



**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Christie signs co driver education law - awareness of dangers pushed," The Record, December 7, 2016

"Christie signs CO driver education law – NorthJersey.com, December 5, 2016

RWH/JA

P.L.2016, CHAPTER 81, *approved December 5, 2016*

Assembly, No. 3662 (*Second Reprint*)

1 AN ACT concerning carbon monoxide poisoning and designated as  
2 the “Rosa-Bonilla Family Act,” amending various parts of the  
3 statutory law, and supplementing Title 39 of the Revised  
4 Statutes.

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

8  
9 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read  
10 as follows:

11 8. a. The Director of the **【Office】** Division of Highway Traffic  
12 Safety in the Department of Law and Public Safety, after consultation  
13 with the Chief Administrator of the New Jersey Motor Vehicle  
14 Commission <sup>2</sup>**【in, but not of, the Department of Transportation】**<sup>2</sup>,  
15 shall develop curriculum guidelines for use by teachers of approved  
16 classroom driver education courses. The course of instruction for  
17 approved courses shall be no less than 30 hours in length and be  
18 designed to develop and instill the knowledge and attitudes necessary  
19 for the safe operation and driving of motor vehicles. Defensive  
20 driving**【,】** ; highway courtesies**【,】** ; dangers of driving a vehicle in an  
21 aggressive manner, which shall include, but not be limited to,  
22 unexpectedly altering the speed of a vehicle, making improper or  
23 erratic traffic lane changes, disregarding traffic control devices, failing  
24 to yield the right of way, and following another vehicle too closely**【,】** ;  
25 accident avoidance**【,】** ; understanding and respect for the State's motor  
26 vehicle laws**【,】** ; techniques for the safe operation and proper  
27 maintenance of a vehicle, which shall include, but not be limited to,  
28 safety tips to avoid carbon monoxide poisoning from motor vehicles;  
29 insurance fraud**【,】** ; and State requirements for and benefits of  
30 maintaining automobile insurance shall be emphasized. The  
31 incorporation of these curriculum guidelines in these classroom  
32 courses and the use of related instructional materials shall be a  
33 requirement for approval of the course by the chief administrator.

34 b. The Director of the **【Office】** Division of Highway Traffic  
35 Safety, in consultation with the Chief Administrator of the New Jersey  
36 Motor Vehicle Commission, shall produce an informational brochure  
37 for parents and guardians of beginning drivers under the age of 18  
38 years. The commission shall ensure that the parents or guardians of a

**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:

<sup>1</sup>Assembly ATR committee amendments adopted May 19, 2016.

<sup>2</sup>Assembly floor amendments adopted May 26, 2016.

1 permit holder receive these brochures at the time a permit is issued to a  
 2 beginning driver. The brochures shall include, but not be limited to,  
 3 the following information:

- 4 (1) Setting an example for the beginning driver;  
 5 (2) Accident and fatality statistics about beginning drivers;  
 6 (3) Causes of accidents among beginning drivers;  
 7 (4) The need to supervise vehicle operation by a beginning driver;  
 8 (5) Methods to coach a beginning driver on how to reduce  
 9 accidents;  
 10 (6) A description of the graduated driver's license program;  
 11 (7) Benefits of classroom and behind-the-wheel driver education  
 12 under the direction of State certified or licensed driving instructors, as  
 13 the case may be; **[and]**  
 14 (8) The dangers of driving a vehicle in an aggressive manner,  
 15 which shall include, but not be limited to, unexpectedly altering the  
 16 speed of a vehicle, making improper or erratic traffic lane changes,  
 17 disregarding traffic control devices, failing to yield the right of way,  
 18 and following another vehicle too closely; and  
 19 (9) The dangers of carbon monoxide poisoning from motor  
 20 vehicles and techniques for the safe operation and proper maintenance  
 21 of a vehicle, which shall include, but not be limited to, safety tips to  
 22 avoid carbon monoxide poisoning from motor vehicles.

23 (cf: P.L.2015, c.36, s.2)

24  
 25 2. R.S.39:3-10 is amended to read as follows:

26 39:3-10. **'[No] A'** person shall **'not'** drive a motor vehicle on a  
 27 public highway in this State unless the person is under supervision  
 28 while participating in a behind-the-wheel driving course pursuant to  
 29 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a  
 30 validated permit, or a probationary or basic driver's license issued to  
 31 that person in accordance with this article.

32 **'[No] A'** person under 18 years of age shall **'not'** be issued a  
 33 basic license to drive motor vehicles<sup>1</sup>**['**, nor shall a person] **or'** be  
 34 issued a validated permit, including a validated examination permit,  
 35 until the applicant has passed a satisfactory examination and other  
 36 requirements as to the applicant's ability as an operator. The  
 37 examination shall include: a test of the applicant's vision<sup>1</sup>**['**; the  
 38 applicant's ability to understand traffic control devices<sup>1</sup>**['**; the  
 39 applicant's knowledge of safe driving practices, including the dangers  
 40 of driving a vehicle in an aggressive manner, which shall include, but  
 41 not be limited to, unexpectedly altering the speed of a vehicle, making  
 42 improper or erratic traffic lane changes, disregarding traffic control  
 43 devices, failing to yield the right of way, and following another vehicle  
 44 too closely<sup>1</sup>**['**, and] ; the applicant's knowledge of the effects that  
 45 ingestion of alcohol or drugs has on a person's ability to operate a  
 46 motor vehicle<sup>1</sup>**['**; the applicant's knowledge of the dangers of carbon  
 47 monoxide poisoning from motor vehicles and techniques for the safe  
 48 operation and proper maintenance of a motor vehicle; the applicant's

1 knowledge of **[such]** portions of the mechanism of motor vehicles as  
2 is necessary to insure the safe operation of a vehicle of the kind or  
3 kinds indicated by the applicant**[.]** ; and the applicant's knowledge of  
4 the laws and ordinary usages of the road. **'[No] A'** person shall **'not'**  
5 sit for an examination for any permit without exhibiting photo  
6 identification deemed acceptable by the commission, unless that  
7 person is a high school student participating in a course of automobile  
8 driving education approved by the State Department of Education and  
9 conducted in a public, parochial, or private school of this State,  
10 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The  
11 commission may waive the written law knowledge examination for  
12 any person 18 years of age or older possessing a valid driver's license  
13 issued by any other state, the District of Columbia, or the United States  
14 Territories of American Samoa, Guam, Puerto Rico, or the Virgin  
15 Islands. The commission shall be required to provide that person with  
16 a booklet that highlights those motor vehicle laws unique to New  
17 Jersey. A road test shall be required for a probationary license and  
18 serve as a demonstration of the applicant's ability to operate a vehicle  
19 of the class designated. **'[No] A'** person shall **'not'** sit for a road test  
20 unless that person exhibits photo identification deemed acceptable by  
21 the commission. A high school student who has completed a course of  
22 behind-the-wheel automobile driving education approved by the State  
23 Department of Education and conducted in a public, parochial, or  
24 private school of this State, who has been issued a special learner's  
25 permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to  
26 January 1, 2003, shall not be required to exhibit photo identification in  
27 order to sit for a road test. The commission may waive the road test  
28 for any person 18 years of age or older possessing a valid driver's  
29 license issued by any other state, the District of Columbia, or the  
30 United States Territories of American Samoa, Guam, Puerto Rico, or  
31 the Virgin Islands. The road test shall be given on public streets,  
32 where practicable and feasible, but may be preceded by an off-street  
33 screening process to assess basic skills. The commission shall approve  
34 locations for the road test which pose no more than a minimal risk of  
35 injury to the applicant, the examiner, and other motorists. **'[No new]**  
36 **New'** locations for the road test shall **'not'** be approved unless the test  
37 can be given on public streets.

38 A person who successfully completes a road test for a motorcycle  
39 license or a motorcycle endorsement when operating a motorcycle or  
40 motorized scooter with an engine displacement of less than 231 cubic  
41 centimeters shall be issued a motorcycle license or endorsement  
42 restricting the person's operation of such vehicles to any motorcycle  
43 with an engine displacement of 500 cubic centimeters or less. A  
44 person who successfully completes a road test for a motorcycle license  
45 or motorcycle endorsement when operating a motorcycle with an  
46 engine displacement of 231 or more cubic centimeters shall be issued a  
47 motorcycle license or endorsement without any restriction as to engine  
48 displacement. Any person who successfully completes an approved

1 motorcycle safety education course established pursuant to the  
2 provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued  
3 a motorcycle license or endorsement without restriction as to engine  
4 displacement.

5 The commission shall issue a basic driver's license to operate a  
6 motor vehicle other than a motorcycle to a person over 18 years of age  
7 who previously has not been licensed to drive a motor vehicle in this  
8 State or another jurisdiction only if that person has: (1) operated a  
9 passenger automobile in compliance with the requirements of this  
10 **'[title] Title'** for not less than one year, not including any period of  
11 suspension or postponement, from the date of issuance of a  
12 probationary license pursuant to section 4 of P.L.1950, c.127 (C.39:3-  
13 13.4); (2) not been assessed more than two motor vehicle points; (3)  
14 not been convicted in the previous year for a violation of R.S.39:4-50,  
15 section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 1 of P.L.1992,  
16 c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-5, subsection c. of  
17 N.J.S.2C:12-1, or any other motor vehicle-related violation the  
18 commission determines to be significant and applicable pursuant to  
19 regulation; and (4) passed an examination of the applicant's ability to  
20 operate a motor vehicle pursuant to this section.

21 The commission shall expand the driver's license examination by  
22 **[20%] 20 percent**. The additional questions to be added shall consist  
23 solely of questions developed in conjunction with the Department of  
24 Health concerning the use of alcohol or drugs as related to highway  
25 safety. The commission shall develop, in conjunction with the  
26 Department of Health, supplements to the driver's manual which shall  
27 include information necessary to answer any question on the driver's  
28 license examination concerning alcohol or drugs as related to highway  
29 safety.

