

39:3-10; 39:3-13; 39:3-13.5

LEGISLATIVE HISTORY CHECKLIST

(Omnibus driver license - nonprofit organizations exempt from fee - prescribe omnibus driver qualifications)

NJSA 39:3-10; 39:3-13; 39:3-13.5

LAWS OF 1979 CHAPTER 97

Bill No. A141

Sponsor(s) Gewertz

Date Introduced Pre-filed

Committee: Assembly Law, Public Safety & Defense

Senate Transportation & Communication

Amended during passage Yes X Assembly Committee Substitute

Date of Passage: Assembly May 18, 1978 Re-enacted 2/13/79

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Following statements are attached if available:

Sponsor statement Yes XX

Committee Statement: Assembly Yes XX

Senate XXX No

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CHAPTER 97 LAWS OF N. J. 1979
APPROVED 5-24-79

[OFFICIAL COPY REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 141

STATE OF NEW JERSEY

ADOPTED MAY 8, 1978

AN ACT concerning motor vehicles and amending R. S. 39:3-10 and R. S. 39:3-13 and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

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

2 39:3-10. No person shall drive a motor vehicle on a public high-
3 way in this State unless licensed to do so in accordance with this
4 article. No person under 17 years of age shall be licensed to drive
5 motor vehicles, nor shall a person be licensed until he has passed
6 a satisfactory examination as to his ability as an operator. The
7 examination shall include a test of the applicant's vision, his abil-
8 ity to understand traffic control devices, his knowledge of safe
9 driving practices, his knowledge of such portions of the mechanism
10 of motor vehicles as is necessary to insure the safe operation of
11 a vehicle of the kind or kinds indicated by the applicant and of
12 the laws and ordinary usages of the road and a demonstration of
13 his ability to operate a vehicle of the class designated.

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

16 a. Motorcycles;

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

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

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

26 Every applicant for a license under classification b. or c. [must]
27 shall be a holder of a basic driver's license. Any issuance of a
28 license under classification b. or c. shall be by endorsement on the
29 basic driver's license.

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

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

33 The director, upon payment of the lawful fee and after he or
34 an inspector of his has examined the applicant and is satisfied of
35 the applicant's ability as an operator, may, in his discretion, li-
36 cense the applicant to drive a motor vehicle. The license shall
37 authorize him to drive any registered vehicle, of the kind or kinds
38 indicated, and shall expire on the last day of the twenty-fourth
39 calendar month following the calendar month in which such license
40 was issued. The director may, at his discretion and for good cause
41 shown, issue licenses which shall expire on a date fixed by him.
42 The fee for such licenses shall be fixed by the director in amounts
43 proportionately less or greater than the fee herein established.

44 The required fee for a license for the 24-month period shall be
45 as follows:

46	Motorcycle license or endorsement	\$4.00
47	Omnibus or school bus endorsement	\$8.00
48	Articulated vehicle endorsement	\$4.00
49	Basic driver's license	\$8.00

50 *The director shall waive the payment of fees for issuance of*
51 *omnibus endorsements whenever an applicant establishes to the*
52 *director's satisfaction that said applicant will use the omnibus en-*
53 *dorsement exclusively for operating omnibuses owned by a non-*
54 *profit organization duly incorporated under Title 15 or 16 of the*
55 *Revised Statutes.*

56 The driver's license shall have the legal name of the licensee
57 endorsed thereon in his own handwriting. For purposes of this
58 section, legal name shall mean the name recorded on a birth cer-
59 tificate unless otherwise changed by marriage, divorce or order of
60 court. The director may require that only the legal name be re-
61 corded on the driver's license. A licensee whose name is changed
62 due to marriage, divorce, or by judgment of the court, shall notify
63 the director of the change in name within 2 weeks after the change
64 is made. A person who violates this provision shall be subject to
65 a penalty of not more than \$10.00.

66 The director shall issue licenses for the following license period
67 on and after the first day of the calendar month immediately pre-
68 ceding the commencement of such period, such licenses to be effec-
69 tive immediately.

70 All applications for renewals of licenses shall be made on forms
71 prescribed by the director, which forms shall be mailed by the

72 director from the central office of the division to the last addresses
 73 of the licensed drivers as they appear on the records of the divi-
 74 sion. Upon the return by mail of such forms, accompanied by the
 75 requisite fees, the director shall issue renewals of such licenses by
 76 mail from the central office of the division.

77 The director in his discretion may refuse to grant a license to
 78 drive motor vehicles to a person who is, in his estimation, not a
 79 proper person to be granted such a license, but no defect of the
 80 applicant shall debar him from receiving a license unless it can be
 81 shown by tests approved by the Director of the Division of Motor
 82 Vehicles that the defect incapacitates him from safely operating a
 83 motor vehicle.

84 A person violating this section shall be subject to a fine not
 85 exceeding \$500.00 or imprisonment in the county jail for not more
 86 than 60 days.

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

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

2 39:3-13. The director may, in his discretion, issue to a person
 3 over 17 years of age an examination permit, under the hand and
 4 seal of the director, allowing such person, for the purpose of fitting
 5 himself to become a licensed driver, to operate a designated class
 6 of motor vehicles for a specified period of not more than 90 days,
 7 while in the company and under the supervision of a driver licensed
 8 to operate such designated class of motor vehicles. The permit
 9 shall be sufficient license for the person to operate such designated
 10 class of motor vehicles in this State during the period specified,
 11 while in the company of and under the control of a driver licensed
 12 by this State to operate such designated class of motor vehicles.
 13 Such person, as well as the licensed driver, shall be held account-
 14 able for all violations of this subtitle committed by such person
 15 while in the presence of the licensed driver.

