

39:3-106

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:3-106 (New Drivers--Probationary License)

Laws of 1977 Chapter 23

Bill No. S1416 (Part of HV Package)

Sponsor(s) Maressa and Vreeland

Date Introduced April 26, 1976

Committee: Assembly Transportation and Communications

Senate Law, Public Safety and Defense

Amended during passage Yes No

Date of passage: Assembly December 6, 1976

Senate June 3, 1976

Date of approval February 24, 1977

Following statements are attached if available:

Sponsor statement Yes xNo

Committee Statement: Assembly Yes No

Senate Yes Max

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes xNo

Hearings Yes No

Report mentioned in Sponsor's Statement:

974.90 N.J. Motor Vehicle Study Commission

A939 Report, Trenton, 1975

1975 "License Issuance and Control." p. 81-85

See also:

974.90 N.J. Division of Motor Vehicle

A939 Background information on

1977d the implementation of Motor Vehicle Study Commission laws to go into effect, Sept. 1, 1977.

10/4/76

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23
APR 24 1977

SENATE, No. 1416

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1976

By Senators MARESSA and VREELAND

Referred to Committee on Law, Public Safety and Defense

AN ACT relating to motor vehicle drivers' licenses in certain cases, 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. All successful applicants for a basic driver's license or motor-
2 cycle license who previously have never been licensed to drive a
3 motor vehicle in this, or any other state, shall be licensed on a pro-
4 bationary basis for the 2-year period following the issuance of their
5 initial licenses. No such license shall physically differ by way of
6 appearance from a nonprobationary license.

1 2. This act shall take effect immediately but shall remain in-
2 operative for 180 days and until the first day of the month next
3 occurring thereafter.

STATEMENT

This bill embodies the recommendation of the Motor Vehicle Study Commission appearing on page 85 of its September, 1975 Report. It provides that the new drivers (those not previously licensed in this or any other state) shall be licensed on a 2-year probationary basis, but that the license shall not differ appearance-wise from a nonprobationary license.

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SENATE LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 1416

STATE OF NEW JERSEY

DATED: MAY 13, 1976

This bill provides that previously unlicensed applicants for a driver's license shall, upon completion of the requirements, be issued a license on a probationary basis for 2 years. The purpose is to allow the Division of Motor Vehicles to monitor driver performance of newly licensed drivers.

Together with a companion bill, Senate Bill No. 1418, which would lower the special permit age to 16, the effect would be to provide a 3-year period of decreasing supervision prior to obtaining a full driver's license.

The Motor Vehicle Study Commission specifically recommended such a change in its *Report* submitted in September of 1975. The commission found that the present system of not statutorily require distinguishing between drivers with little or no driving experience and more experienced drivers, may be inadequate. Analyzing the existing law in this and other states and countries, the commission concluded that 2 years would be a sufficient period of time for monitoring new drivers "because driving habits and attitudes are developed during the first 2 years of driving."

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FEBRUARY 24, 1977

FOR FURTHER INFORMATION

ED RAMSEY

A series of bills which will have a major impact on the State's more than 4.5 million motorists was signed into law today by Governor Brendan Byrne.

The new laws revise the Driver Manual, require licensed drivers to take eye tests every ten years, allow for the erasing of points for violation-free driving and establish a single standard for the drinking and driving offense.

"These laws will update the State's motor vehicle regulations and will provide a basis for improving safety on our highways," said Byrne.

The bills were based on recommendations made to the Governor and Legislature by the Motor Vehicle Study Commission headed by Barry H. Evenchick, a Newark lawyer. The seventeen member commission held numerous working sessions and three public hearings before issuing a report in September, 1975 with recommendations designed to deal with the problems of highway safety and improved effectiveness of the Division of Motor Vehicles.

