:3-10.31) to obtain a
16 motorcycle license or endorsement. The chief administrator shall
17 adopt regulations pursuant to the "Administrative Procedure Act,"
18 P.L.1968, c.410 (C.52:14B-1 et seq.) to fix the amount of the road
19 test waiver fee. Moneys collected pursuant to this subsection shall
20 be deposited in the Motorcycle Safety Education Fund, pursuant to
21 section 4 of P.L.1991, c.452 (C.27:5F-39).

22 h. Notwithstanding subsection a. of this section, the chief
23 administrator may enter into a contract with a public or private
24 entity authorizing such entity to implement and administer the
25 motorcycle safety education course established by the chief
26 administrator pursuant to this section. The chief administrator may
27 suspend or revoke an authorization to administer the motorcycle
28 safety education course on any reasonable ground.

29 (cf: P.L.2007, c.179, s.1)

30

31 6. Section 2 of P.L.1991, c.452 (C.27:5F-37) is amended to
32 read as follows:

33 2. To qualify for certification as an instructor of the motorcycle
34 safety education course established pursuant to section 1 of
35 P.L.1991, c.452 (C.27:5F-36), a person shall:

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

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

39 c. have no record of a suspension or revocation of his driver's
40 license or motorcycle license or endorsement during the past two
41 years;

42 d. have no convictions for violating the provisions of R.S.39:4-
43 50 during the past five years;

44 e. have accumulated no more than four points assessed against
45 his driver's license or motorcycle license or endorsement by the
46 **【director】** chief administrator for motor vehicle offenses during the
47 past two years;

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

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

5 Any person who meets the requirements set forth in this section
6 may apply to the **【Director】** Chief Administrator of the **【Office of**
7 **Highway Traffic Safety】** Motor Vehicle Commission to be certified
8 as a motorcycle safety education instructor. The application shall
9 be in writing and contain such information as the **【director】** chief
10 administrator shall require. No certification fee shall be charged by
11 the **【director】** chief administrator. A certification so issued shall be
12 valid during such period as the instructor meets the requirements of
13 subsections a. through g. of this section.

14 A person who holds a valid instructor's license issued pursuant to
15 section 5 of P.L.1951, c.216 (C.39:12-5) may apply to the
16 **【Director】** Chief Administrator of the **【Division of】** Motor
17 **【Vehicles】** Vehicle Commission for a motorcycle safety education
18 instructor endorsement as provided for in section 5 of P.L.1951,
19 c.216 (C.39:12-5).

20 (cf: P.L.1991, c.452, s.2)

21
22 7. Section 4 of P.L.1991, c.452 (C.27:5F-39) is amended to
23 read as follows:

24 4. There is established a Motorcycle Safety Education Fund in
25 the **【Office of Highway Traffic Safety】** Motor Vehicle
26 Commission. Such registration fees as may be imposed at the
27 discretion of the **【Director】** Chief Administrator of the **【Office of**
28 **Highway Traffic Safety】** Motor Vehicle Commission upon
29 participants in a motorcycle safety education course, \$5.00 of the
30 fee collected by the **【Director】** Chief Administrator of the
31 **【Division of】** Motor **【Vehicles】** Vehicle Commission for each
32 motorcycle license or endorsement issued under the provisions of
33 R.S.39:3-10, and any other moneys which may become available
34 for motorcycle safety education shall be deposited in the fund. The
35 moneys in the fund shall be used exclusively by the **【Office of**
36 **Highway Traffic Safety】** Motor Vehicle Commission to defray the
37 costs of the motorcycle safety education program established
38 pursuant to section 1 of P.L.1991, c.452 (C.27:5F-36). In addition,
39 moneys in the fund may be used to provide for a full or part-time
40 motorcycle safety education program coordinator.

41 (cf: P.L.1991, c.452, s.4)

42
43 8. (New section) A motorcycle having a motor with a
44 maximum piston displacement that is less than 50 cubic centimeters
45 or a motor that is rated at no more than 1.5 brake horsepower with a
46 maximum speed of no more than 35 miles per hour on a flat surface

1 shall not be operated upon limited-access interstate highways or
2 public roads or highways with posted speed limits greater than 35
3 miles per hour.

4 Every person operating a motorcycle upon a public road or
5 highway shall be subject to all of the duties applicable to the driver
6 of a vehicle under chapter 4 of Title 39 of the Revised Statutes and
7 N.J.S.2C:11-5 and all amendments and supplements thereto.

8

9 9. Section 5 of P.L.1991, c.452 (C.27:5F-40) is amended to
10 read as follows:

11 5. The **【Director】** Chief Administrator of the **【Office of**
12 **Highway Traffic Safety】** Motor Vehicle Commission, pursuant to
13 the provisions of the "Administrative Procedure Act," P.L.1968,
14 c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations
15 to effectuate the purposes of this act, including, but not limited to,
16 the minimum level of knowledge, skill and ability required for the
17 successful completion of the motorcycle safety education program
18 established pursuant to section 1 of P.L.1991, c.452 (C.27:5F-36).
19 (cf: P.L.1991, c.452, s.5)

20

21 10. Section 3 of P.L.1991, c.452 (C.27:5F-38) is repealed.

22

23 11. Sections 2, 5, 6, 7, 8, 9, 10, and this section of this act shall
24 take effect immediately, sections 3 and 4 shall take effect on the
25 first day of the fourth month following enactment, and section 1
26 shall take effect immediately but shall remain inoperative until the
27 date the Chief Administrator of the Motor Vehicle Commission
28 certifies to the Governor that the commission is prepared to issue
29 motorcycle licenses and endorsements with restriction as to engine
30 displacement and to collect the increased motorcycle license or
31 endorsement fee, but such operative date shall be no later than
32 January 1, 2011. The chief administrator may take such
33 anticipatory administrative action in advance as shall be necessary
34 for the implementation of this act.

35

36

37

STATEMENT

38

39 The bill would enact several new motorcycle safety provisions.

40 The bill would create a restriction on the size of a motorcycle a
41 person is licensed to operate to better prevent new motorcycle
42 drivers from operating motorcycles with engine sizes too powerful
43 for that driver's skill level. Specifically, the bill provides that the
44 motorcycle license or endorsement of those who take their road test
45 on a motorcycle or motor scooter with an engine displacement of
46 less than 231 cubic centimeters shall restrict the license to operating
47 motorcycles with engine displacement of 500 cubic centimeters or

1 less. This restriction would not apply, however, to a person who
2 has successfully completed an approved motorcycle safety
3 education course.

4 The bill also creates a new category of low-speed motorcycles to
5 address the increased use of small motorcycles. The bill prohibits
6 low speed motorcycles from being operated upon limited-access
7 interstate highways or public roads or highways with posted speed
8 limits in excess of 35 miles per hour this State.

9 This bill would expand the authority of the Chief Administrator
10 of the Motor Vehicle Commission (“chief administrator”) to waive
11 requirements for a motorcycle license or endorsement for holders of
12 an examination permit who have completed a motorcycle safety
13 education course by allowing a waiver of the written portion of the
14 examination as well as the road test. The bill also makes it
15 optional, rather than mandatory as under current law, for the chief
16 administrator to collect a waiver fee from any provider of a
17 motorcycle safety education course for each student holding an
18 examination permit who, having successfully completed the course,
19 has qualified for waiver of the road test portion of the motorcycle
20 license examination. The bill also authorizes the chief
21 administrator to (1) approve private entities, not included among
22 those already designated by law, to offer a motorcycle safety
23 education course, and (2) contract with a public or private entity to
24 implement and administer the course.

25 The bill would also clarify the times, roadways, and conditions
26 on which holders of a motorcycle examination permits may
27 practice. The bill would prohibit a holder of a motorcycle
28 examination permit from: 1) operating a motorcycle in the dark; 2)
29 carrying passengers; and 3) operating a motorcycle on the State’s
30 toll roads or on limited access highways.

31 The bill would require all applicants for a motorcycle
32 examination permit under the age of 18 years to successfully
33 complete a motorcycle safety education course as a condition for
34 obtaining a motorcycle license or endorsement on or after July 1,
35 2009.