30 Up to 20 questions may be added to the examination on subjects to  
31 be determined by the commission that are of particular relevance to  
32 youthful drivers, including the dangers of driving a vehicle in an  
33 aggressive manner, which shall include, but not be limited to,  
34 unexpectedly altering the speed of a vehicle, making improper or  
35 erratic traffic lane changes, disregarding traffic control devices, failing  
36 to yield the right of way, and following another vehicle too closely,  
37 after consultation with the Director of the Division of Highway Traffic  
38 Safety in the Department of Law and Public Safety.

39 The commission shall expand the driver's license examination to  
40 include a question asking whether the applicant is aware of the  
41 provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008,  
42 c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's  
43 license the intention to make a donation of body organs or tissues  
44 pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

45 The commission shall expand the driver's license examination to  
46 include a question asking whether the applicant is aware of the dangers  
47 of failing to comply with this State's motor vehicle traffic laws and the

1 "STOP for Nikhil Safety Pledge" set forth in subsection e. of R.S.39:3-  
2 41.

3 The commission shall expand the driver's license examination to  
4 include questions concerning the dangers of carbon monoxide  
5 poisoning from motor vehicles and techniques for the safe operation  
6 and proper maintenance of a motor vehicle.

7 Any person applying for a driver's license to operate a motor  
8 vehicle or motorized bicycle in this State shall surrender to the  
9 commission any current driver's license issued to the applicant by  
10 another state or jurisdiction upon the applicant's receipt of a driver's  
11 license for this State. The commission shall refuse to issue a driver's  
12 license if the applicant fails to comply with this provision. An  
13 applicant for a permit or license who is less than 18 years of age, and  
14 who holds a permit or license for a passenger automobile issued by  
15 another state or country that is valid or has expired within a time  
16 period designated by the commission, shall be subject to the permit  
17 and license requirements and penalties applicable to State permit and  
18 license applicants who are of the same age; except that if the other  
19 state or country has permit or license standards substantially similar to  
20 those of this State, the credentials of the other state or country shall be  
21 acceptable.

22 The commission shall create classified licensing of drivers  
23 covering the following classifications:

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

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

35 c. (Deleted by amendment, P.L.1999, c.28)<sup>1</sup> **[.]<sup>1</sup>**

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

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

42 A driver's license for motorcycles may be issued separately, but if  
43 issued to the holder of a basic driver's license, it shall be by  
44 endorsement on the basic driver's license. The holder of a basic  
45 driver's license or a separately issued motorcycle license shall be  
46 authorized to operate a motorcycle having a motor with a maximum  
47 piston displacement that is less than 50 cubic centimeters or a motor

1 that is rated at no more than 1.5 brake horsepower with a maximum  
2 speed no more than 35 miles per hour on a flat surface.

3 The commission, upon payment of the lawful fee and after it or a  
4 person authorized by it has examined the applicant and is satisfied of  
5 the applicant's ability as an operator, may, in its discretion, issue a  
6 license to the applicant to drive a motor vehicle. The license shall  
7 authorize **him** the applicant to drive any registered vehicle, of the  
8 kind or kinds indicated, and shall expire, except as otherwise provided,  
9 on the last day of the 48th calendar month following the calendar  
10 month in which **such** the license was issued.

11 The commission may, at its discretion and for good cause shown,  
12 issue licenses which shall expire on a date fixed by it. If the  
13 commission issues a license to a person who has demonstrated  
14 authorization to be present in the United States for a period of time  
15 shorter than the standard period of the license, the commission shall  
16 fix the expiration date of the license at a date based on the period in  
17 which the person is authorized to be present in the United States under  
18 federal immigration laws. The commission may renew **such a** the  
19 license only if it is demonstrated that the person's continued presence  
20 in the United States is authorized under federal law. The fee for  
21 licenses with expiration dates fixed by the commission shall be fixed  
22 by the commission in amounts proportionately less or greater than the  
23 fee herein established.

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

26 Motorcycle license or endorsement: \$18.

27 Omnibus or school bus endorsement: \$18.

28 Basic driver's license: \$18.

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

35 The commission shall issue licenses for the following license  
36 period on and after the first day of the calendar month immediately  
37 preceding the commencement of **such** the period, **such** the  
38 licenses to be effective immediately.

39 All applications for renewals of licenses shall be made in a manner  
40 prescribed by the commission and in accordance with procedures  
41 established by it.

42 The commission in its discretion may refuse to grant a permit or  
43 license to drive motor vehicles to a person who is, in its estimation, not  
44 a proper person to be granted **such** a permit or license, but no defect  
45 of the applicant shall debar the applicant from receiving a permit or  
46 license unless it can be shown by tests approved by the commission  
47 that the defect incapacitates the applicant from safely operating a  
48 motor vehicle.



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

6 If the commission has reasonable cause to suspect that any  
7 document presented by an applicant as proof of identity, age, or legal  
8 residency is altered, false, or otherwise invalid, the commission shall  
9 refuse to grant the permit or license until ~~such~~ the time ~~as~~ when  
10 the document may be verified by the issuing agency to the  
11 commission's satisfaction.

12 A person violating this section shall be subject to a fine not  
13 exceeding \$500 or imprisonment in the county jail for not more than  
14 60 days, but if that person has never been licensed to drive in this State  
15 or any other jurisdiction, the applicant shall be subject to a fine of not  
16 less than \$200 and, in addition, the court shall issue an order to the  
17 commission requiring the commission to refuse to issue a license to  
18 operate a motor vehicle to the person for a period of not less than 180  
19 days. The penalties provided for by this paragraph shall not be  
20 applicable in cases where failure to have actual possession of the  
21 operator's license is due to an administrative or technical error by the  
22 commission.

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

26 (cf: P.L.2015, c.78, s.1)

27  
28 3. ~~1[R.S.39:3-41]~~ R.S.39:3-41<sup>1</sup> is amended to read as follows:

29 39:3-41. a. At the time of the issuance of an examination permit  
30 or a special learner's permit to operate a motor vehicle, the chief  
31 administrator shall make available to each applicant for the  
32 examination permit or special learner's permit a driver's manual  
33 containing information required to be known and followed by licensed  
34 drivers relating to licensing requirements.

35 b. At the time of any required examination for renewal of a  
36 driver's license, the chief administrator shall upon request make  
37 available to each applicant for renewal a copy of the manual and any  
38 supplements thereto.

39 c. The driver's manual and any supplements thereto or any other  
40 booklet or writing prepared in connection with examinations for  
41 drivers' licenses or for renewals of drivers' licenses shall contain all  
42 information necessary to answer any question on an examination for a  
43 driver's license or for a renewal of a driver's license.

44 d. The chief administrator, following consultation with the organ  
45 procurement organizations designated pursuant to 42 U.S.C. s.1320b-8  
46 to serve in the State of New Jersey, shall include in the driver's manual  
47 information explaining the provisions of the "Revised Uniform  
48 Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.), the beneficial

1 uses of donated organs and tissues, and the procedure for indicating on  
2 the driver's license the intention to make [such] a donation pursuant to  
3 section 1 of P.L.1978, c.181 (C.39:3-12.2). The chief administrator  
4 may distribute all remaining copies of the existing driver's manual  
5 before reprinting the manual with the information required pursuant to  
6 this subsection.

7 e. The chief administrator, in consultation with the Nikhil Badlani  
8 Foundation, shall include in the driver's manual information explaining  
9 the dangers of failing to comply with this State's motor vehicle traffic  
10 laws and indicating that interested drivers may take the STOP for  
11 Nikhil Safety Pledge set forth in paragraph (1) of this subsection.

12 (1) The "STOP for Nikhil Safety Pledge" is as follows:

13 "In order to ensure the safety of others on the road, passengers in  
14 my car, and myself as a driver, I pledge to obey traffic laws while  
15 operating a motor vehicle, be extra cautious, and be attentive to traffic  
16 signs and signals and road conditions. Specifically:

17 I will come to a complete stop at every "stop" sign or red traffic  
18 light, and will not proceed through a red traffic light;

19 I will stay alert, keep two hands on the steering wheel whenever  
20 possible, and keep my mind on the road;

21 I will talk safely by using a hands-free wireless telephone while  
22 driving if I am of lawful age to do so and refrain from texting while  
23 driving; and I will plan ahead and leave enough time to arrive at my  
24 destination."

25 (2) The chief administrator shall ensure that drivers have the  
26 option of taking the pledge set forth in paragraph (1) of this subsection  
27 by filling out a standard form made available at motor vehicle offices  
28 or by following instructions publicized by the chief administrator  
29 directing interested drivers to the appropriate website to complete the  
30 pledge.

31 (3) The chief administrator may distribute all remaining copies of  
32 the existing driver's manual before reprinting the manual with the  
33 information required pursuant to this subsection.

34 f. The chief administrator, in consultation with the Commissioner  
35 of Health and the Director of the Division of Highway Traffic Safety  
36 in the Department of Law and Public Safety, shall include in the  
37 driver's manual information explaining the dangers of carbon  
38 monoxide poisoning from motor vehicles and techniques for the safe  
39 operation and proper maintenance of a motor vehicle. The chief  
40 administrator may distribute all remaining copies of any existing  
41 driver's manual before reprinting the manual with the information  
42 required pursuant to this subsection.

43 (cf: P.L.2015, c.78, s.2)

44

45 4. (New section) a. The chief administrator, in consultation with  
46 the Commissioner of Health and the Director of the Division of  
47 Highway Traffic Safety in the Department of Law and Public Safety,  
48 shall develop a brochure with information explaining the dangers of

1 carbon monoxide poisoning from motor vehicles and techniques for  
2 the safe operation and proper maintenance of a motor vehicle.

3 b. The chief administrator shall <sup>2</sup>provide with every new license,  
4 renewal license, identification card, renewal identification card, or any  
5 registration of a motor vehicle pursuant to R.S.39:3-4] make available  
6 at every New Jersey Motor Vehicle Commission agency and regional  
7 service center<sup>2</sup>, a brochure with information explaining the dangers of  
8 carbon monoxide poisoning from motor vehicles and techniques for  
9 the safe operation and proper maintenance of a motor vehicle,  
10 developed pursuant to subsection a. of <sup>1</sup>section 4 of P.L. ,

11 c. (C. ) (pending before the Legislature as this bill)] this  
12 section<sup>1</sup>.

