

39:3-10 and 27:5F-41 LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2017 **CHAPTER:** 374

NJSA: 39:3-10 and 27:5F-41 (Requires driver education course, certain new driver brochures, and driver's license written exam to include cyclist and pedestrian safety information.)

BILL NO: A4165 (Substituted for S2894)

SPONSOR(S) Chaparro, Annette and others

DATE INTRODUCED: 9/19/2016

COMMITTEE: **ASSEMBLY:** Transportation & Independent Authorities
 SENATE: Transportation
 Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 1/8/2018
 SENATE: 1/5/2018

DATE OF APPROVAL: 1/16/2018

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

A4165

SPONSOR'S STATEMENT: (Begins on page 8 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Trans. & Indep. Authorities
 SENATE: Yes Transportation
 Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

S2894

SPONSOR'S STATEMENT: (Begins on page 9 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No
 SENATE: Yes Transportation
 Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

(continued)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RH/CL

P.L. 2017, CHAPTER 374, *approved January 16, 2018*
Assembly, No. 4165 (*Second Reprint*)

1 AN ACT concerning ¹**[bicycle]** cyclist¹ and pedestrian safety and
2 amending R.S.39:3-10 and P.L.1998, c.108.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹**[1.** R.S.39:3-10 is amended to read as follows:

8 39:3-10. No person shall drive a motor vehicle on a public
9 highway in this State unless the person is under supervision while
10 participating in a behind-the-wheel driving course pursuant to
11 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
12 validated permit, or a probationary or basic driver's license issued to
13 that person in accordance with this article.

14 No person under 18 years of age shall be issued a basic license to
15 drive motor vehicles, nor shall a person be issued a validated
16 permit, including a validated examination permit, until the applicant
17 has passed a satisfactory examination and other requirements as to
18 the applicant's ability as an operator. The examination shall include
19 a test of the applicant's vision**[,]** ; the applicant's ability to
20 understand traffic control devices**[,]** ; the applicant's knowledge of
21 safe driving practices, including the dangers of driving a vehicle in
22 an aggressive manner, which shall include, but not be limited to,
23 unexpectedly altering the speed of a vehicle, making improper or
24 erratic traffic lane changes, disregarding traffic control devices,
25 failing to yield the right of way, and following another vehicle too
26 closely**[,]** ; the applicant's knowledge of operating a motor vehicle
27 in a manner that safely shares the roadway with pedestrians,
28 bicyclists, skaters, riders of motorized-scooters and other non-
29 motorized vehicles, which shall include, but not be limited to,
30 passing a cyclist on the road, recognizing bicycle lanes, navigating
31 intersections with pedestrians and cyclists, and exiting a vehicle
32 without endangering pedestrians and cyclists; **[and of]** the effects
33 that ingestion of alcohol or drugs has on a person's ability to operate
34 a motor vehicle**[,]** ; the applicant's knowledge of such portions of
35 the mechanism of motor vehicles as is necessary to insure the safe
36 operation of a vehicle of the kind or kinds indicated by the
37 applicant**[,]** ; and **[of]** the laws and ordinary usages of the road.
38 No person shall sit for an examination for any permit without
39 exhibiting photo identification deemed acceptable by the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted December 12, 2016.

²Senate STR committee amendments adopted June 1, 2017.

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

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

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

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

27 Up to 20 questions may be added to the examination on subjects
28 to be determined by the commission that are of particular relevance
29 to youthful drivers, including the importance of operating a motor
30 vehicle in a manner that safely shares the roadway with pedestrians,
31 bicyclists, skaters, riders of motorized-scooters and other non-
32 motorized vehicles, which shall include, but not be limited to,
33 passing a cyclist on the road, recognizing bicycle lanes, navigating
34 intersections with pedestrians and cyclists, and exiting a vehicle
35 without endangering pedestrians and cyclists, and the dangers of
36 driving a vehicle in an aggressive manner, which shall include, but
37 not be limited to, unexpectedly altering the speed of a vehicle,
38 making improper or erratic traffic lane changes, disregarding traffic
39 control devices, failing to yield the right of way, and following
40 another vehicle too closely, after consultation with the Director of
41 the Division of Highway Traffic Safety in the Department of Law
42 and Public Safety.