36 The bill reallocates the Motorcycle Safety Education Fund from
37 the Office of Highway Traffic Safety in the Department of
38 Transportation to the New Jersey Motor Vehicle Commission (“the
39 commission”).

40 The bill repeals a 1991 law (N.J.S.A.27:5F-38) that establishes a
41 motorcycle safety education advisory committee to assist the
42 Division of Highway Safety in developing the motorcycle safety
43 education program.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 736

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 4, 2010

The Senate Transportation Committee reports favorably Senate Bill No. 736 with committee amendments.

The amended bill would enact several new motorcycle safety provisions.

The bill would create a restriction on the size of a motorcycle a person is licensed to operate to better prevent new motorcycle drivers from operating motorcycles with engine sizes too powerful for that driver's skill level. Specifically, the bill provides that a person issued a motorcycle license or endorsement who shall have taken the road test on a motorcycle or motor scooter with an engine displacement of less than 231 cubic centimeters shall be restricted to operating motorcycles with engine displacement of 500 cubic centimeters or less. This restriction would not apply, however, to a person who has successfully completed an approved motorcycle safety education course.

The bill also creates a new category of low-speed motorcycles to address the increased use of small motorcycles. The bill prohibits low-speed motorcycles from being operated upon limited-access interstate highways or public roads or highways with posted speed limits in excess of 35 miles per hour in this State.

This bill would expand the authority of the Chief Administrator of the Motor Vehicle Commission ("chief administrator") to waive requirements for a motorcycle license or endorsement for holders of an examination permit who have completed a motorcycle safety education course by allowing a waiver of the written portion of the examination as well as the road test. The bill also makes it optional, rather than mandatory as under current law, for the chief administrator to collect a waiver fee from any provider of a motorcycle safety education course for each student holding an examination permit who, having successfully completed the course, has qualified for waiver of the road test portion of the motorcycle license examination. The bill also authorizes the chief administrator to (1) approve private entities, not included among those already designated by law, to offer a motorcycle safety education course, and (2) contract with a public or private entity to implement and administer the course.

The bill would also clarify the times, roadways, and conditions on which holders of a motorcycle examination permits may practice. The bill would prohibit a holder of a motorcycle examination permit from: 1) operating a motorcycle in the dark; 2) carrying passengers; and 3) operating a motorcycle on the State's toll roads or on limited access highways.

The bill would require all applicants for a motorcycle examination permit under the age of 18 years to successfully complete a motorcycle safety education course as a condition for obtaining a motorcycle license or endorsement, effective 90 days after enactment of the bill.

The bill exempts low-speed motorcycles from inspection requirements.

The bill reallocates the Motorcycle Safety Education Fund from the Office of Highway Traffic Safety in the Department of Transportation to the New Jersey Motor Vehicle Commission ("the commission").

The bill repeals a 1991 law (N.J.S.A.27:5F-38) that establishes a motorcycle safety education advisory committee to assist the Division of Highway Safety in developing the motorcycle safety education program.

The committee amended the bill to provide that beginning 90 days after enactment of the bill (rather than July 1, 2009), an applicant for an examination permit who is less than 18 years of age shall be required to successfully complete a motorcycle safety education course as a condition for obtaining a motorcycle license or endorsement.

The committee amended the bill to exempt from inspection low-speed motorcycles having a maximum piston displacement that is less than 50 cubic centimeters or a motor 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 .

The committee amended the bill to omit reference to collecting the increased motorcycle license or endorsement fee in the effective date section and to change the operative date to as soon as practicable but no later than January 1, 2013.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 736

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 27, 2010

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 736 (1R) with committee amendments.

The bill, with committee amendments, enacts several new motorcycle safety provisions, including restricting the size of motorcycle a person is licensed to operate, creating a new category of low-speed motorcycle, authorizing the waiver of certain motorcycle licensing requirements in certain circumstances, and specifying the conditions under which a motorcycle permit holder may practice.

Specifically, the bill would create a restriction on the size of a motorcycle a person is licensed to operate to better prevent new motorcycle drivers from operating motorcycles with engine sizes too powerful for that driver's skill level. The bill provides that a person issued a motorcycle license or endorsement who shall have taken the road test on a motorcycle or motor scooter with an engine displacement of less than 231 cubic centimeters shall be restricted to operating motorcycles with engine displacement of 500 cubic centimeters or less. This restriction would not apply, however, to a person who has successfully completed an approved motorcycle safety education course.

The bill also creates a new category of low-speed motorcycles to address the increased use of small motorcycles. The bill prohibits low-speed motorcycles from being operated upon limited-access interstate highways or public roads or highways with posted speed limits in excess of 35 miles per hour in this State.

This bill also expands the authority of the Chief Administrator of the Motor Vehicle Commission ("chief administrator") to waive requirements for a motorcycle license or endorsement for holders of an examination permit who have completed a motorcycle safety education course by allowing a waiver of the written portion of the examination as well as the road test. The bill also makes it optional, rather than mandatory as under current law, for the chief administrator to collect a waiver fee from any provider of a motorcycle safety education course for each student holding an examination permit who, having successfully completed the course, has qualified for waiver of

the road test portion of the motorcycle license examination. The bill also authorizes the chief administrator to (1) approve private entities, not included among those already designated by law, to offer a motorcycle safety education course, and (2) contract with a public or private entity to implement and administer the course.

The bill would also clarify the times, roadways, and conditions on which holders of a motorcycle examination permits may practice. The bill would prohibit a holder of a motorcycle examination permit from: 1) operating a motorcycle in the dark; 2) carrying passengers; and 3) operating a motorcycle on the State's toll roads or on limited access highways.

The bill would require all applicants for a motorcycle examination permit under the age of 18 years to successfully complete a motorcycle safety education course as a condition for obtaining a motorcycle license or endorsement.

The bill exempts low-speed motorcycles from inspection requirements.

The bill reallocates the Motorcycle Safety Education Fund from the Office of Highway Traffic Safety in the Department of Transportation to the New Jersey Motor Vehicle Commission ("the commission").

The bill repeals a 1991 law (N.J.S.A.27:5F-38) that establishes a motorcycle safety education advisory committee to assist the Division of Highway Safety in developing the motorcycle safety education program.

COMMITTEE AMENDMENTS:

The committee amendment makes a technical amendment to conform the timing of a provision in section 3 to the timing of the effective date of section 3.

FISCAL IMPACT:

The OLS has determined that this legislation will have no fiscal impact on the State, including upon the revenues or expenditures of the MVC.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 736

STATE OF NEW JERSEY 214th LEGISLATURE

DATED: JUNE 1, 2010

SUMMARY

- Synopsis:** Establishes new motorcycle safety provisions.
- Type of Impact:** No fiscal impact.
- Agencies Affected:** Motor Vehicle Commission, Department of Transportation

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	No Impact – See comments below		
State Revenue	No Impact – See comments below		

- The Office of Legislative Services (OLS) has determined that this legislation will have no fiscal impact on the State.
- The bill creates a new category of low-speed motorcycles that is exempt from inspection requirements.
- The bill reallocates the Motorcycle Safety Education Fund from the Office of Highway Traffic Safety in the Department of Transportation to the Motor Vehicle Commission (MVC).

BILL DESCRIPTION

Senate Bill No. 736 (1R) of 2010 would enact several new motorcycle safety provisions.

The bill creates a restriction on the size of a motorcycle that a person may be licensed to operate to better prevent new motorcycle drivers from operating motorcycles with engine sizes too powerful for that driver's skill level.

The bill also creates a new category of low-speed motorcycles to address the increased use of small motorcycles, exempts low-speed motorcycles from inspection requirements, and prohibits low speed motorcycles from being operated upon limited-access interstate highways or public roads or highways with posted speed limits in excess of 35 miles per hour in this State.