13 c. Notwithstanding the provisions of any law, rule, regulation, or  
14 order to the contrary, the commission shall require <sup>2</sup>the distribution  
15 of] that<sup>2</sup> a brochure with information explaining the dangers of carbon  
16 monoxide poisoning from motor vehicles and techniques for the safe  
17 operation and proper maintenance of a motor vehicle, developed  
18 pursuant to subsection a. of <sup>1</sup>section 4 of P.L. ,

19 c. (C. ) (pending before the Legislature as this bill)] this  
20 section<sup>1</sup>, <sup>2</sup>to every owner or operator of a motor vehicle to be  
21 inspected] be made available<sup>2</sup> at <sup>2</sup>[an] every<sup>2</sup> official inspection  
22 facility or private inspection facility in this State <sup>2</sup>and on the  
23 commission's website<sup>2</sup>.

24  
25 5. This act shall take effect on the first day of 13th month  
26 following enactment. The chief administrator may take anticipatory  
27 actions in advance of that date as may be necessary for the timely  
28 implementation of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill).

30

31

32

33

34 "Rosa-Bonilla Family Act"; concerns development of carbon  
35 monoxide poisoning educational program for drivers.

# ASSEMBLY, No. 3662

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED APRIL 14, 2016

**Sponsored by:**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen and Passaic)**

**Assemblywoman MARLENE CARIDE**

**District 36 (Bergen and Passaic)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

“Rosa-Bonilla Family Act”; concerns development of carbon monoxide poisoning educational program for drivers.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/15/2016)**

A3662 SCHAER, CARIDE

2

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2 the "Rosa-Bonilla Family Act," amending various parts of the  
3 statutory law, and supplementing Title 39 of the Revised  
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16 teachers of approved classroom driver education courses. The  
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18 hours in length and be designed to develop and instill the  
19 knowledge and attitudes necessary for the safe operation and  
20 driving of motor vehicles. Defensive driving**[.]** ; highway  
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22 which shall include, but not be limited to, unexpectedly altering the  
23 speed of a vehicle, making improper or erratic traffic lane changes,  
24 disregarding traffic control devices, failing to yield the right of way,  
25 and following another vehicle too closely**[.]** ; accident  
26 avoidance**[.]** ; understanding and respect for the State's motor  
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28 maintenance of a vehicle, which shall include, but not be limited to,  
29 safety tips to avoid carbon monoxide poisoning from motor  
30 vehicles; insurance fraud**[.]** ; and State requirements for and  
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38 brochure for parents and guardians of beginning drivers under the  
39 age of 18 years. The commission shall ensure that the parents or  
40 guardians of a permit holder receive these brochures at the time a  
41 permit is issued to a beginning driver. The brochures shall include,  
42 but not be limited to, the following information:

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44 (2) Accident and fatality statistics about beginning drivers;  
45 (3) Causes of accidents among beginning drivers;

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Matter underlined thus is new matter.

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2 driver;

3 (5) Methods to coach a beginning driver on how to reduce  
4 accidents;

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6 (7) Benefits of classroom and behind-the-wheel driver education  
7 under the direction of State certified or licensed driving instructors,  
8 as the case may be; **[and]**

9 (8) The dangers of driving a vehicle in an aggressive manner,  
10 which shall include, but not be limited to, unexpectedly altering the  
11 speed of a vehicle, making improper or erratic traffic lane changes,  
12 disregarding traffic control devices, failing to yield the right of way,  
13 and following another vehicle too closely; and

14 (9) The dangers of carbon monoxide poisoning from motor  
15 vehicles and techniques for the safe operation and proper  
16 maintenance of a vehicle, which shall include, but not be limited to,  
17 safety tips to avoid carbon monoxide poisoning from motor  
18 vehicles.

19 (cf: P.L.2015, c.36, s.2)

20

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

22 39:3-10. No person shall drive a motor vehicle on a public  
23 highway in this State unless the person is under supervision while  
24 participating in a behind-the-wheel driving course pursuant to  
25 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a  
26 validated permit, or a probationary or basic driver's license issued to  
27 that person in accordance with this article.

28 No person under 18 years of age shall be issued a basic license to  
29 drive motor vehicles, nor shall a person be issued a validated  
30 permit, including a validated examination permit, until the applicant  
31 has passed a satisfactory examination and other requirements as to  
32 the applicant's ability as an operator. The examination shall  
33 include: a test of the applicant's vision**[,]** ; the applicant's ability to  
34 understand traffic control devices**[,]** ; the applicant's knowledge of  
35 safe driving practices, including the dangers of driving a vehicle in  
36 an aggressive manner, which shall include, but not be limited to,  
37 unexpectedly altering the speed of a vehicle, making improper or  
38 erratic traffic lane changes, disregarding traffic control devices,  
39 failing to yield the right of way, and following another vehicle too  
40 closely**[, and]** ; the applicant's knowledge of the effects that  
41 ingestion of alcohol or drugs has on a person's ability to operate a  
42 motor vehicle**[,]** ; the applicant's knowledge of the dangers of  
43 carbon monoxide poisoning from motor vehicles and techniques for  
44 the safe operation and proper maintenance of a motor vehicle; the  
45 applicant's knowledge of **[such]** portions of the mechanism of  
46 motor vehicles as is necessary to insure the safe operation of a  
47 vehicle of the kind or kinds indicated by the applicant**[,]** ; and the  
48 applicant's knowledge of the laws and ordinary usages of the road.

**A3662 SCHAER, CARIDE**

4

1 No person shall sit for an examination for any permit without  
2 exhibiting photo identification deemed acceptable by the  
3 commission, unless that person is a high school student  
4 participating in a course of automobile driving education approved  
5 by the State Department of Education and conducted in a public,  
6 parochial, or private school of this State, pursuant to section 1 of  
7 P.L.1950, c.127 (C.39:3-13.1). The commission may waive the  
8 written law knowledge examination for any person 18 years of age  
9 or older possessing a valid driver's license issued by any other state,  
10 the District of Columbia, or the United States Territories of  
11 American Samoa, Guam, Puerto Rico, or the Virgin Islands. The  
12 commission shall be required to provide that person with a booklet  
13 that highlights those motor vehicle laws unique to New Jersey. A  
14 road test shall be required for a probationary license and serve as a  
15 demonstration of the applicant's ability to operate a vehicle of the  
16 class designated. No person shall sit for a road test unless that  
17 person exhibits photo identification deemed acceptable by the  
18 commission. A high school student who has completed a course of  
19 behind-the-wheel automobile driving education approved by the  
20 State Department of Education and conducted in a public, parochial,  
21 or private school of this State, who has been issued a special  
22 learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-  
23 13.1) prior to January 1, 2003, shall not be required to exhibit photo  
24 identification in order to sit for a road test. The commission may  
25 waive the road test for any person 18 years of age or older  
26 possessing a valid driver's license issued by any other state, the  
27 District of Columbia, or the United States Territories of American  
28 Samoa, Guam, Puerto Rico, or the Virgin Islands. The road test  
29 shall be given on public streets, where practicable and feasible, but  
30 may be preceded by an off-street screening process to assess basic  
31 skills. The commission shall approve locations for the road test  
32 which pose no more than a minimal risk of injury to the applicant,  
33 the examiner, and other motorists. No new locations for the road  
34 test shall be approved unless the test can be given on public streets.

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

1 motorcycle license or endorsement without restriction as to engine  
2 displacement.

3 The commission shall issue a basic driver's license to operate a  
4 motor vehicle other than a motorcycle to a person over 18 years of  
5 age who previously has not been licensed to drive a motor vehicle  
6 in this State or another jurisdiction only if that person has: (1)  
7 operated a passenger automobile in compliance with the  
8 requirements of this title for not less than one year, not including  
9 any period of suspension or postponement, from the date of  
10 issuance of a probationary license pursuant to section 4 of  
11 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two  
12 motor vehicle points; (3) not been convicted in the previous year for  
13 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-  
14 50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129,  
15 N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any other motor  
16 vehicle-related violation the commission determines to be  
17 significant and applicable pursuant to regulation; and (4) passed an  
18 examination of the applicant's ability to operate a motor vehicle  
19 pursuant to this section.

20 The commission shall expand the driver's license examination by  
21 **【20%】** 20 percent. The additional questions to be added shall  
22 consist solely of questions developed in conjunction with the  
23 Department of Health concerning the use of alcohol or drugs as  
24 related to highway safety. The commission shall develop, in  
25 conjunction with the Department of Health, supplements to the  
26 driver's manual which shall include information necessary to  
27 answer any question on the driver's license examination concerning  
28 alcohol or drugs as related to highway safety.

29 Up to 20 questions may be added to the examination on subjects  
30 to be determined by the commission that are of particular relevance  
31 to youthful drivers, including the dangers of driving a vehicle in an  
32 aggressive manner, which shall include, but not be limited to,  
33 unexpectedly altering the speed of a vehicle, making improper or  
34 erratic traffic lane changes, disregarding traffic control devices,  
35 failing to yield the right of way, and following another vehicle too  
36 closely, after consultation with the Director of the Division of  
37 Highway Traffic Safety in the Department of Law and Public  
38 Safety.

39 The commission shall expand the driver's license examination to  
40 include a question asking whether the applicant is aware of the  
41 provisions of the "Revised Uniform Anatomical Gift Act,"  
42 P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on  
43 the driver's license the intention to make a donation of body organs  
44 or tissues pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

45 The commission shall expand the driver's license examination to  
46 include a question asking whether the applicant is aware of the  
47 dangers of failing to comply with this State's motor vehicle traffic



1 laws and the "STOP for Nikhil Safety Pledge" set forth in  
2 subsection e. of R.S.39:3-41.