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

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

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

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

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

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

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

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

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

42 A driver's license for motorcycles may be issued separately, but
43 if 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
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 to drive any registered vehicle, of the kind or kinds
8 indicated, and shall expire, except as otherwise provided, on the last
9 day of the 48th calendar month following the calendar month in
10 which such 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 a
19 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 applicant will use the omnibus
32 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 period, such licenses to be
38 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 time as 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
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)】¹

27

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

29 39:3-10. A person shall not drive a motor vehicle on a public
30 highway in this State unless the person is under supervision while
31 participating in a behind-the-wheel driving course pursuant to
32 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
33 validated permit, or a probationary or basic driver's license issued to
34 that person in accordance with this article.

35 A person under 18 years of age shall not be issued a basic license
36 to drive motor vehicles or be issued a validated permit, including a
37 validated examination permit, until the applicant has passed a
38 satisfactory examination and other requirements as to the applicant's
39 ability as an operator. The examination shall include: a test of the
40 applicant's vision; the applicant's ability to understand traffic
41 control devices; the applicant's knowledge of safe driving practices,
42 including the dangers of driving a vehicle in an aggressive manner,
43 which shall include, but not be limited to, unexpectedly altering the
44 speed of a vehicle, making improper or erratic traffic lane changes,
45 disregarding traffic control devices, failing to yield the right of way,
46 and following another vehicle too closely; the applicant's
47 knowledge of operating a motor vehicle in a manner that safely
48 shares the roadway with pedestrians, cyclists, skaters, riders of

1 motorized-scooters, and other non-motorized vehicles, which shall
2 include, but not be limited to, passing a cyclist on the roadway,
3 recognizing bicycle lanes, navigating intersections with pedestrians
4 and cyclists, and exiting a vehicle without endangering pedestrians
5 and cyclists; the applicant's knowledge of the effects that ingestion
6 of alcohol or drugs has on a person's ability to operate a motor
7 vehicle; the applicant's knowledge of the dangers of carbon
8 monoxide poisoning from motor vehicles and techniques for the
9 safe operation and proper maintenance of a motor vehicle; the
10 applicant's knowledge of portions of the mechanism of motor
11 vehicles as is necessary to insure the safe operation of a vehicle of
12 the kind or kinds indicated by the applicant; and the applicant's
13 knowledge of the laws and ordinary usages of the road. A person
14 shall not sit for an examination for any permit without exhibiting
15 photo identification deemed acceptable by the commission, unless
16 that person is a high school student participating in a course of
17 automobile driving education approved by the State Department of
18 Education and conducted in a public, parochial, or private school of
19 this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
20 The commission may waive the written law knowledge examination
21 for any person 18 years of age or older possessing a valid driver's
22 license issued by any other state, the District of Columbia, or the
23 United States Territories of American Samoa, Guam, Puerto Rico,
24 or the Virgin Islands. The commission shall be required to provide
25 that person with a booklet that highlights those motor vehicle laws
26 unique to New Jersey. A road test shall be required for a
27 probationary license and serve as a demonstration of the applicant's
28 ability to operate a vehicle of the class designated. During the road
29 test, an applicant may use a rear visibility system, parking sensors,
30 or other technology installed on the motor vehicle that enables the
31 applicant to view areas directly behind the vehicle or alerts the
32 applicant of obstacles while parking. A person shall not sit for a
33 road test unless that person exhibits photo identification deemed
34 acceptable by the commission. A high school student who has
35 completed a course of behind-the-wheel automobile driving
36 education approved by the State Department of Education and
37 conducted in a public, parochial, or private school of this State, who
38 has been issued a special learner's permit pursuant to section 1 of
39 P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be
40 required to exhibit photo identification in order to sit for a road test.
41 The commission may waive the road test for any person 18 years of
42 age or older possessing a valid driver's license issued by any other
43 state, the District of Columbia, or the United States Territories of
44 American Samoa, Guam, Puerto Rico, or the Virgin Islands. The
45 road test shall be given on public streets, where practicable and
46 feasible, but may be preceded by an off-street screening process to
47 assess basic skills. The commission shall approve locations for the
48 road test which pose no more than a minimal risk of injury to the

1 applicant, the examiner, and other motorists. New locations for the
2 road test shall not be approved unless the test can be given on
3 public streets.