The bills, (S-1416, S-1417, S-1419, S-1420, S-1422, S-1423), all sponsored by Senator Joseph A. Maressa, D-Camden, provide that:

- All driver license applicants with no prior driving experience will, after successfully completing the written and road test, be issued a probationary license for the first two years. The license document will look the same as all other New Jersey licenses, but during the two year probationary period the new driver's accident and violation records will be carefully

monitored and remedial action, when indicated, will be instituted before illegal or dangerous driving habits become ingrained. The age for a driving permit will be lowered to 16 for use in driver education courses. At age 16 1/2, the new driver may use the permit for practice driving between sunrise and sunset when accompanied by a licensed driver with at least three years experience. At age 17, a permit holder may drive anytime when accompanied by a licensed driver. A permit holder may take the test for the initial probationary license at age 17.

- A new Driver Manual will be issued which will have, as its primary objectives, information designed to raise the level of safe driving knowledge among license applicants. The new manual will be improved as to "readability," and will be a summary of the New Jersey Motor Vehicle Laws as well as a practical guide for safe and efficient driving practices.

- Drivers will be required to submit to a vision test every ten years to see if corrective glasses are needed or currently used eyeglasses are adequate. A medical/vision advisory panel will devise better licensing standards in this area and assist the Division in adjudicating cases concerning drivers who suffer from identified medical or vision problems. The panel will consist of medical doctors and licensing officials who will review existing policies and procedures and make recommendations for changes or improvements, if indicated. In addition to those with vision problems, the State maintains certain standards for handicapped persons and for those with a history of serious medical problems.

- A single standard for the drinking and driving offense will be established which lowers the level of blood alcohol at which a person is presumed to be under the influence. The present level of .15% will be tightened to .10%. Under the revised law, the term "impaired" will not be used. Individuals found to have less than .05% blood alcohol content (BAC) will be presumed to be sober for driving purposes. At BAC levels of .05% up to but not including .10%, no presumptions will be raised that the driver is or is not under the influence, but other evidence going to that question will be admissible.

Licenses will not be restored until the convicted driver completes mandated education and rehabilitation. Persons not judged to be problem drinkers must participate in informational courses in a school operated under the auspices of DMV which emphasizes responsible driving techniques and attitudes. Those who are found to be problem drinkers will be required to seek help from organizations such as Alcoholics Anonymous or register as an outpatient in an alcohol rehabilitation program run by a hospital or clinic.

A "grandfather clause" in the legislation provides that drivers currently suspended under the old drunken driving law will be eligible to apply for license restoration upon satisfactory completion of the education or rehabilitation program, after completion of at least six months suspension.

The new statute calls for a license suspension of not less than 60 days and not more than 180 days for the first offense, with a fine of not less than \$200 nor more than \$400.

A subsequent conviction would result in a license suspension of not less than one year nor more than three years and a fine of not less than \$500 nor more than \$1000.

A third conviction within ten years will require a five year suspension and a fine of \$1000.

Jail terms on the first conviction could be up to 30 days and up to 90 days on a subsequent conviction. For a third offense, the term of imprisonment will be not less than 30 days nor more than 180 days.

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Refusal to take a breath test after arrest for suspected drunken driving will result in a 90 day license suspension if no prior conviction exists and a one year suspension if there has been a prior conviction within 15 years.

- The accumulation of 12 points in moving violations will continue to constitute cause for license suspension. However, the Motor Vehicles Director or a hearing officer designated by him may permit the driver to participate in a Driver Improvement Program operated by the Division. Successful completion of driver improvement school will give the driver a reduction in points.

When a driver accumulates between six and eleven points, the Division will send an official notice warning the driver that subsequent violations may result in the loss of driving privileges.

- Under the new moving violation law, DMV will adjust all points accumulated over the past three years to a new, reduced point system. Motorists will receive a one-time 6 point reduction if no points were assessed over the last year. Drivers not eligible for the first time 6 point reduction can earn a 3 point reduction for each additional year without conviction for a moving violation. Everyone will get a 3 point reduction for each additional year of conviction-free driving; however, no point totals will be reduced below zero. This is to encourage improved violation-free driving by all motorists.

Motor Vehicles Director John A. Waddington said that the new laws will be implemented as quickly as possible.