The bill expands the authority of the chief administrator of the MVC to waive requirements for a motorcycle license or endorsement for holders of an examination permit who have completed a motorcycle safety education course by allowing a waiver of the written portion of the examination as well as the road test. The bill makes it optional, rather than mandatory as under current law, for the chief administrator to collect a waiver fee from any provider of a motorcycle safety education course for each student holding an examination permit who, having successfully completed the course, has qualified for waiver of the road test portion of the motorcycle license examination. The bill also authorizes the chief administrator to approve private entities, not included among those already designated by law, to offer a motorcycle safety education course, and contract with a public or private entity to implement and administer the course.

The bill also clarifies the times, roadways, and conditions on which holders of a motorcycle examination permits may practice, and prohibits a holder of a motorcycle examination permit from operating a motorcycle in the dark, carrying passengers, and operating a motorcycle on the State's toll roads or on limited access highways.

The bill requires all applicants for a motorcycle examination permit under the age of 18 years to successfully complete a motorcycle safety education course as a condition for obtaining a motorcycle license or endorsement, effective 90 days after enactment.

The bill reallocates the Motorcycle Safety Education Fund from the Office of Highway Traffic Safety in the Department of Transportation to the MVC, and repeals a 1991 law (N.J.S.A.27:5F-38) that establishes a motorcycle safety education advisory committee to assist the Division of Highway Safety in developing the motorcycle safety education program.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has determined that this legislation will have no fiscal impact on the State.

The OLS notes that according to information informally provided by the Executive, this bill will have no impact on revenue or expenditures of the MVC.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Hroncich
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 736

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Senate Bill No. 736(2R).

As reported, this amended bill would enact several new motorcycle safety provisions.

The bill would create a restriction on the size of a motorcycle a person is licensed to operate to better prevent new motorcycle drivers from operating motorcycles with engine sizes too powerful for that driver's skill level. Specifically, the bill provides that a person issued a motorcycle license or endorsement who has taken the road test on a motorcycle or motor scooter with an engine displacement of less than 231 cubic centimeters shall be restricted to operating motorcycles with engine displacement of 500 cubic centimeters or less. This restriction would not apply, however, to a person who has successfully completed an approved motorcycle safety education course.

The bill also creates a new category of low-speed motorcycles to address the increased use of small motorcycles. The bill prohibits low-speed motorcycles from being operated upon limited-access interstate highways or public roads or highways with posted speed limits in excess of 35 miles per hour in this State.

This bill would expand the authority of the Chief Administrator of the Motor Vehicle Commission ("chief administrator") to waive requirements for a motorcycle license or endorsement for holders of an examination permit who have completed a motorcycle safety education course by allowing a waiver of the written portion of the examination as well as the road test. The bill also makes it optional, rather than mandatory as under current law, for the chief administrator to collect a waiver fee from any provider of a motorcycle safety education course for each student holding an examination permit who, having successfully completed the course, has qualified for waiver of the road test portion of the motorcycle license examination. The bill also authorizes the chief administrator to (1) approve private entities,

not included among those already designated by law, to offer a motorcycle safety education course, and (2) contract with a public or private entity to implement and administer the course.

The bill would also clarify the times, roadways, and conditions on which holders of a motorcycle examination permits may practice. The bill would prohibit a holder of a motorcycle examination permit from: (1) operating a motorcycle in the dark; (2) carrying passengers; and (3) operating a motorcycle on the State's toll roads or on limited access highways.

The bill would require all applicants for a motorcycle examination permit under the age of 18 years to successfully complete a motorcycle safety education course as a condition for obtaining a motorcycle license or endorsement.

T The bill reallocates, from the Office of Highway Traffic Safety in the Department of Transportation to the New Jersey Motor Vehicle Commission, (1) responsibility for certifying motorcycle safety education instructors, and (2) jurisdiction over the Motorcycle Safety Education Fund.

The bill repeals a 1991 law (N.J.S.A.27:5F-38) that establishes a motorcycle safety education advisory committee to assist the Division of Highway Safety in developing the motorcycle safety education program.

As reported, Senate Bill No. 736(2R), as amended and reported by the committee on this date, is identical to Assembly Bill No. 576, which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended to the bill to delete the provision exempting low-speed motorcycles from inspection requirements since the statutory law has been amended to provide that motorcycles are no longer subject to inspections and to renumber the sections of the bill. The committee amended the title of the bill to reflect the provisions of law in the bill.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

SENATE, No. 736

STATE OF NEW JERSEY 214th LEGISLATURE

DATED: DECEMBER 17, 2010

SUMMARY

Synopsis: Establishes new motorcycle safety provisions.

Type of Impact: No fiscal impact.

Agencies Affected: Motor Vehicle Commission (MVC)
Department of Transportation (DOT)

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	No impact – See comments below		
State Revenue	No impact – See comments below		

- The Office of Legislative Services (OLS) has determined that this legislation will have no fiscal impact on the State.
- The bill transfers the Motorcycle Safety Education Fund from the Office of Highway Traffic Safety in the DOT to the MVC.

BILL DESCRIPTION

Senate Bill No. 736 (3R) of 2010 would enact several new motorcycle safety provisions.

The bill creates a restriction on the size of a motorcycle that a person may be licensed to operate to better prevent new motorcycle drivers from operating motorcycles with engine sizes too powerful for that driver's skill level, and creates a new category of low-speed motorcycles to address the increased use of small motorcycles.

The bill expands the authority of the chief administrator of the MVC to waive requirements for a motorcycle license or endorsement for holders of an examination permit that have completed a motorcycle safety education course by allowing a waiver of the written portion of the examination as well as the road test. The bill makes it optional, rather than mandatory as under current law, for the chief administrator to collect a waiver fee from any provider of a

motorcycle safety education course for each student holding an examination permit who, having successfully completed the course, has qualified for waiver of the road test portion of the motorcycle license examination. The bill authorizes the chief administrator to approve private entities, not included among those already designated by law, to offer a motorcycle safety education course, and contract with a public or private entity to implement and administer the course.

The bill clarifies the times, roadways, and conditions on which holders of a motorcycle examination permits may practice, and prohibits a holder of a motorcycle examination permit from operating a motorcycle in the dark, carrying passengers, and operating a motorcycle on the State's toll roads or on limited access highways.

The bill requires all applicants for a motorcycle examination permit under the age of 18 years to successfully complete a motorcycle safety education course as a condition for obtaining a motorcycle license or endorsement, and deletes the provision exempting low-speed motorcycles from inspection requirements since the statutory law has been amended to provide that motorcycles are no longer subject to inspections.

The bill also transfers responsibility for certifying motorcycle safety education instructors, and the Motorcycle Safety Education Fund from the Office of Highway Traffic Safety in the DOT to the MVC, and repeals a 1991 law (N.J.S.A.27:5F-38) that establishes a motorcycle safety education advisory committee to assist the Division of Highway Safety in developing the motorcycle safety education program.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has determined that this legislation will have no fiscal impact on the State.

The OLS notes that according to information informally provided by the Executive, this bill will have no impact on revenue or expenditures of the MVC.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Hroncich
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 576

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblywoman Greenstein and Assemblyman DeAngelo

SYNOPSIS

Establishes new motorcycle safety provisions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 6/11/2010)

A576 CRYAN, GIBLIN

2

1 AN ACT concerning motorcycle safety, amending R.S.39:3-10,
2 R.S.39:3-13, R.S.39:8-1, and P.L.1991, c.452, supplementing
3 chapter 3 of Title 39 of the Revised Statutes, and repealing
4 section 3 of P.L.1991, c.452.

5

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

8

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

10 39:3-10. No person shall drive a motor vehicle on a public
11 highway in this State unless the person is under supervision while
12 participating in a behind-the-wheel driving course pursuant to
13 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
14 validated permit, or a probationary or basic driver's license issued to
15 **[him]** that person in accordance with this article.