3 The commission shall expand the driver's license examination to  
4 include questions concerning the dangers of carbon monoxide  
5 poisoning from motor vehicles and techniques for the safe operation  
6 and proper maintenance of a motor vehicle.

7 Any person applying for a driver's license to operate a motor  
8 vehicle or motorized bicycle in this State shall surrender to the  
9 commission any current driver's license issued to the applicant by  
10 another state or jurisdiction upon the applicant's receipt of a driver's  
11 license for this State. The commission shall refuse to issue a  
12 driver's license if the applicant fails to comply with this provision.  
13 An applicant for a permit or license who is less than 18 years of  
14 age, and who holds a permit or license for a passenger automobile  
15 issued by another state or country that is valid or has expired within  
16 a time period designated by the commission, shall be subject to the  
17 permit and license requirements and penalties applicable to State  
18 permit and license applicants who are of the same age; except that if  
19 the other state or country has permit or license standards  
20 substantially similar to those of this State, the credentials of the  
21 other state or country shall be acceptable.

22 The commission shall create classified licensing of drivers  
23 covering the following classifications:

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

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

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

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

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

43 A driver's license for motorcycles may be issued separately, but  
44 if issued to the holder of a basic driver's license, it shall be by  
45 endorsement on the basic driver's license. The holder of a basic  
46 driver's license or a separately issued motorcycle license shall be  
47 authorized to operate a motorcycle having a motor with a maximum  
48 piston displacement that is less than 50 cubic centimeters or a motor

1 that is rated at no more than 1.5 brake horsepower with a maximum  
2 speed no more than 35 miles per hour on a flat surface.

3 The commission, upon payment of the lawful fee and after it or a  
4 person authorized by it has examined the applicant and is satisfied  
5 of the applicant's ability as an operator, may, in its discretion, issue  
6 a license to the applicant to drive a motor vehicle. The license shall  
7 authorize **him** the applicant to drive any registered vehicle, of the  
8 kind or kinds indicated, and shall expire, except as otherwise  
9 provided, on the last day of the 48th calendar month following the  
10 calendar month in which **such** the license was issued.

11 The commission may, at its discretion and for good cause shown,  
12 issue licenses which shall expire on a date fixed by it. If the  
13 commission issues a license to a person who has demonstrated  
14 authorization to be present in the United States for a period of time  
15 shorter than the standard period of the license, the commission shall  
16 fix the expiration date of the license at a date based on the period in  
17 which the person is authorized to be present in the United States  
18 under federal immigration laws. The commission may renew **such**  
19 a the license only if it is demonstrated that the person's continued  
20 presence in the United States is authorized under federal law. The  
21 fee for licenses with expiration dates fixed by the commission shall  
22 be fixed by the commission in amounts proportionately less or  
23 greater than the fee herein established.

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

26 Motorcycle license or endorsement: \$18.

27 Omnibus or school bus endorsement: \$18.

28 Basic driver's license: \$18.

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

35 The commission shall issue licenses for the following license  
36 period on and after the first day of the calendar month immediately  
37 preceding the commencement of **such** the period, **such** the  
38 licenses to be effective immediately.

39 All applications for renewals of licenses shall be made in a  
40 manner prescribed by the commission and in accordance with  
41 procedures established by it.

42 The commission in its discretion may refuse to grant a permit or  
43 license to drive motor vehicles to a person who is, in its estimation,  
44 not a proper person to be granted **such** a permit or license, but no  
45 defect of the applicant shall debar the applicant from receiving a  
46 permit or license unless it can be shown by tests approved by the  
47 commission that the defect incapacitates the applicant from safely  
48 operating a motor vehicle.

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

6 If the commission has reasonable cause to suspect that any  
7 document presented by an applicant as proof of identity, age, or  
8 legal residency is altered, false, or otherwise invalid, the  
9 commission shall refuse to grant the permit or license until **[such]**  
10 **the time [as] when** the document may be verified by the issuing  
11 agency to the commission's satisfaction.

12 A person violating this section shall be subject to a fine not  
13 exceeding \$500 or imprisonment in the county jail for not more  
14 than 60 days, but if that person has never been licensed to drive in  
15 this State or any other jurisdiction, the applicant shall be subject to  
16 a fine of not less than \$200 and, in addition, the court shall issue an  
17 order to the commission requiring the commission to refuse to issue  
18 a license to operate a motor vehicle to the person for a period of not  
19 less than 180 days. The penalties provided for by this paragraph  
20 shall not be applicable in cases where failure to have actual  
21 possession of the operator's license is due to an administrative or  
22 technical error by the commission.

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

26 (cf: P.L.2015, c.78, s.1)

27

28 3. R.S. 39:3-41 is amended to read as follows:

29 39:3-41. a. At the time of the issuance of an examination permit  
30 or a special learner's permit to operate a motor vehicle, the chief  
31 administrator shall make available to each applicant for the  
32 examination permit or special learner's permit a driver's manual  
33 containing information required to be known and followed by  
34 licensed drivers relating to licensing requirements.

35 b. At the time of any required examination for renewal of a  
36 driver's license, the chief administrator shall upon request make  
37 available to each applicant for renewal a copy of the manual and  
38 any supplements thereto.

39 c. The driver's manual and any supplements thereto or any  
40 other booklet or writing prepared in connection with examinations  
41 for drivers' licenses or for renewals of drivers' licenses shall contain  
42 all information necessary to answer any question on an examination  
43 for a driver's license or for a renewal of a driver's license.

44 d. The chief administrator, following consultation with the  
45 organ procurement organizations designated pursuant to 42 U.S.C.  
46 s.1320b-8 to serve in the State of New Jersey, shall include in the  
47 driver's manual information explaining the provisions of the  
48 "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77

1 et al.), the beneficial uses of donated organs and tissues, and the  
2 procedure for indicating on the driver's license the intention to  
3 make [such] a donation pursuant to section 1 of P.L.1978, c.181  
4 (C.39:3-12.2). The chief administrator may distribute all remaining  
5 copies of the existing driver's manual before reprinting the manual  
6 with the information required pursuant to this subsection.

7 e. The chief administrator, in consultation with the Nikhil  
8 Badlani Foundation, shall include in the driver's manual  
9 information explaining the dangers of failing to comply with this  
10 State's motor vehicle traffic laws and indicating that interested  
11 drivers may take the STOP for Nikhil Safety Pledge set forth in  
12 paragraph (1) of this subsection.

13 (1) The "STOP for Nikhil Safety Pledge" is as follows:

14 "In order to ensure the safety of others on the road, passengers in  
15 my car, and myself as a driver, I pledge to obey traffic laws while  
16 operating a motor vehicle, be extra cautious, and be attentive to  
17 traffic signs and signals and road conditions. Specifically:

18 I will come to a complete stop at every "stop" sign or red traffic  
19 light, and will not proceed through a red traffic light;

20 I will stay alert, keep two hands on the steering wheel whenever  
21 possible, and keep my mind on the road;

22 I will talk safely by using a hands-free wireless telephone while  
23 driving if I am of lawful age to do so and refrain from texting while  
24 driving; and I will plan ahead and leave enough time to arrive at my  
25 destination."

26 (2) The chief administrator shall ensure that drivers have the  
27 option of taking the pledge set forth in paragraph (1) of this  
28 subsection by filling out a standard form made available at motor  
29 vehicle offices or by following instructions publicized by the chief  
30 administrator directing interested drivers to the appropriate website  
31 to complete the pledge.

32 (3) The chief administrator may distribute all remaining copies  
33 of the existing driver's manual before reprinting the manual with the  
34 information required pursuant to this subsection.

35 f. The chief administrator, in consultation with the  
36 Commissioner of Health and the Director of the Division of  
37 Highway Traffic Safety in the Department of Law and Public  
38 Safety, shall include in the driver's manual information explaining  
39 the dangers of carbon monoxide poisoning from motor vehicles and  
40 techniques for the safe operation and proper maintenance of a motor  
41 vehicle. The chief administrator may distribute all remaining  
42 copies of any existing driver's manual before reprinting the manual  
43 with the information required pursuant to this subsection.

44 (cf: P.L.2015, c.78, s.2)

45  
46 4. (New section) a. The chief administrator, in consultation  
47 with the Commissioner of Health and the Director of the Division  
48 of Highway Traffic Safety in the Department of Law and Public

1 Safety, shall develop a brochure with information explaining the  
2 dangers of carbon monoxide poisoning from motor vehicles and  
3 techniques for the safe operation and proper maintenance of a motor  
4 vehicle.

5 b. The chief administrator shall provide with every new  
6 license, renewal license, identification card, renewal identification  
7 card, or any registration of a motor vehicle pursuant to R.S.39:3-4,  
8 a brochure with information explaining the dangers of carbon  
9 monoxide poisoning from motor vehicles and techniques for the  
10 safe operation and proper maintenance of a motor vehicle,  
11 developed pursuant to subsection a. of section 4 of P.L. ,  
12 c. (C. ) (pending before the Legislature as this bill).

13 c. Notwithstanding the provisions of any law, rule, regulation,  
14 or order to the contrary, the commission shall require the  
15 distribution of a brochure with information explaining the dangers  
16 of carbon monoxide poisoning from motor vehicles and techniques  
17 for the safe operation and proper maintenance of a motor vehicle,  
18 developed pursuant to subsection a. of section 4 of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill), to every  
20 owner or operator of a motor vehicle to be inspected at an official  
21 inspection facility or private inspection facility in this State.

22  
23 5. This act shall take effect on the first day of 13th month  
24 following enactment. The chief administrator may take anticipatory  
25 actions in advance of that date as may be necessary for the timely  
26 implementation of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill).

28  
29

#### 30 STATEMENT

31

32 This bill is designated as the “Rosa-Bonilla Family Act,” in  
33 honor of the Rosa-Bonilla family, of which three of the family  
34 members were tragically killed as a result of unintentional carbon  
35 monoxide poisoning from a motor vehicle.