16 No examination for a driver's license shall be given unless the
 17 applicant has first secured a special learner's permit or examina-
 18 tion permit and no road test shall be scheduled for an applicant
 19 who has secured an examination permit until at least 20 days shall
 20 have elapsed following the validation of the examination permit
 21 for practice driving.

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

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

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

31 *The director shall waive the payment of fees for issuance of*
32 *examination permits for omnibus endorsements whenever the ap-*
33 *plicant establishes to the director's satisfaction that said applicant*
34 *will use the omnibus endorsement exclusively for operating omni-*
35 *buses owned by a nonprofit organization duly incorporated under*
36 *Title 15 or 16 of the Revised Statutes.*

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

1 3. (New section) ***[a.]*** A holder of a valid New Jersey driver's
2 license who has had at least 90 days or 200 hours experience in
3 driving omnibuses shall be eligible to receive the omnibus endorse-
4 ment without examination upon application and proof of driving
5 experience which is satisfactory to the director; provided, however,
6 that the applicant establishes to the director's satisfaction that
7 said applicant will use the omnibus endorsement exclusively for
8 operating omnibuses owned by a nonprofit organization duly incor-
9 porated under Title 15 or 16 of the Revised Statutes.

10 ***[b.]** Any holder of an omnibus endorsement who has paid a \$25.00
11 fee for such endorsement pursuant to R. S. 39:3-13 as amended
12 by P. L. 1977, c. 25, shall be entitled to a refund of such fee to be
13 paid by the director whenever the applicant establishes to the di-
14 rector's satisfaction that the said applicant has used and will con-
15 tinue to use the omnibus endorsement exclusively for operating
16 omnibuses owned by a nonprofit organization duly incorporated
17 under Title 15 or 16 of the Revised Statutes.*

1 4. This act shall take effect immediately.

ASSEMBLY, No. 141

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblyman GEWERTZ

AN ACT concerning motor vehicles and supplementing chapter 3
of Title 39 of the Revised Statutes.

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

1 1. Every volunteer driver operating a motor vehicle owned and
2 exclusively used by nonprofit organization duly incorporated under
3 Titles 15 or 16 of the Revised Statutes shall be licensed to do so
4 without charge by the Director of Motor Vehicles in accordance
5 with this chapter. A special certificate, to be prescribed and
6 furnished by the director, shall be issued to a driver qualifying
7 under this section. The license so granted shall, unless otherwise
8 revoked, terminate upon the licensee's ceasing to be a volunteer
9 worker of the respective nonprofit organization, and it shall, upon
10 demand made therefor by the director, be surrendered.

1 2. This act shall take effect January 1 next following enactment.

STATEMENT

The purpose of this bill is to exempt volunteer operators of
certain motor vehicles owned and exclusively used by charitable
organizations from the payment of bus driver license fees.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 141

STATE OF NEW JERSEY

DATED: MAY 4, 1978

The purpose of this Committee Substitute for Assembly Bill No. 141 is to exempt applicants, using an omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization, from the payment of license and examination permit fees.

In addition, the bill provides that a holder of a valid New Jersey driver's license who uses an omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization and who has at least 90 days or 200 hours experience in driving omnibuses, shall be eligible to receive the omnibus endorsement without examination upon application and proof of driving experience which is satisfactory to the Director of the Division of Motor Vehicles.

Moreover, such an omnibus driver is entitled to a refund of a \$25.00 license fee if he has paid such fee pursuant to R. S. 39:3-13 as amended by P. L. 1977, c. 25.

STATE OF NEW JERSEY

EXECUTIVE DEPARTMENT

January 22, 1979

ASSEMBLY BILL NO. 141 (ACs)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 141, with my objections, for re-consideration.

This bill would exempt volunteer operators of buses owned and exclusively used by charitable organizations from the payment of the bus driver license fee, which is \$8.00 for two years, and the examination permit fee, which is \$25.00. In addition, the bill provides that a holder of a valid New Jersey driver's license who has had at least 90 days or 200 hours experience in driving buses would be eligible to receive the license to operate such buses without examination upon application and proof of driving experience satisfactory to the Director of the Division of Motor Vehicles. The holder of such a bus license who had paid the \$25 fee pursuant to N.J.S.A. 39:3-13 would be entitled to a refund of the fee, whenever the applicant established to the satisfaction of the Director that he had used and would continue to use the license exclusively for operating buses owned by a nonprofit organization.

As a means of removing the burden of these fees from nonprofit organizations, the bill is admirable, but it does have the potential of drawing revenue from the State at an inopportune time. Especially troublesome is the provision that the \$25 fee be refunded by the State when applicants establish that they had used and will use the license exclusively for operating buses owned by a nonprofit organization. Because this provision would create a drain on the general fund of indeterminate magnitude, I recommend that this provision be deleted from the bill so that the bill would be entirely prospective in operation.

Accordingly, I herewith return Assembly Bill No. 141 for reconsideration and with the recommendation that it be amended as follows:

Page 4, Section 3(b), Lines 10-17: Delete in entirety.

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]