16 No person under 18 years of age shall be issued a basic license to
17 drive motor vehicles, nor shall a person be issued a validated
18 permit, including a validated examination permit, until **[he]** the
19 applicant has passed a satisfactory examination and other
20 requirements as to **[his]** the applicant's ability as an operator. The
21 examination shall include a test of the applicant's vision, **[his]** the
22 applicant's ability to understand traffic control devices, **[his]** the
23 applicant's knowledge of safe driving practices and of the effects
24 that ingestion of alcohol or drugs has on a person's ability to operate
25 a motor vehicle, **[his]** the applicant's knowledge of such portions
26 of the mechanism of motor vehicles as is necessary to insure the
27 safe operation of a vehicle of the kind or kinds indicated by the
28 applicant, and of the laws and ordinary usages of the road. No
29 person shall sit for an examination for any permit without
30 exhibiting photo identification deemed acceptable by the
31 commission, unless that person is a high school student
32 participating in a course of automobile driving education approved
33 by the State Department of Education and conducted in a public,
34 parochial, or private school of this State, pursuant to section 1 of
35 P.L.1950, c.127 (C.39:3-13.1). The commission may waive the
36 written law knowledge examination for any person 18 years of age
37 or older possessing a valid driver's license issued by any other state,
38 the District of Columbia, or the United States Territories of
39 American Samoa, Guam, Puerto Rico, or the Virgin Islands. The
40 commission shall be required to provide that person with a booklet
41 that highlights those motor vehicle laws unique to New Jersey. A
42 road test shall be required for a probationary license and serve as a
43 demonstration of the applicant's ability to operate a vehicle of the
44 class designated. No person shall sit for a road test unless that

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 person exhibits photo identification deemed acceptable by the
2 commission. A high school student who has completed a course of
3 behind-the-wheel automobile driving education approved by the
4 State Department of Education and conducted in a public, parochial
5 , or private school of this State, who has been issued a special
6 learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-
7 13.1) prior to January 1, 2003, shall not be required to exhibit photo
8 identification in order to sit for a road test. The commission may
9 waive the road test for any person 18 years of age or older
10 possessing a valid driver's license issued by any other state, the
11 District of Columbia , or the United States Territories of American
12 Samoa, Guam, Puerto Rico , or the Virgin Islands. The road test
13 shall be given on public streets, where practicable and feasible, but
14 may be preceded by an off-street screening process to assess basic
15 skills. The commission shall approve locations for the road test
16 which pose no more than a minimal risk of injury to the applicant,
17 the examiner , and other motorists. No new locations for the road
18 test shall be approved unless the test can be given on public streets.

19 A person who successfully completes a road test for a
20 motorcycle license or a motorcycle endorsement when operating a
21 motorcycle or motorized scooter with an engine displacement of
22 less than 231 cubic centimeters shall be issued a motorcycle license
23 or endorsement restricting the person's operation of such vehicles
24 to any motorcycle with an engine displacement of 500 cubic
25 centimeters or less. A person who successfully completes a road
26 test for a motorcycle license or motorcycle endorsement when
27 operating a motorcycle with an engine displacement of 231 or more
28 cubic centimeters shall be issued a motorcycle license or
29 endorsement without any restriction as to engine displacement. Any
30 person who successfully completes an approved motorcycle safety
31 education course established pursuant to the provisions of section 1
32 of P.L.1991, c.452 (C.27:5F-36) shall be issued a motorcycle
33 license or endorsement without restriction as to engine
34 displacement.

35 The commission shall issue a basic driver's license to operate a
36 motor vehicle other than a motorcycle to a person over 18 years of
37 age who previously has not been licensed to drive a motor vehicle
38 in this State or another jurisdiction only if that person has: (1)
39 operated a passenger automobile in compliance with the
40 requirements of this title for not less than one year, not including
41 any period of suspension or postponement, from the date of
42 issuance of a probationary license pursuant to section 4 of
43 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two
44 motor vehicle points; (3) not been convicted in the previous year for
45 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
46 50.4a), P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-
47 5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-

1 related violation the commission determines to be significant and
2 applicable pursuant to regulation; and (4) passed an examination of
3 **【his】** the applicant's ability to operate a motor vehicle pursuant to
4 this section.

5 The commission 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 and Senior Services concerning the use of alcohol or drugs
9 as related to highway safety. The commission shall develop in
10 conjunction with the State Department of Health and Senior
11 Services supplements to the driver's manual which shall include
12 information necessary to answer any question on the driver's license
13 examination concerning alcohol or drugs as related to highway
14 safety.

15 Up to 20 questions may be added to the examination on subjects
16 to be determined by the commission that are of particular relevance
17 to youthful drivers, after consultation with the Director of the
18 **【Office】** Division of Highway Traffic Safety in the Department of
19 Law and Public Safety.

20 The commission shall expand the driver's license examination to
21 include a question asking whether the applicant is aware of the
22 provisions of the "Revised Uniform Anatomical Gift Act,"
23 P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on
24 the driver's license the intention to make a donation of body organs
25 or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

26 Any person applying for a driver's license to operate a motor
27 vehicle or motorized bicycle in this State shall surrender to the
28 commission any current driver's license issued to **【him】** the
29 applicant by another state or jurisdiction upon **【his】** the applicant's
30 receipt of a driver's license for this State. The commission shall
31 refuse to issue a driver's license if the applicant fails to comply with
32 this provision. An applicant for a permit or license who is less than
33 18 years of age, and who holds a permit or license for a passenger
34 automobile issued by another state or country that is valid or has
35 expired within a time period designated by the commission, shall be
36 subject to the permit and license requirements and penalties
37 applicable to State permit and license applicants who are of the
38 same age; except that if the other state or country has permit or
39 license standards substantially similar to those of this State, the
40 credentials of the other state or country shall be acceptable.

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

43 a. Motorcycles, except that for the purposes of this section,
44 motorcycle shall not include any three-wheeled motor vehicle
45 equipped with a single cab with glazing enclosing the occupant,
46 seats similar to those of a passenger vehicle or truck, seat belts and
47 automotive steering or any vehicle defined as a motorcycle pursuant

1 to R.S.39:1-1 having a motor with a maximum piston displacement
2 that is less than 50 cubic centimeters or a motor that is rated at no
3 more than 1.5 brake horsepower with a maximum speed of no more
4 than 35 miles per hour on a flat surface .

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

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

8 d. All motor vehicles not included in classifications a. and b. A
9 license issued pursuant to this classification d. shall be referred to
10 as the "basic driver's license."

11 Every applicant for a license under classification b. shall be a
12 holder of a basic driver's license. Any issuance of a license under
13 classification b. shall be by endorsement on the basic driver's
14 license.

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

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

31 The commission may, at its discretion and for good cause shown,
32 issue licenses which shall expire on a date fixed by it. If the
33 commission issues a license to a person who has demonstrated
34 authorization to be present in the United States for a period of time
35 shorter than the standard period of the license, the commission shall
36 fix the expiration date of the license at a date based on the period in
37 which the person is authorized to be present in the United States
38 under federal immigration laws. The commission may renew such a
39 license only if it is demonstrated that the person's continued
40 presence in the United States is authorized under federal law. The
41 fee for licenses with expiration dates fixed by the commission shall
42 be fixed by the commission in amounts proportionately less or
43 greater than the fee herein established.

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

46 Motorcycle license or endorsement: \$18.

47 Omnibus or school bus endorsement: \$18.

1 Basic driver's license: \$18.

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

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

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

15 The commission in its discretion may refuse to grant a permit or
16 license to drive motor vehicles to a person who is, in its estimation,
17 not a proper person to be granted such a permit or license, but no
18 defect of the applicant shall debar **[him]** the applicant from
19 receiving a permit or license unless it can be shown by tests
20 approved by the commission that the defect incapacitates **[him]** the
21 applicant from safely operating a motor vehicle.

22 In addition to requiring an applicant for a driver's license to
23 submit satisfactory proof of identity and age, the commission also
24 shall require the applicant to provide, as a condition for obtaining a
25 permit and license, satisfactory proof that the applicant's presence
26 in the United States is authorized under federal law.

27 If the commission has reasonable cause to suspect that any
28 document presented by an applicant as proof of identity, age or
29 legal residency is altered, false or otherwise invalid, the
30 commission shall refuse to grant the permit or license until such
31 time as the document may be verified by the issuing agency to the
32 commission's satisfaction.