36 The bill requires that the curriculum approved for classroom  
37 driver education courses and the informational brochure distributed  
38 by the New Jersey Motor Vehicle Commission (MVC) to the  
39 parents and guardians of new drivers include information on the  
40 dangers of carbon monoxide poisoning from motor vehicles and  
41 techniques for the safe operation and proper maintenance of a motor  
42 vehicle. The MVC is required to include questions concerning the  
43 dangers of carbon monoxide poisoning from motor vehicles and  
44 techniques for the safe operation and proper maintenance of a  
45 vehicle as a part of the written examination required to obtain an  
46 examination permit and basic driver’s license.

47 The bill further requires the MVC to develop an informational  
48 brochure, in consultation with the New Jersey Department of Health

1 and the Division of Highway Traffic Safety within the Department  
2 of Law and Public Safety, which explains the dangers of carbon  
3 monoxide poisoning from motor vehicles and techniques for the  
4 safe operation and proper maintenance of a vehicle. The  
5 informational brochure is to be distributed to every person who  
6 applies for new driver's license, driver's license renewal,  
7 identification card, identification card renewal, motor vehicle  
8 registration, or motor vehicle registration renewal. The  
9 informational brochure also is to be distributed to every person who  
10 has a motor vehicle inspected at an official inspection facility or a  
11 private inspection facility.

12 On January 23, 2016, the snow-clogged tailpipe on the Rosa-  
13 Bonilla family car caused carbon monoxide to seep into the vehicle,  
14 resulting in the deaths of Sashalynn Rosa of Passaic, New Jersey,  
15 along with her one year-old son and three year-old daughter, as they  
16 sat in their motor vehicle waiting for it to warm as the children's  
17 father, Felix Bonilla, cleared the snow that surrounded the motor  
18 vehicle. Carbon monoxide is often called the "silent killer" as it is  
19 a colorless, odorless, tasteless, yet toxic gas that causes people to  
20 lose consciousness within minutes often resulting in serious injury  
21 or death. According to the Centers for Disease Control and  
22 Prevention, unintentional carbon monoxide poisoning is responsible  
23 for serious injuries in an estimated 10,000 people annually and  
24 causes an average of 500 deaths annually.

25 In order to avoid future tragedies like that of the Rosa-Bonilla  
26 family, it is in the best interest of the citizens of this State that the  
27 Legislature honor the lives of the Rosa-Bonilla family through the  
28 development of a carbon monoxide poisoning educational program  
29 for motorists in this State.

ASSEMBLY TRANSPORTATION AND INDEPENDENT  
AUTHORITIES COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 3662**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 19, 2016

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 3662.

As amended and reported, this bill is designated as the “Rosa-Bonilla Family Act,” in honor of the Rosa-Bonilla family, of which three of the family members were tragically killed as a result of unintentional carbon monoxide poisoning from a motor vehicle.

The bill requires that the curriculum approved for classroom driver education courses include techniques for the safe operation and proper maintenance of a vehicle, including, but not limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles. The informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of new drivers is to include information on the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The MVC is required to include questions concerning these dangers and techniques as a part of the written examination required to obtain an examination permit, special learner’s permit, and basic driver’s license.

The bill further requires the Chief Administrator of the MVC (chief administrator), in consultation with the Commissioner of Health (commissioner) and the Director of the Division of Highway Traffic Safety (director), to include in the driver’s manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle; and to develop an informational brochure with this information. The informational brochure is to be distributed with every new driver’s license, driver’s license renewal, identification card, identification card renewal, motor vehicle registration, or motor vehicle registration renewal, and to every person who has a motor vehicle inspected at an official inspection facility or a private inspection facility.

COMMITTEE AMENDMENTS

The committee amendments make technical changes to the bill.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]

**ASSEMBLY, No. 3662**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 13, 2016

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3662 (2R).

This bill, designated as the “Rosa-Bonilla Family Act,” concerns the development of a carbon monoxide poisoning educational program for drivers.

The bill requires the curriculum approved for classroom driver education courses to include techniques for the safe operation and proper maintenance of a vehicle, including, but not limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles. The bill requires the informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of new drivers to include information on the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The bill requires the MVC to include questions concerning these dangers and techniques as a part of the written examination required to obtain an examination permit, special learner’s permit, and basic driver’s license.

The bill also requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety, to include in the driver’s manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle, and to develop an informational brochure with this information. The bill provides for the informational brochure to be made available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC’s website.

The bill takes effect on the first day of the 13th month following enactment, but permits the Chief Administrator of the MVC to take anticipatory actions in advance of that date as may be necessary for the implementation of the bill.

The bill is designated as the “Rosa-Bonilla Family Act,” in honor of the Rosa-Bonilla family, of which three of the family members were tragically killed as a result of unintentional carbon monoxide poisoning from a motor vehicle.



As reported, this bill is identical to Senate Bill No. 2374, as also reported by the committee.

FISCAL IMPACT:

In the Legislative Fiscal Estimate for this bill the Office of Legislative Services concludes the bill will result in an indeterminate increase in State expenditures. The one-time estimated cost of purchasing graphic design services necessary to create a brochure or leaflet that can be made available to customers at MVC facilities across the State and on the MVC's website is likely less than \$5,000.

MVC customers have the option of acquiring this material at MVC facilities or on MVC's website, thus it cannot be known how many customers will acquire this material at facilities as opposed to the website. If up to 10 percent of driver's license, registration, and inspection customers acquire the brochure from an MVC facility, the MVC may need approximately 1.23 million brochures to be distributed to facilities each year. Assuming a cost of 10 cents per copy for the production of brochures could create an annual cost of approximately \$123,000 for the production of the informational materials.

The MVC is unlikely to face new costs in revising the driver's license exam because the MVC already is responsible to update and revise the driver's license exam questions. These new questions can be worked into that existing process.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

[Second Reprint]

**ASSEMBLY, No. 3662**

# **STATE OF NEW JERSEY**

DATED: JULY 11, 2016

The Senate Transportation Committee reports favorably Assembly Bill No. 3662 (2R).

As reported, this bill is designated as the “Rosa-Bonilla Family Act,” in honor of the Rosa-Bonilla family, of which three of the family members were tragically killed as a result of unintentional carbon monoxide poisoning from a motor vehicle.

The bill requires that the curriculum approved for classroom driver education courses include techniques for the safe operation and proper maintenance of a vehicle, including, but not limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles. The informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of new drivers is to include information on the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The MVC is required to include questions concerning these dangers and techniques as a part of the written examination required to obtain an examination permit, special learner’s permit, and basic driver’s license.

The bill further requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety, to include in the driver’s manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle; and to develop an informational brochure with this information. The informational brochure is to be made available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC’s website.

As reported, Assembly Bill No. 3662 (2R) is identical to Senate Bill No. 2374 which was also reported by the committee on this date.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 3662**

with Assembly Floor Amendments  
(Proposed by Assemblyman SCHAER)

ADOPTED: MAY 26, 2016

These Assembly amendments require the New Jersey Motor Vehicle Commission (MVC) to make a brochure with information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC's website. The amendments remove the provisions that require the MVC to provide the brochure with every new license, renewal license, identification card, renewal identification card, any registration of a motor vehicle, and to every owner or operator of a motor vehicle to be inspected at an official inspection facility or private inspection facility. The amendments also make a technical correction to remove a reference to the MVC being in, but not of, the Department of Transportation.

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## ASSEMBLY, No. 3662

### STATE OF NEW JERSEY 217th LEGISLATURE

DATED: SEPTEMBER 2, 2016

#### SUMMARY

- Synopsis:** “Rosa-Bonilla Family Act”; concerns development of carbon monoxide poisoning educational program for drivers.
- Type of Impact:** Increased State Cost.
- Agencies Affected:** New Jersey Motor Vehicle Commission (MVC); Division of Highway Traffic Safety.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate potential increase – See comments below		

- The estimated cost of purchasing graphic design services necessary to create a brochure or leaflet that can be made available to customers at MVC facilities across the State and on the MVC’s website is likely less than \$5,000.
- According to FY 2017 budget data, there are approximately two million driver’s license documents issued, eight million registration documents issued, and 2.3 million vehicle inspections in New Jersey annually. It cannot be known how many driver’s license, registration, and inspection customers would acquire the brochure from an MVC facility instead of printing the materials from the MVC’s website, but assuming 10 percent of those customers were to acquire a brochure at an MVC facility and assuming a cost of 10 cents per copy for the production of brochures could create an annual cost of approximately \$123,000 for the production of the informational material each year.

#### BILL DESCRIPTION

Assembly Bill No. 3662 (2R) of 2016 is designated as the “Rosa-Bonilla Family Act,” in honor of the Rosa-Bonilla family, of which three of the family members were tragically killed as a result of unintentional carbon monoxide poisoning from a motor vehicle.

The bill requires that the curriculum approved for classroom driver education courses include techniques for the safe operation and proper maintenance of a vehicle, including, but not limited

to, safety tips to avoid carbon monoxide poisoning from motor vehicles. The informational brochure distributed by the MVC to the parents and guardians of new drivers is to include information on the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The MVC is required to include questions concerning these dangers and techniques as a part of the written examination required to obtain an examination permit, special learner's permit, and basic driver's license.

The bill further requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety, to include in the driver's manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle and to develop an informational brochure with this information. The informational brochures are to be made available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC's website.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services concludes that the bill will result in an indeterminate increase in State expenditure. The bill requires the MVC to produce informational material concerning the dangers of carbon monoxide poisoning from motor vehicles and to make that material available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC's website.

In the first year of the law, it will be necessary to create the brochure for distribution. This process can likely be accomplished for an estimated cost of \$5,000, assuming that the MVC already has the information needed for the brochure but may need the information to be inserted into a brochure layout designed by a graphic artist. The brochure is most likely to be produced in the form of a photocopied black and white flier and may be displayed as a trifold brochure, which is likely to cost approximately 10 cents per copy.

According to FY 2017 budget data, there are roughly two million driver's license documents issued, eight million registration documents issued, and 2.3 million vehicle inspections in New Jersey annually. The bill allows MVC customers the option of acquiring this material at MVC facilities or on MVC's website, thus it cannot be known how many MVC customers will acquire this material at the MVC facilities as opposed to printing the material from MVC's website. If up to 10 percent of driver's license, registration, and inspection customers acquire the brochure from an MVC facility instead of printing the materials from the MVC's website, the MVC may need approximately 1.23 million brochures to be distributed to MVC facilities each year. Assuming a cost of 10 cents per copy for the production of brochures could create an annual cost of approximately \$123,000 for the production of the informational materials.

The MVC is unlikely to face new costs in revising the driver's license exam because the MVC already bears an existing responsibility to update and revise the driver's license exam questions. These new questions can be worked into that existing process.

*Section: Authorities, Utilities, Transportation, and Communications*

*Analyst: Patrick Brennan  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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

# SENATE, No. 2374

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 16, 2016

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators Cruz-Perez and Stack**

**SYNOPSIS**

“Rosa-Bonilla Family Act”; concerns development of carbon monoxide poisoning educational program for drivers.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/21/2016)**

1 AN ACT concerning carbon monoxide poisoning and designated as  
2 the “Rosa-Bonilla Family Act,” amending various parts of the  
3 statutory law, and supplementing Title 39 of the Revised  
4 Statutes.

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

8  
9 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read  
10 as follows:

11 8. a. The Director of the **[Office]** Division of Highway Traffic  
12 Safety in the Department of Law and Public Safety, after consultation  
13 with the Chief Administrator of the New Jersey Motor Vehicle  
14 Commission **[in, but not of, the Department of Transportation]**, shall  
15 develop curriculum guidelines for use by teachers of approved  
16 classroom driver education courses. The course of instruction for  
17 approved courses shall be no less than 30 hours in length and be  
18 designed to develop and instill the knowledge and attitudes necessary  
19 for the safe operation and driving of motor vehicles. Defensive  
20 driving**[,]** ; highway courtesy**[,]** ; dangers of driving a vehicle in an  
21 aggressive manner, which shall include, but not be limited to,  
22 unexpectedly altering the speed of a vehicle, making improper or  
23 erratic traffic lane changes, disregarding traffic control devices, failing  
24 to yield the right of way, and following another vehicle too closely**[,]** ;  
25 accident avoidance**[,]** ; understanding and respect for the State's motor  
26 vehicle laws**[,]** ; techniques for the safe operation and proper  
27 maintenance of a vehicle, which shall include, but not be limited to,  
28 safety tips to avoid carbon monoxide poisoning from motor vehicles;  
29 insurance fraud**[,]** ; and State requirements for and benefits of  
30 maintaining automobile insurance shall be emphasized. The  
31 incorporation of these curriculum guidelines in these classroom  
32 courses and the use of related instructional materials shall be a  
33 requirement for approval of the course by the chief administrator.

34 b. The Director of the **[Office]** Division of Highway Traffic  
35 Safety, in consultation with the Chief Administrator of the New Jersey  
36 Motor Vehicle Commission, shall produce an informational brochure  
37 for parents and guardians of beginning drivers under the age of 18  
38 years. The commission shall ensure that the parents or guardians of a  
39 permit holder receive these brochures at the time a permit is issued to a  
40 beginning driver. The brochures shall include, but not be limited to,  
41 the following information:

- 42 (1) Setting an example for the beginning driver;  
43 (2) Accident and fatality statistics about beginning drivers;  
44 (3) Causes of accidents among beginning drivers;  
45 (4) The need to supervise vehicle operation by a beginning driver;

**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 (5) Methods to coach a beginning driver on how to reduce  
2 accidents;
- 3 (6) A description of the graduated driver's license program;
- 4 (7) Benefits of classroom and behind-the-wheel driver education  
5 under the direction of State certified or licensed driving instructors, as  
6 the case may be; **and**
- 7 (8) The dangers of driving a vehicle in an aggressive manner,  
8 which shall include, but not be limited to, unexpectedly altering the  
9 speed of a vehicle, making improper or erratic traffic lane changes,  
10 disregarding traffic control devices, failing to yield the right of way,  
11 and following another vehicle too closely; and
- 12 (9) The dangers of carbon monoxide poisoning from motor  
13 vehicles and techniques for the safe operation and proper maintenance  
14 of a vehicle, which shall include, but not be limited to, safety tips to  
15 avoid carbon monoxide poisoning from motor vehicles.  
16 (cf: P.L.2015, c.36, s.2)

17  
18 2. R.S.39:3-10 is amended to read as follows:

19 39:3-10. **【No】** A person shall not drive a motor vehicle on a  
20 public highway in this State unless the person is under supervision  
21 while participating in a behind-the-wheel driving course pursuant to  
22 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a  
23 validated permit, or a probationary or basic driver's license issued to  
24 that person in accordance with this article.

25 **【No】** A person under 18 years of age shall not be issued a basic  
26 license to drive motor vehicles**【,】** nor shall a person**】** or be issued a  
27 validated permit, including a validated examination permit, until the  
28 applicant has passed a satisfactory examination and other requirements  
29 as to the applicant's ability as an operator. The examination shall  
30 include: a test of the applicant's vision**【,】** ; the applicant's ability to  
31 understand traffic control devices**【,】** ; the applicant's knowledge of  
32 safe driving practices, including the dangers of driving a vehicle in an  
33 aggressive manner, which shall include, but not be limited to,  
34 unexpectedly altering the speed of a vehicle, making improper or  
35 erratic traffic lane changes, disregarding traffic control devices, failing  
36 to yield the right of way, and following another vehicle too closely**【,**  
37 **and】** ; the applicant's knowledge of the effects that ingestion of  
38 alcohol or drugs has on a person's ability to operate a motor  
39 vehicle**【,】**; the applicant's knowledge of the dangers of carbon  
40 monoxide poisoning from motor vehicles and techniques for the safe  
41 operation and proper maintenance of a motor vehicle; the applicant's  
42 knowledge of **【such】** portions of the mechanism of motor vehicles as  
43 is necessary to insure the safe operation of a vehicle of the kind or  
44 kinds indicated by the applicant**【,】** ; and the applicant's knowledge  
45 of the laws and ordinary usages of the road. **【No】** A person shall not sit  
46 for an examination for any permit without exhibiting photo  
47 identification deemed acceptable by the commission, unless that

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

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

47 The commission shall issue a basic driver's license to operate a  
48 motor vehicle other than a motorcycle to a person over 18 years of age

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

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

24 Up to 20 questions may be added to the examination on subjects to  
25 be determined by the commission that are of particular relevance to  
26 youthful drivers, including the dangers of driving a vehicle in an  
27 aggressive manner, which shall include, but not be limited to,  
28 unexpectedly altering the speed of a vehicle, making improper or  
29 erratic traffic lane changes, disregarding traffic control devices, failing  
30 to yield the right of way, and following another vehicle too closely,  
31 after consultation with the Director of the Division of Highway Traffic  
32 Safety in the Department of Law and Public Safety.

33 The commission shall expand the driver's license examination to  
34 include a question asking whether the applicant is aware of the  
35 provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008,  
36 c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's  
37 license the intention to make a donation of body organs or tissues  
38 pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

39 The commission shall expand the driver's license examination to  
40 include a question asking whether the applicant is aware of the dangers  
41 of failing to comply with this State's motor vehicle traffic laws and the  
42 "STOP for Nikhil Safety Pledge" set forth in subsection e. of R.S.39:3-  
43 41.

44 The commission shall expand the driver's license examination to  
45 include questions concerning the dangers of carbon monoxide  
46 poisoning from motor vehicles and techniques for the safe operation  
47 and proper maintenance of a motor vehicle.

1 Any person applying for a driver's license to operate a motor  
2 vehicle or motorized bicycle in this State shall surrender to the  
3 commission any current driver's license issued to the applicant by  
4 another state or jurisdiction upon the applicant's receipt of a driver's  
5 license for this State. The commission shall refuse to issue a driver's  
6 license if the applicant fails to comply with this provision. An  
7 applicant for a permit or license who is less than 18 years of age, and  
8 who holds a permit or license for a passenger automobile issued by  
9 another state or country that is valid or has expired within a time  
10 period designated by the commission, shall be subject to the permit  
11 and license requirements and penalties applicable to State permit and  
12 license applicants who are of the same age; except that if the other  
13 state or country has permit or license standards substantially similar to  
14 those of this State, the credentials of the other state or country shall be  
15 acceptable.

16 The commission shall create classified licensing of drivers  
17 covering the following classifications:

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

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

29 c. (Deleted by amendment, P.L.1999, c.28)【.】

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

33 Every applicant for a license under classification b. shall be a  
34 holder of a basic driver's license. Any issuance of a license under  
35 classification b. shall be by endorsement on the basic driver's license.

36 A driver's license for motorcycles may be issued separately, but if  
37 issued to the holder of a basic driver's license, it shall be by  
38 endorsement on the basic driver's license. The holder of a basic  
39 driver's license or a separately issued motorcycle license shall be  
40 authorized to operate a motorcycle having a motor with a maximum  
41 piston displacement that is less than 50 cubic centimeters or a motor  
42 that is rated at no more than 1.5 brake horsepower with a maximum  
43 speed no more than 35 miles per hour on a flat surface.

44 The commission, upon payment of the lawful fee and after it or a  
45 person authorized by it has examined the applicant and is satisfied of  
46 the applicant's ability as an operator, may, in its discretion, issue a  
47 license to the applicant to drive a motor vehicle. The license shall  
48 authorize 【him】 the applicant to drive any registered vehicle, of the

1 kind or kinds indicated, and shall expire, except as otherwise provided,  
2 on the last day of the 48th calendar month following the calendar  
3 month in which **such** the license was issued.