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

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.2009, c.38, s.1)

1 2. Section 6 of P.L.1991, c.452 (C.39:3-10.31) is amended to
2 read as follows:

3 6. The **【Director】** Chief Administrator of the **【Division of】**
4 **Motor 【Vehicles】** Vehicle Commission may waive the written law
5 and knowledge and road test portion of the examinations required
6 for a motorcycle license or endorsement under R.S.39:3-10 for the
7 holder of an examination permit who has successfully completed a
8 motorcycle safety education course established under the provisions
9 of section 1 of P.L.1991, c.452 (C.27:5F-36).
10 (P.L.1991, c.452, s.6)

11
12 3. R.S.39:3-13 is amended to read as follows:

13 39:3-13. The chief administrator may, in **【his】** the chief
14 administrator's discretion, issue to a person over 17 years of age an
15 examination permit, under the hand and seal of the chief
16 administrator, allowing such person, for the purpose of fitting
17 **【himself】** the person to become a licensed driver, to operate a
18 designated class of motor vehicles other than passenger automobiles
19 and motorcycles **【of persons licensed to operate motorcycles only】**
20 for a specified period of not more than 90 days, while in the
21 company and under the supervision of a driver licensed to operate
22 such designated class of motor vehicles.

23 The chief administrator, in **【his】** the chief administrator's
24 discretion, may issue for a specified period of not less than one year
25 a passenger automobile or motorcycle-only examination permit to a
26 person over 17 years of age regardless of whether a person has
27 completed a course of behind-the-wheel automobile driving
28 education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
29 An examination permit applicant who is under 18 years of age shall
30 obtain the signature of a parent or guardian for submission to the
31 commission on a form prescribed by the chief administrator. The
32 chief administrator shall postpone for six months the driving
33 privileges of any person who submits a fraudulent signature for a
34 parent or guardian.

35 For six months immediately following the validation of an
36 examination permit, and until the holder passes the road test, the
37 holder who is less than 21 years of age shall operate the passenger
38 automobile **【or motorcycle】** only when accompanied by, and under
39 the supervision of, a New Jersey licensed driver who is at least 21
40 years of age and has been licensed to drive a passible
41 **【or motorcycle, as the case may be,】** for not less than three years.
42 The holder of an examination permit who is at least 21 years of age
43 shall operate the passenger automobile **【or motorcycle】** for the first
44 three months under such supervision and until the holder passes the
45 road test. The supervising driver of the passenger automobile shall
46 sit in the front seat of the vehicle. Whenever operating a vehicle
47 while in possession of an examination permit, the holder of the

1 permit shall operate the passenger automobile with only one
2 additional passenger in the vehicle excluding dependents of the
3 permit holder, except that this passenger restriction shall not apply
4 when the permit holder is at least 21 years of age or when the
5 permit holder is accompanied by a parent or guardian. Further, the
6 holder of the passenger automobile permit who is less than 21 years
7 of age shall not drive during the hours between 11:01 p.m. and 5
8 a.m.; provided, however, that this condition may be waived for an
9 emergency which, in the judgment of local police, is of sufficient
10 severity and magnitude to substantially endanger the health, safety,
11 welfare, or property of a person, or for any bona fide employment
12 or religion-related activity if the employer or appropriate religious
13 authority provides written verification of such activity in a manner
14 provided for by the chief administrator. The holder of the
15 examination permit shall not use any hand-held or hands-free
16 interactive wireless communication device, except in an emergency,
17 while operating a moving passenger automobile on a public road or
18 highway. "Use" shall include, but not be limited to, talking or
19 listening on any hand-held or hands-free interactive wireless
20 communication device or operating its keys, buttons, or other
21 controls. The passenger automobile permit holder shall ensure that
22 all occupants of the vehicle are secured in a properly adjusted and
23 fastened seat belt or child restraint system.

24 The holder of an examination permit subject to the provisions of
25 section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a
26 motorcycle at any time from a half-hour after sunset to a half-hour
27 before sunrise. A motorcycle operated by the holder of an
28 examination permit shall carry only the operator and shall not be
29 operated on any toll road over which the New Jersey Turnpike
30 Authority or the South Jersey Transportation Authority has
31 jurisdiction or on any limited-access interstate highway.

32 The holder of any examination permit shall not operate a
33 motorcycle having a motor with a maximum piston displacement
34 that is less than 50 cubic centimeters or a motor that is rated at no
35 more than 1.5 brake horsepower with a maximum speed no more
36 than 35 miles per hour on a flat surface at anytime from a half-hour
37 after sunset to a half-hour before sunrise and shall not operate the
38 motorcycle with any other passenger. The holder of any
39 examination permit shall not operate a motorcycle upon limited-
40 access interstate highways or public roads or highways with a
41 posted speed limit greater than 35 miles per hour.

42 On and after July 1, 2009, an applicant for an examination permit
43 subject to the provisions of section 1 of P.L.1977, c.23 (C.39:3-
44 10b), who is less than 18 years of age, shall be required to
45 successfully complete a motorcycle safety education course
46 established pursuant to the provisions of section 1 of P.L.1991,

1 c.452 (C.27:5F-36) as a condition for obtaining a motorcycle
2 license or endorsement.

3 The chief administrator shall provide the holder of an
4 examination permit with two removable, transferable, highly
5 visible, reflective decals indicating that the driver of the vehicle
6 may be the holder of an examination permit. The decals shall be
7 designed by the chief administrator, in consultation with the
8 Division of Highway Traffic Safety in the Department of Law and
9 Public Safety. The chief administrator may charge a fee for the
10 decals not to exceed the actual cost of producing and distributing
11 the decals. The decals shall be displayed in a manner prescribed by
12 the chief administrator, in consultation with the Division of
13 Highway Traffic Safety in the Department of Law and Public
14 Safety, and shall be clearly visible to law enforcement officers. The
15 holder of an examination permit shall not operate a vehicle unless
16 the decals are displayed. The decal shall be removed once the
17 driver's examination permit period has ended.

18 When notified by a court of competent jurisdiction that an
19 examination permit holder has been convicted of a violation which
20 causes the permit holder to accumulate more than two motor vehicle
21 points or has been convicted of a violation of R.S.39:4-50; section 2
22 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
23 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any
24 other motor vehicle-related law the chief administrator deems
25 significant and applicable pursuant to regulation, in addition to any
26 other penalty that may be imposed, the chief administrator shall,
27 without the exercise of discretion or a hearing, suspend the
28 examination permit holder's examination permit for 90 days. The
29 chief administrator shall restore the permit following the term of the
30 permit suspension if the permit holder satisfactorily completes a
31 remedial training course of not less than four hours which may be
32 given by the commission, a driving school licensed by the chief
33 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2),
34 or any Statewide safety organization approved by the chief
35 administrator. The course shall be subject to oversight by the
36 commission according to its guidelines. The permit holder shall
37 also remit a course fee prior to the commencement of the course.
38 The chief administrator also shall postpone without the exercise of
39 discretion or a hearing the issuance of a basic license for 90 days if
40 the chief administrator is notified by a court of competent
41 jurisdiction that the examination permit holder, after completion of
42 the remedial training course, has been convicted of any motor
43 vehicle violation which results in the imposition of any motor
44 vehicle points or has been convicted of a violation of R.S.39:4-50;
45 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182
46 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
47 N.J.S.2C:12-1 or any other motor vehicle-related law the chief

1 administrator deems significant and applicable pursuant to
2 regulation. When the chief administrator is notified by a court of
3 competent jurisdiction that an examination permit holder has been
4 convicted of any alcohol or drug-related offense unrelated to the
5 operation of a motor vehicle and is not otherwise subject to any
6 other suspension penalty therefor, the chief administrator shall,
7 without the exercise of discretion or a hearing, suspend the
8 examination permit for six months.

9 An examination permit for a motorcycle or a commercial motor
10 vehicle issued to a handicapped person, as determined by the New
11 Jersey Motor Vehicle Commission after consultation with the
12 Department of Education, shall be valid for nine months or until the
13 completion of the road test portion of his license examination,
14 whichever period is shorter.