4 The commission may, at its discretion and for good cause shown,  
5 issue licenses which shall expire on a date fixed by it. If the  
6 commission issues a license to a person who has demonstrated  
7 authorization to be present in the United States for a period of time  
8 shorter than the standard period of the license, the commission shall  
9 fix the expiration date of the license at a date based on the period in  
10 which the person is authorized to be present in the United States under  
11 federal immigration laws. The commission may renew **such a** the  
12 license only if it is demonstrated that the person's continued presence  
13 in the United States is authorized under federal law. The fee for  
14 licenses with expiration dates fixed by the commission shall be fixed  
15 by the commission in amounts proportionately less or greater than the  
16 fee herein established.

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

19 Motorcycle license or endorsement: \$18.

20 Omnibus or school bus endorsement: \$18.

21 Basic driver's license: \$18.

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

28 The commission shall issue licenses for the following license  
29 period on and after the first day of the calendar month immediately  
30 preceding the commencement of **such** the period, **such** the  
31 licenses to be effective immediately.

32 All applications for renewals of licenses shall be made in a manner  
33 prescribed by the commission and in accordance with procedures  
34 established by it.

35 The commission in its discretion may refuse to grant a permit or  
36 license to drive motor vehicles to a person who is, in its estimation, not  
37 a proper person to be granted **such** a permit or license, but no defect  
38 of the applicant shall debar the applicant from receiving a permit or  
39 license unless it can be shown by tests approved by the commission  
40 that the defect incapacitates the applicant from safely operating a  
41 motor vehicle.

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

47 If the commission has reasonable cause to suspect that any  
48 document presented by an applicant as proof of identity, age, or legal

1 residency is altered, false, or otherwise invalid, the commission shall  
2 refuse to grant the permit or license until **[such]** the time **[as]** when  
3 the document may be verified by the issuing agency to the  
4 commission's satisfaction.

5 A person violating this section shall be subject to a fine not  
6 exceeding \$500 or imprisonment in the county jail for not more than  
7 60 days, but if that person has never been licensed to drive in this State  
8 or any other jurisdiction, the applicant shall be subject to a fine of not  
9 less than \$200 and, in addition, the court shall issue an order to the  
10 commission requiring the commission to refuse to issue a license to  
11 operate a motor vehicle to the person for a period of not less than 180  
12 days. The penalties provided for by this paragraph shall not be  
13 applicable in cases where failure to have actual possession of the  
14 operator's license is due to an administrative or technical error by the  
15 commission.

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

19 (cf: P.L.2015, c.78, s.1)

20

21 3. R.S.39:3-41 is amended to read as follows:

22 39:3-41. a. At the time of the issuance of an examination permit  
23 or a special learner's permit to operate a motor vehicle, the chief  
24 administrator shall make available to each applicant for the  
25 examination permit or special learner's permit a driver's manual  
26 containing information required to be known and followed by licensed  
27 drivers relating to licensing requirements.

28 b. At the time of any required examination for renewal of a  
29 driver's license, the chief administrator shall upon request make  
30 available to each applicant for renewal a copy of the manual and any  
31 supplements thereto.

32 c. The driver's manual and any supplements thereto or any other  
33 booklet or writing prepared in connection with examinations for  
34 drivers' licenses or for renewals of drivers' licenses shall contain all  
35 information necessary to answer any question on an examination for a  
36 driver's license or for a renewal of a driver's license.

37 d. The chief administrator, following consultation with the organ  
38 procurement organizations designated pursuant to 42 U.S.C. s.1320b-8  
39 to serve in the State of New Jersey, shall include in the driver's manual  
40 information explaining the provisions of the "Revised Uniform  
41 Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.), the beneficial  
42 uses of donated organs and tissues, and the procedure for indicating on  
43 the driver's license the intention to make **[such]** a donation pursuant to  
44 section 1 of P.L.1978, c.181 (C.39:3-12.2). The chief administrator  
45 may distribute all remaining copies of the existing driver's manual  
46 before reprinting the manual with the information required pursuant to  
47 this subsection.

1 e. The chief administrator, in consultation with the Nikhil Badlani  
2 Foundation, shall include in the driver's manual information explaining  
3 the dangers of failing to comply with this State's motor vehicle traffic  
4 laws and indicating that interested drivers may take the STOP for  
5 Nikhil Safety Pledge set forth in paragraph (1) of this subsection.

6 (1) The "STOP for Nikhil Safety Pledge" is as follows:

7 "In order to ensure the safety of others on the road, passengers in  
8 my car, and myself as a driver, I pledge to obey traffic laws while  
9 operating a motor vehicle, be extra cautious, and be attentive to traffic  
10 signs and signals and road conditions. Specifically:

11 I will come to a complete stop at every "stop" sign or red traffic  
12 light, and will not proceed through a red traffic light;

13 I will stay alert, keep two hands on the steering wheel whenever  
14 possible, and keep my mind on the road;

15 I will talk safely by using a hands-free wireless telephone while  
16 driving if I am of lawful age to do so and refrain from texting while  
17 driving; and I will plan ahead and leave enough time to arrive at my  
18 destination."

19 (2) The chief administrator shall ensure that drivers have the  
20 option of taking the pledge set forth in paragraph (1) of this subsection  
21 by filling out a standard form made available at motor vehicle offices  
22 or by following instructions publicized by the chief administrator  
23 directing interested drivers to the appropriate website to complete the  
24 pledge.

25 (3) The chief administrator may distribute all remaining copies of  
26 the existing driver's manual before reprinting the manual with the  
27 information required pursuant to this subsection.

28 f. The chief administrator, in consultation with the Commissioner  
29 of Health and the Director of the Division of Highway Traffic Safety  
30 in the Department of Law and Public Safety, shall include in the  
31 driver's manual information explaining the dangers of carbon  
32 monoxide poisoning from motor vehicles and techniques for the safe  
33 operation and proper maintenance of a motor vehicle. The chief  
34 administrator may distribute all remaining copies of any existing  
35 driver's manual before reprinting the manual with the information  
36 required pursuant to this subsection.

37 (cf: P.L.2015, c.78, s.2)

38

39 4. (New section) a. The chief administrator, in consultation with  
40 the Commissioner of Health and the Director of the Division of  
41 Highway Traffic Safety in the Department of Law and Public Safety,  
42 shall develop a brochure with information explaining the dangers of  
43 carbon monoxide poisoning from motor vehicles and techniques for  
44 the safe operation and proper maintenance of a motor vehicle.

45 b. The chief administrator shall make available at every New  
46 Jersey Motor Vehicle Commission agency and regional service center,  
47 a brochure with information explaining the dangers of carbon  
48 monoxide poisoning from motor vehicles and techniques for the safe

1 operation and proper maintenance of a motor vehicle, developed  
2 pursuant to subsection a. of this section.

3 c. Notwithstanding the provisions of any law, rule, regulation, or  
4 order to the contrary, the commission shall require that a brochure with  
5 information explaining the dangers of carbon monoxide poisoning  
6 from motor vehicles and techniques for the safe operation and proper  
7 maintenance of a motor vehicle, developed pursuant to subsection a. of  
8 this section, be made available at every official inspection facility or  
9 private inspection facility in this State and on the commission's  
10 website.

11

12 5. This act shall take effect on the first day of 13th month  
13 following enactment. The chief administrator may take anticipatory  
14 actions in advance of that date as may be necessary for the timely  
15 implementation of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill).

17

18

19

#### STATEMENT

20

21 This bill is designated as the "Rosa-Bonilla Family Act," in  
22 honor of the Rosa-Bonilla family, of which three of the family  
23 members were tragically killed as a result of unintentional carbon  
24 monoxide poisoning from a motor vehicle.

25 The bill requires that the curriculum approved for classroom  
26 driver education courses include techniques for the safe operation  
27 and proper maintenance of a vehicle, including, but not limited to,  
28 safety tips to avoid carbon monoxide poisoning from motor  
29 vehicles. The informational brochure distributed by the New Jersey  
30 Motor Vehicle Commission (MVC) to the parents and guardians of  
31 new drivers is to include information on the dangers of carbon  
32 monoxide poisoning from motor vehicles and techniques for the  
33 safe operation and proper maintenance of a motor vehicle. The  
34 MVC is required to include questions concerning these dangers and  
35 techniques as a part of the written examination required to obtain an  
36 examination permit, special learner's permit, and basic driver's  
37 license.

38 The bill further requires the Chief Administrator of the MVC, in  
39 consultation with the Commissioner of Health and the Director of  
40 the Division of Highway Traffic Safety, to include in the driver's  
41 manual information explaining the dangers of carbon monoxide  
42 poisoning from motor vehicles and techniques for the safe operation  
43 and proper maintenance of a motor vehicle; and to develop an  
44 informational brochure with this information. The informational  
45 brochure is to be made available at every MVC agency and regional  
46 service center, official inspection facility, private inspection  
47 facility, and on the MVC's website.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 2374

# STATE OF NEW JERSEY

DATED: OCTOBER 13, 2016

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2374.

This bill, designated as the “Rosa-Bonilla Family Act,” concerns the development of a carbon monoxide poisoning educational program for drivers.

The bill requires the curriculum approved for classroom driver education courses to include techniques for the safe operation and proper maintenance of a vehicle, including, but not limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles. The bill requires the informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of new drivers to include information on the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The bill requires the MVC to include questions concerning these dangers and techniques as a part of the written examination required to obtain an examination permit, special learner’s permit, and basic driver’s license.

The bill also requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety, to include in the driver’s manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle, and to develop an informational brochure with this information. The bill provides for the informational brochure to be made available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC’s website.

The bill takes effect on the first day of the 13th month following enactment, but permits the Chief Administrator of the MVC to take anticipatory actions in advance of that date as may be necessary for the implementation of the bill.

The bill is designated as the “Rosa-Bonilla Family Act,” in honor of the Rosa-Bonilla family, of which three of the family members were tragically killed as a result of unintentional carbon monoxide poisoning from a motor vehicle.

As reported, this bill is identical to Assembly Bill No. 3662 (2R), as also reported by the committee.

**FISCAL IMPACT:**

In the Legislative Fiscal Estimate for this bill the Office of Legislative Services concludes the bill will result in an indeterminate increase in State expenditures. The one-time estimated cost of purchasing graphic design services necessary to create a brochure or leaflet that can be made available to customers at MVC facilities across the State and on the MVC's website is likely less than \$5,000.

MVC customers have the option of acquiring this material at MVC facilities or on MVC's website, thus it cannot be known how many customers will acquire this material at facilities as opposed to the website. If up to 10 percent of driver's license, registration, and inspection customers acquire the brochure from an MVC facility, the MVC may need approximately 1.23 million brochures to be distributed to facilities each year. Assuming a cost of 10 cents per copy for the production of brochures could create an annual cost of approximately \$123,000 for the production of the informational materials.

The MVC is unlikely to face new costs in revising the driver's license exam because the MVC already is responsible to update and revise the driver's license exam questions. These new questions can be worked into that existing process.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### SENATE, No. 2374

# STATE OF NEW JERSEY

DATED: JULY 11, 2016

The Senate Transportation Committee reports favorably Senate Bill No. 2374.

As reported, this bill is designated as the “Rosa-Bonilla Family Act,” in honor of the Rosa-Bonilla family, of which three of the family members were tragically killed as a result of unintentional carbon monoxide poisoning from a motor vehicle.

The bill requires that the curriculum approved for classroom driver education courses include techniques for the safe operation and proper maintenance of a vehicle, including, but not limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles. The informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of new drivers is to include information on the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The MVC is required to include questions concerning these dangers and techniques as a part of the written examination required to obtain an examination permit, special learner’s permit, and basic driver’s license.

The bill further requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety, to include in the driver’s manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle; and to develop an informational brochure with this information. The informational brochure is to be made available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC’s website.

As reported, Senate Bill No. 2374 is identical to Assembly Bill No. 3662 (2R) which was also reported by the committee on this date.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2374**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: SEPTEMBER 19, 2016

**SUMMARY**

**Synopsis:** “Rosa-Bonilla Family Act”; concerns development of carbon monoxide poisoning educational program for drivers.

**Type of Impact:** Increased State Cost.

**Agencies Affected:** New Jersey Motor Vehicle Commission (MVC); Division of Highway Traffic Safety.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate potential increase – See comments below		

- The estimated cost of purchasing graphic design services necessary to create a brochure or leaflet that can be made available to customers at MVC facilities across the State and on the MVC’s website is likely less than \$5,000.
- According to FY 2017 budget data, there are approximately two million driver’s license documents issued, eight million registration documents issued, and 2.3 million vehicle inspections in New Jersey annually. It cannot be known how many driver’s license, registration, and inspection customers would acquire the brochure from an MVC facility instead of printing the materials from the MVC’s website, but assuming 10 percent of those customers were to acquire a brochure at an MVC facility and assuming a cost of 10 cents per copy for the production of brochures could create an annual cost of approximately \$123,000 for the production of the informational material each year.

**BILL DESCRIPTION**

Senate Bill No. 2374 of 2016 is designated as the “Rosa-Bonilla Family Act,” in honor of the Rosa-Bonilla family, of which three of the family members were tragically killed as a result of unintentional carbon monoxide poisoning from a motor vehicle.

The bill requires that the curriculum approved for classroom driver education courses include techniques for the safe operation and proper maintenance of a vehicle, including, but not limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles. The informational

brochure distributed by the MVC to the parents and guardians of new drivers is to include information on the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The MVC is required to include questions concerning these dangers and techniques as a part of the written examination required to obtain an examination permit, special learner's permit, and basic driver's license.

The bill further requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety, to include in the driver's manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle and to develop an informational brochure with this information. The informational brochures are to be made available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC's website.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services concludes that the bill will result in an indeterminate increase in State expenditure. The bill requires the MVC to produce informational material concerning the dangers of carbon monoxide poisoning from motor vehicles and to make that material available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC's website.

In the first year of the law, it will be necessary to create the brochure for distribution. This process can likely be accomplished for an estimated cost of \$5,000, assuming that the MVC already has the information needed for the brochure but may need the information to be inserted into a brochure layout designed by a graphic artist. The brochure is most likely to be produced in the form of a photocopied black and white flier and may be displayed as a trifold brochure, which is likely to cost approximately 10 cents per copy.

According to FY 2017 budget data, there are roughly two million driver's license documents issued, eight million registration documents issued, and 2.3 million vehicle inspections in New Jersey annually. The bill allows MVC customers the option of acquiring this material at MVC facilities or on MVC's website, thus it cannot be known how many MVC customers will acquire this material at the MVC facilities as opposed to printing the material from MVC's website. If up to 10 percent of driver's license, registration, and inspection customers acquire the brochure from an MVC facility instead of printing the materials from the MVC's website, the MVC may need approximately 1.23 million brochures to be distributed to MVC facilities each year. Assuming a cost of 10 cents per copy for the production of brochures could create an annual cost of approximately \$123,000 for the production of the informational materials.

The MVC is unlikely to face new costs in revising the driver's license exam because the MVC already bears an existing responsibility to update and revise the driver's license exam questions. These new questions can be worked into that existing process.

*Section: Authorities, Utilities, Transportation, and Communications*

*Analyst: Patrick Brennan  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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

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## Governor Chris Christie Signs Legislation Strengthening New Jersey Residents' Security

Monday, December 5, 2016

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### State of New Jersey OFFICE OF THE GOVERNOR

#### *Takes Action on Pending Legislation*

**Trenton, NJ** – Governor Chris Christie today signed a package of legislation designed to make New Jerseyans safer. The measures include requirements for schools to conduct yearly security training alongside first responders (A-3349/S-2438) and that existing and any new school architectural plans include certain security measures (A-3348/S-2439). Additionally, A-1946/S-1257 expands domestic violence statutes to include cyber-harassment.

"We must make every effort to ensure New Jersey citizens are safe and secure whether they are in their school buildings or online," said Governor Christie. "These new laws will require safety measures to be built into new school construction and all school personnel to be trained annually on safety and security. Additionally, I have signed a bill to address one of the fastest growing threats we face in the 21<sup>st</sup> century, cyber-harassment. This new law will help victims of domestic violence whose abusers choose to attack through the web and social media outlets."

Governor Chris Christie also took action on the following legislation:

#### **BILL SIGNINGS:**

**S-384/A-3470 (Greenstein/Johnson)** - Requires correctional facilities to provide inmates with prescription medication that was prescribed for chronic conditions existing prior to incarceration

**S-743/ACS for A-2761 (Beach, Sarlo, Ruiz/Mazzeo, Zwicker, Jasey, Vainieri Huttle, Schaer, Jones, Eustace, Land, Gusciora, Andrzejczak, Downey, Houghtaling, Benson, Mukherji, McKeon, Lampitt)** - Directs Higher Education Student Assistance Authority to forgive certain student loans in the event of student borrower's death or total and permanent disability and grant deferment for temporary total disability

**S-1041/A-1449 (Weinberg, Gordon/Lampitt, Benson, Vainieri Huttle, Tucker, Wimberly, Downey)** - Requires DHS to develop timeline for use by individuals with developmental disabilities to gain benefit of State and federal programs; requires posting timeline on DHS, DCF, and DOE websites

**S-2024/A-3793 (Madden, Oroho/Eustace, Peterson, Conaway, Mukherji, Benson, McKnight)** - Clarifies that product approval from U.S. Food and Drug Administration is not required for drug manufacturer to file registration statement, and specifies timeframe by which DOH must review registration statements

**S-2337/A-3985 (Sacco, Allen/Jimenez, O'Scanlon, Mukherji, Benson, Peterson)** - Permits law enforcement agencies to buy firearms directly from manufacturers; clarifies permits and identification cards not required

**S-2338/A-3914 (Whelan, Stack/Mazzeo)** - Allows existing rural development areas zoned for industrial use under pinelands comprehensive management plan to be included as eligible areas under certain business incentive programs

**A-1878/S-2404 (Wimberly/Rice)** - Increases to under \$15,000 from under \$10,000 amount of permitted annual compensation paid to TPAF retiree reemployed as athletic coach by former school district within 180 days of

retirement

**A-2519/S-1152 (DeAngelo, Holley, Mazzeo, Downey, McKnight/Greenstein, Beach)** - Directs Attorney General to develop plan to disseminate Amber and Silver Alert information through social media

**A-3662/S-2374 (Schaer, Caride, Vainieri Huttie, Mukherji, McKnight, Chiaravalloti, Quijano/Weinberg, Pou)** – "Rosa-Bonilla Family Act"; concerns development of carbon monoxide poisoning educational program for drivers

**A-3748/S-2115 (DeAngelo, Eustace, Mukherji, Holley, Benson, Beach/Cruz-Perez)** - Requires DMVA to create registry for organizations providing services to veterans

**AJR-23/SJR-30 (Andrzejczak, Land, Wimberly, Taliaferro/Van Drew)** - Designates third weekend in October each year as "Shuck, Sip, and Slurp Weekend" to promote NJ oysters, wine, and beer

**AJR-24/SJR-36 (Andrzejczak, Houghtaling/Van Drew, Connors)** - Declares aquaculture an important State economic driver and urges State to include aquaculture industry in its economic development plans

**AJR-25/SJR-14 (Land, Andrzejczak/Van Drew)** - Recognizes Delaware Bayshore as region of special significance in NJ

**AJR-98 (Space, Taliaferro)** - Designates June of each year as "Native Plant Appreciation Month"

#### **BILLS VETOED:**

**S-51/A-547 (Lesniak, Cunningham/Pinkin, Sumter, Vainieri Huttie, Gusciora, Muolo) – ABSOLUTE** - Restricts use of isolated confinement in correctional facilities

**S-92/A-2815 (Whelan/Mosquera, Jones, DeAngelo, Mazzeo, Johnson, Houghtaling) – CONDITIONAL** - Revises "Overseas Residents Absentee Voting Law" to mirror federal law; permits overseas voters to vote in any election; permits use of federal write-in absentee ballot to vote, register or request ballot for all elections

#### **Press Contact:**

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