15 Each permit shall be sufficient license for the person to operate
16 such designated class of motor vehicles in this State during the
17 period specified, while in the company of and under the control of a
18 driver licensed by this State to operate such designated class of
19 motor vehicles, or, in the case of a commercial driver license
20 permit, while in the company of and under the control of a holder of
21 a valid commercial driver license for the appropriate license class
22 and with the appropriate endorsements issued by this or any other
23 state. Such person, as well as the licensed driver, except for a motor
24 vehicle examiner administering a driving skills test, shall be held
25 accountable for all violations of this subtitle committed by such
26 person while in the presence of the licensed driver. In addition to
27 requiring an applicant for an examination permit to submit
28 satisfactory proof of identity and age, the chief administrator also
29 shall require the applicant to provide, as a condition for obtaining
30 the permit, satisfactory proof that the applicant's presence in the
31 United States is authorized under federal law. If the chief
32 administrator has reasonable cause to suspect that any document
33 presented by an applicant as proof of identity, age, or legal
34 residency is altered, false, or otherwise invalid, the chief
35 administrator shall refuse to grant the permit until such time as the
36 document may be verified by the issuing agency to the chief
37 administrator's satisfaction.

38 The holder of an examination permit shall be required to take a
39 road test in order to obtain a probationary license. No road test for
40 any person who has been issued an examination permit to operate a
41 passenger vehicle shall be given unless the person has met the
42 requirements of this section. No road test for a probationary license
43 shall be given unless the applicant has first secured an examination
44 permit and no such road test shall be scheduled for an applicant
45 who has secured an examination permit for a passenger vehicle or a
46 motorcycle for which an endorsement is not required until at least
47 six months for an applicant under 21 years of age or three months

1 for an applicant 21 years of age or older shall have elapsed
2 following the validation of the examination permit for practice
3 driving or, in the case of an examination permit for other vehicles,
4 until 20 days have elapsed. In the case of an omnibus endorsement
5 or school bus, no road test shall be scheduled until at least 10 days
6 shall have elapsed. Every applicant for an examination permit to
7 qualify for an omnibus endorsement or an articulated vehicle
8 endorsement shall be a holder of a valid basic driver's license.

9 The required fees for special learner's permits and examination
10 permits shall be as follows:

- 11 Basic driver's license.....up to \$10
- 12 Motorcycle license or endorsement.....\$ 5
- 13 Omnibus or school bus endorsement.....\$25

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

21 The specified period for which a permit is issued may be
22 extended for not more than an additional 60 days, without payment
23 of an added fee, upon application made by the holder thereof, where
24 the holder has applied to take the examination for a driver's license
25 prior to the expiration of the original period for which the permit
26 was issued and the chief administrator was unable to schedule an
27 examination during said period.

28 As a condition for the issuance of an examination permit under
29 this section, the chief administrator shall secure a digitized picture
30 of the applicant. The picture shall be stored in a manner prescribed
31 by the chief administrator and may be displayed on the examination
32 permit.

33 The chief administrator may require that whenever a person to
34 whom an examination permit has been issued has reconstructive or
35 cosmetic surgery which significantly alters the person's facial
36 features, the person shall notify the chief administrator who may
37 require the picture of the person to be updated.

38 Specific use of the examination permit and any information
39 stored or encoded, electronically or otherwise, in relation thereto
40 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
41 the federal Driver's Privacy Protection Act of 1994, Pub. L.103-
42 322. Notwithstanding the provisions of any other law to the
43 contrary, the digitized picture or any access thereto or any use
44 thereof shall not be sold, leased, or exchanged for value.

45 (cf: P.L.2009, c.38, s.5)

46

47 4. R.S.39:8-1 is amended to read as follows:

1 39:8-1. a. Every motor vehicle registered in this State which is
2 used over any public road, street, or highway or any public or quasi-
3 public property in this State, and every vehicle subject to enhanced
4 inspection and maintenance programs pursuant to 40 C.F.R.
5 s.51.356, except historic motor vehicles registered as such, collector
6 motor vehicles designated as such pursuant to this subsection, and
7 those vehicles over 8,500 pounds gross weight that are under the
8 inspection jurisdiction of the commission pursuant to Titles 27 and
9 48 [(as amended by this legislation)] of the Revised Statutes, shall
10 be inspected by designated examiners or at official inspection
11 facilities to be designated by the commission or at licensed private
12 inspection facilities. The commission shall adopt rules and
13 regulations establishing a procedure for the designation of motor
14 vehicles as collector motor vehicles, which designation shall
15 include consideration by the commission of one or more of the
16 following factors: the age of the vehicle, the number of such
17 vehicles originally manufactured, the number of such vehicles that
18 are currently in use, the total number of miles the vehicle has been
19 driven, the number of miles the vehicle has been driven during the
20 previous year or other period of time determined by the
21 commission, and whether the vehicle has a collector classification
22 for insurance purposes.

23 b. The commission shall determine the official inspection
24 facility or private inspection facility at which a motor vehicle,
25 depending upon its characteristics, shall be inspected. The
26 commission, with the concurrence of the Department of
27 Environmental Protection, may exclude by regulation from this
28 inspection requirement any category of motor vehicle if good cause
29 for such exclusion exists, unless the exclusion is likely to prevent
30 this State from meeting the applicable performance standard
31 established by the United States Environmental Protection Agency.
32 The commission may determine that a vehicle is in compliance with
33 the inspection requirements of this section if the vehicle has been
34 inspected and passed under a similar inspection program of another
35 state, district, or territory of the United States.

36 (cf: P.L.2003, c.13, s.75)

37

38 5. Section 1 of P.L.1991, c.452 (C.27:5F-36) is amended to
39 read as follows:

40 1. a. The chief administrator of the New Jersey Motor Vehicle
41 Commission [, after consultation with the motorcycle safety
42 education advisory committee established under section 3 of
43 P.L.1991, c.452 (C.27:5F-38),] shall establish a motorcycle safety
44 education program. The program shall consist of a course of
45 instruction and training designed to develop and instill the
46 knowledge, attitudes, habits, and skills necessary for the safe
47 operation and riding of a motorcycle and shall meet or exceed the

- 1 standards and requirements of the rider's course developed by the
2 Motorcycle Safety Foundation.
- 3 b. The motorcycle safety education course shall be open to any
4 applicant for a New Jersey motorcycle license or endorsement and
5 to any person who has been issued a New Jersey motorcycle license
6 or endorsement. The course shall be scheduled for such times and
7 places as the chief administrator shall determine are appropriate to
8 enable interested applicants for and persons with motorcycle
9 licenses and endorsements to participate.
- 10 c. The chief administrator may assign employees of the Motor
11 Vehicle Commission to serve as instructors for the course, or may
12 contract with such other persons who are certified as motorcycle
13 safety education instructors pursuant to section 2 of P.L.1991, c.452
14 (C.27:5F-37) to serve as instructors for the course. A person with a
15 motorcycle safety education instructor endorsement to an
16 instructor's license issued pursuant to section 5 of P.L.1951, c.216
17 (C.39:12-5) may also be selected by the chief administrator to serve
18 as an instructor for the course.
- 19 d. **【If the moneys deposited in the Motorcycle Safety**
20 **Education Fund established pursuant to section 4 of P.L.1991, c.452**
21 **(C.27:5F-39), are not sufficient to cover the costs of the program,**
22 **the】 The chief administrator may impose a registration fee to be**
23 **paid by the participants in the course.**
- 24 e. The motorcycle safety education course may also be
25 provided by:
- 26 (1) public and private educational institutions which are
27 approved by the chief administrator to offer the course ;
- 28 (2) drivers' schools licensed pursuant to P.L.1951, c.216
29 (C.39:12-1 et seq.); **【or】**
- 30 (3) dealers engaged in the business of selling new motorcycles
31 and licensed pursuant to R.S.39:10-19 and which are approved by
32 the chief administrator to offer the course. A dealer approved to
33 offer the motorcycle safety education course shall not restrict
34 enrollment therein to persons who have purchased or agreed to
35 purchase a motorcycle or other vehicle from that dealer, and shall
36 not charge a higher fee for enrollment therein based upon whether a
37 person has made or has agreed to make such a purchase ; or
- 38 (4) private entities which are approved by the chief administrator
39 to offer the course. The motorcycle safety education course
40 provided by a private entity shall meet or exceed the standards and
41 requirements of the rider's course developed by the Motorcycle
42 Safety Foundation including, but not limited to, course curriculum,
43 motorcycle range, and motorcycle instructor certification.
- 44 f. Upon and after the effective date of this act, the chief
45 administrator may impose upon an entity seeking approval to
46 provide the motorcycle safety education course in accordance with
47 subsection e. of this section, a course certification fee for each

1 location at which the entity intends to offer motorcycle range
2 instruction. The chief administrator shall adopt regulations
3 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
4 (C.52:14B-1 et seq.) to fix the amount of the course certification
5 fee. Moneys collected pursuant to this subsection shall be
6 deposited in the Motorcycle Safety Education Fund, pursuant to
7 section 4 of P.L.1991, c.452 (C.27:5F-39).

8 g. ~~Upon and after the effective date of this act, the~~ The chief
9 administrator ~~shall~~ may collect from each entity approved to
10 provide the motorcycle safety education course pursuant to
11 subsection e. of this section, a road test waiver fee for each student
12 who has successfully completed the course and has qualified for a
13 waiver of the road test portion of the examination required pursuant
14 to section 6 of P.L.1991, c.452 (C.39:3-10.31) to obtain a
15 motorcycle license or endorsement. The chief administrator shall
16 adopt regulations pursuant to the "Administrative Procedure Act,"
17 P.L.1968, c.410 (C.52:14B-1 et seq.) to fix the amount of the road
18 test waiver fee. Moneys collected pursuant to this subsection shall
19 be deposited in the Motorcycle Safety Education Fund, pursuant to
20 section 4 of P.L.1991, c.452 (C.27:5F-39).

21 h. Notwithstanding subsection a. of this section, the chief
22 administrator may enter into a contract with a public or private
23 entity authorizing such entity to implement and administer the
24 motorcycle safety education course established by the chief
25 administrator pursuant to this section. The chief administrator may
26 suspend or revoke an authorization to administer the motorcycle
27 safety education course on any reasonable ground.

28 (cf: P.L.2007, c.179, s.1)

29

30 6. Section 2 of P.L.1991, c.452 (C.27:5F-37) is amended to
31 read as follows:

32 2. To qualify for certification as an instructor of the motorcycle
33 safety education course established pursuant to section 1 of
34 P.L.1991, c.452 (C.27:5F-36), a person shall:

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

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

38 c. have no record of a suspension or revocation of his driver's
39 license or motorcycle license or endorsement during the past two
40 years;

41 d. have no convictions for violating the provisions of R.S.39:4-
42 50 during the past five years;

43 e. have accumulated no more than four points assessed against
44 his driver's license or motorcycle license or endorsement by the
45 ~~director~~ chief administrator for motor vehicle offenses during the
46 past two years;

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

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

5 Any person who meets the requirements set forth in this section
6 may apply to the **【Director】** Chief Administrator of the **【Office of**
7 **Highway Traffic Safety】** Motor Vehicle Commission to be certified
8 as a motorcycle safety education instructor. The application shall
9 be in writing and contain such information as the **【director】** chief
10 administrator shall require. No certification fee shall be charged by
11 the **【director】** chief administrator. A certification so issued shall be
12 valid during such period as the instructor meets the requirements of
13 subsections a. through g. of this section.

14 A person who holds a valid instructor's license issued pursuant to
15 section 5 of P.L.1951, c.216 (C.39:12-5) may apply to the
16 **【Director】** Chief Administrator of the **【Division of】** Motor
17 **【Vehicles】** Vehicle Commission for a motorcycle safety education
18 instructor endorsement as provided for in section 5 of P.L.1951,
19 c.216 (C.39:12-5).

20 (cf: P.L.1991, c.452, s.2)

21
22 7. Section 4 of P.L.1991, c.452 (C.27:5F-39) is amended to
23 read as follows:

24 4. There is established a Motorcycle Safety Education Fund in
25 the **【Office of Highway Traffic Safety】** Motor Vehicle
26 Commission. Such registration fees as may be imposed at the
27 discretion of the **【Director】** Chief Administrator of the **【Office of**
28 **Highway Traffic Safety】** Motor Vehicle Commission upon
29 participants in a motorcycle safety education course, **【\$5.00】** \$5 of
30 the fee collected by the **【Director】** Chief Administrator of the
31 **【Division of】** Motor **【Vehicles】** Vehicle Commission for each
32 motorcycle license or endorsement issued under the provisions of
33 R.S.39:3-10, and any other moneys which may become available
34 for motorcycle safety education shall be deposited in the fund. The
35 moneys in the fund shall be used exclusively by the **【Office of**
36 **Highway Traffic Safety】** Motor Vehicle Commission to defray the
37 costs of the motorcycle safety education program established
38 pursuant to section 1 of P.L.1991, c.452 (C.27:5F-36). In addition,
39 moneys in the fund may be used to provide for a full or part-time
40 motorcycle safety education program coordinator.

41 (cf: P.L.1991, c.452, s.4)

42
43 8. (New section) A motorcycle having a motor with a
44 maximum piston displacement that is less than 50 cubic centimeters
45 or a motor that is rated at no more than 1.5 brake horsepower with a
46 maximum speed of no more than 35 miles per hour on a flat surface

1 shall not be operated upon limited-access interstate highways or
2 public roads or highways with posted speed limits greater than 35
3 miles per hour.

4 Every person operating a motorcycle upon a public road or
5 highway shall be subject to all of the duties applicable to the driver
6 of a vehicle under chapter 4 of Title 39 of the Revised Statutes and
7 N.J.S.2C:11-5 and all amendments and supplements thereto.

8
9 9. Section 5 of P.L.1991, c.452 (C.27:5F-40) is amended to
10 read as follows:

11 5. The **【Director】** Chief Administrator of the **【Office of**
12 **Highway Traffic Safety】** Motor Vehicle Commission, pursuant to
13 the provisions of the "Administrative Procedure Act," P.L.1968,
14 c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations
15 to effectuate the purposes of this act, including, but not limited to,
16 the minimum level of knowledge, skill and ability required for the
17 successful completion of the motorcycle safety education program
18 established pursuant to section 1 of P.L.1991, c.452 (C.27:5F-36).
19 (cf: P.L.1991, c.452, s.5)

20
21 10. Section 3 of P.L.1991, c.452 (C.27:5F-38) is repealed.

22
23 11. Sections 2, 5, 6, 7, 8, 9, 10, and this section of this act shall
24 take effect immediately, sections 3 and 4 shall take effect on the
25 first day of the fourth month following enactment, and section 1
26 shall take effect immediately but shall remain inoperative until the
27 date the Chief Administrator of the Motor Vehicle Commission
28 certifies to the Governor that the commission is prepared to issue
29 motorcycle licenses and endorsements with restriction as to engine
30 displacement and to collect the increased motorcycle license or
31 endorsement fee, but such operative date shall be no later than
32 January 1, 2011. The chief administrator may take such
33 anticipatory administrative action in advance as shall be necessary
34 for the implementation of this act.

35
36

37 STATEMENT

38
39 This bill would enact several new motorcycle safety provisions.
40 The bill would create a restriction on the size of a motorcycle a
41 person is licensed to operate to better prevent new motorcycle
42 drivers from operating motorcycles with engine sizes too powerful
43 for that driver's skill level. Specifically, the bill provides that the
44 motorcycle license or endorsement of those who take their road test
45 on a motorcycle or motor scooter with an engine displacement of
46 less than 231 cubic centimeters shall restrict the license to operating
47 motorcycles with engine displacement of 500 cubic centimeters or

1 less. This restriction would not apply, however, to a person who
2 has successfully completed an approved motorcycle safety
3 education course.

4 The bill also creates a new category of low-speed motorcycles to
5 address the increased use of small motorcycles. The bill prohibits
6 low speed motorcycles from being operated upon limited-access
7 interstate highways or public roads or highways with posted speed
8 limits in excess of 35 miles per hour this State.

9 This bill would expand the authority of the Chief Administrator
10 of the Motor Vehicle Commission (“chief administrator”) to waive
11 requirements for a motorcycle license or endorsement for holders of
12 an examination permit who have completed a motorcycle safety
13 education course by allowing a waiver of the written portion of the
14 examination as well as the road test. The bill also makes it
15 optional, rather than mandatory as under current law, for the chief
16 administrator to collect a waiver fee from any provider of a
17 motorcycle safety education course for each student holding an
18 examination permit who, having successfully completed the course,
19 has qualified for waiver of the road test portion of the motorcycle
20 license examination. The bill also authorizes the chief
21 administrator to (1) approve private entities, not included among
22 those already designated by law, to offer a motorcycle safety
23 education course, and (2) contract with a public or private entity to
24 implement and administer the course.

25 The bill would also clarify the times, roadways, and conditions
26 on which holders of a motorcycle examination permits may
27 practice. The bill would prohibit a holder of a motorcycle
28 examination permit from: 1) operating a motorcycle in the dark; 2)
29 carrying passengers; and 3) operating a motorcycle on the State’s
30 toll roads or on limited access highways.

31 The bill would require all applicants for a motorcycle
32 examination permit under the age of 18 years to successfully
33 complete a motorcycle safety education course as a condition for
34 obtaining a motorcycle license or endorsement on or after July 1,
35 2009.

36 The bill reallocates the Motorcycle Safety Education Fund from
37 the Office of Highway Traffic Safety in the Department of
38 Transportation to the New Jersey Motor Vehicle Commission (“the
39 commission”).

40 The bill repeals a 1991 law (N.J.S.A.27:5F-38) that establishes a
41 motorcycle safety education advisory committee to assist the
42 Division of Highway Safety in developing the motorcycle safety
43 education program.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 576

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 576.

As reported, this amended bill would enact several new motorcycle safety provisions.

The bill would create a restriction on the size of a motorcycle a person is licensed to operate to better prevent new motorcycle drivers from operating motorcycles with engine sizes too powerful for that driver's skill level. Specifically, the bill provides that a person issued a motorcycle license or endorsement who has taken the road test on a motorcycle or motor scooter with an engine displacement of less than 231 cubic centimeters shall be restricted to operating motorcycles with engine displacement of 500 cubic centimeters or less. This restriction would not apply, however, to a person who has successfully completed an approved motorcycle safety education course.

The bill also creates a new category of low-speed motorcycles to address the increased use of small motorcycles. The bill prohibits low-speed motorcycles from being operated upon limited-access interstate highways or public roads or highways with posted speed limits in excess of 35 miles per hour in this State.

This bill would expand the authority of the Chief Administrator of the Motor Vehicle Commission ("chief administrator") to waive requirements for a motorcycle license or endorsement for holders of an examination permit who have completed a motorcycle safety education course by allowing a waiver of the written portion of the examination as well as the road test. The bill also makes it optional, rather than mandatory as under current law, for the chief administrator to collect a waiver fee from any provider of a motorcycle safety education course for each student holding an examination permit who, having successfully completed the course, has qualified for waiver of the road test portion of the motorcycle license examination. The bill also authorizes the chief administrator to (1) approve private entities, not included among those already designated by law, to offer a

motorcycle safety education course, and (2) contract with a public or private entity to implement and administer the course.

The bill would also clarify the times, roadways, and conditions on which holders of a motorcycle examination permits may practice. The bill would prohibit a holder of a motorcycle examination permit from: (1) operating a motorcycle in the dark; (2) carrying passengers; and (3) operating a motorcycle on the State's toll roads or on limited access highways.

The bill would require all applicants for a motorcycle examination permit under the age of 18 years to successfully complete a motorcycle safety education course as a condition for obtaining a motorcycle license or endorsement.

The bill reallocates, from the Office of Highway Traffic Safety in the Department of Transportation to the New Jersey Motor Vehicle Commission, (1) responsibility for certifying motorcycle safety education instructors, and (2) jurisdiction over the Motorcycle Safety Education Fund.

The bill repeals a 1991 law (N.J.S.A.27:5F-38) that establishes a motorcycle safety education advisory committee to assist the Division of Highway Safety in developing the motorcycle safety education program.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported, Assembly Bill No. 576, as amended and reported by the committee on this date, is identical to Senate Bill No. 736(2R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that beginning with the fourth month after enactment of the bill (rather than July 1, 2009), an applicant for an examination permit who is less than 18 years of age shall be required to successfully complete a motorcycle safety education course as a condition for obtaining a motorcycle license or endorsement.

The committee amended the bill to omit reference to collecting the increased motorcycle license or endorsement fee in the effective date section and to change the operative date for section 1 to as soon as practicable but no later than January 1, 2013.

The committee amended the bill to delete a provision exempting low-speed motorcycles from inspection requirements since the statutory law has been amended to provide that motorcycles are no longer subject to inspections and to renumber the sections of the bill. The committee also made a technical amendment to conform the timing of a provision in section 3 to the timing of the effective date of section 3. The committee amended the title of the bill to reflect the provisions of law in the bill.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 576

STATE OF NEW JERSEY 214th LEGISLATURE

DATED: JANUARY 5, 2011

SUMMARY

Synopsis: Establishes new motorcycle safety provisions.

Type of Impact: No fiscal impact.

Agencies Affected: Motor Vehicle Commission (MVC)
Department of Transportation (DOT)

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	No impact – See comments below		
State Revenue	No impact – See comments below		

- The Office of Legislative Services (OLS) has determined that this legislation will have no fiscal impact on the State.
- The bill transfers the Motorcycle Safety Education Fund from the Office of Highway Traffic Safety in the DOT to the MVC.

BILL DESCRIPTION

Assembly Bill No. 576 (1R) of 2010 would enact several new motorcycle safety provisions.

The bill creates a restriction on the size of a motorcycle that a person may be licensed to operate to better prevent new motorcycle drivers from operating motorcycles with engine sizes too powerful for that driver's skill level, and creates a new category of low-speed motorcycles to address the increased use of small motorcycles.

The bill expands the authority of the chief administrator of the MVC to waive requirements for a motorcycle license or endorsement for holders of an examination permit that have completed a motorcycle safety education course by allowing a waiver of the written portion of the examination as well as the road test. The bill makes it optional, rather than mandatory as under current law, for the chief administrator to collect a waiver fee from any provider of a

motorcycle safety education course for each student holding an examination permit who, having successfully completed the course, has qualified for waiver of the road test portion of the motorcycle license examination. The bill authorizes the chief administrator to approve private entities, not included among those already designated by law, to offer a motorcycle safety education course, and contract with a public or private entity to implement and administer the course.

The bill clarifies the times, roadways, and conditions on which holders of a motorcycle examination permits may practice, and prohibits a holder of a motorcycle examination permit from operating a motorcycle in the dark, carrying passengers, and operating a motorcycle on the State's toll roads or on limited access highways.

The bill requires all applicants for a motorcycle examination permit under the age of 18 years to successfully complete a motorcycle safety education course as a condition for obtaining a motorcycle license or endorsement, and deletes the provision exempting low-speed motorcycles from inspection requirements since the statutory law has been amended to provide that motorcycles are no longer subject to inspections.

The bill also transfers responsibility for certifying motorcycle safety education instructors, and the Motorcycle Safety Education Fund from the Office of Highway Traffic Safety in the DOT to the MVC, and repeals a 1991 law (N.J.S.A.27:5F-38) that establishes a motorcycle safety education advisory committee to assist the Division of Highway Safety in developing the motorcycle safety education program.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has determined that this legislation will have no fiscal impact on the State.

The OLS notes that according to information informally provided by the Executive, this bill will have no impact on revenue or expenditures of the MVC.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Hroncich
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).