4 A person who successfully completes a road test for a
5 motorcycle license or a motorcycle endorsement when operating a
6 motorcycle or motorized scooter with an engine displacement of
7 less than 231 cubic centimeters shall be issued a motorcycle license
8 or endorsement restricting the person's operation of such vehicles to
9 any motorcycle with an engine displacement of 500 cubic
10 centimeters or less. A person who successfully completes a road
11 test for a motorcycle license or motorcycle endorsement when
12 operating a motorcycle with an engine displacement of 231 or more
13 cubic centimeters shall be issued a motorcycle license or
14 endorsement without any restriction as to engine displacement.
15 Any person who successfully completes an approved motorcycle
16 safety education course established pursuant to the provisions of
17 section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a
18 motorcycle license or endorsement without restriction as to engine
19 displacement.

20 The commission shall issue a basic driver's license to operate a
21 motor vehicle other than a motorcycle to a person over 18 years of
22 age who previously has not been licensed to drive a motor vehicle
23 in this State or another jurisdiction only if that person has: (1)
24 operated a passenger automobile in compliance with the
25 requirements of this Title for not less than one year, not including
26 any period of suspension or postponement, from the date of
27 issuance of a probationary license pursuant to section 4 of
28 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two
29 motor vehicle points; (3) not been convicted in the previous year for
30 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
31 50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129,
32 N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any other motor
33 vehicle-related violation the commission determines to be
34 significant and applicable pursuant to regulation; and (4) passed an
35 examination of the applicant's ability to operate a motor vehicle
36 pursuant to this section.

37 The commission shall expand the driver's license examination by
38 20 percent. The additional questions to be added shall consist solely
39 of questions developed in conjunction with the Department of
40 Health concerning the use of alcohol or drugs as related to highway
41 safety. The commission shall develop, in conjunction with the
42 Department of Health, supplements to the driver's manual which
43 shall include information necessary to answer any question on the
44 driver's license examination concerning alcohol or drugs as related
45 to highway safety.

46 Up to 20 questions may be added to the examination on subjects
47 to be determined by the commission that are of particular relevance
48 to youthful drivers, including ²the importance of operating a motor

1 vehicle in a manner that safely shares the roadway with pedestrians,
2 cyclists, skaters, riders of motorized-scooters, and other non-motorized
3 vehicles, which shall include, but not be limited to, passing a cyclist on
4 the roadway, recognizing bicycle lanes, navigating intersections with
5 pedestrians and cyclists, and exiting a vehicle without endangering
6 pedestrians and cyclists, and² the dangers of driving a vehicle in an
7 aggressive manner, which shall include, but not be limited to,
8 unexpectedly altering the speed of a vehicle, making improper or
9 erratic traffic lane changes, disregarding traffic control devices,
10 failing to yield the right of way, and following another vehicle too
11 closely, after consultation with the Director of the Division of
12 Highway Traffic Safety in the Department of Law and Public
13 Safety.

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

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

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

29 ²【The commission shall expand the driver's license examination
30 to include questions concerning the importance of operating a motor
31 vehicle in a manner that safely shares the roadway with pedestrians,
32 cyclists, skaters, riders of motorized-scooters, and other non-
33 motorized vehicles, which shall include, but not be limited to,
34 passing a cyclist on the roadway, recognizing bicycle lanes,
35 navigating intersections with pedestrians and cyclists, and exiting a
36 vehicle without endangering pedestrians and cyclists.】²

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Motorcycle license or endorsement: \$18.

9 Omnibus or school bus endorsement: \$18.

10 Basic driver's license: \$18.

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

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

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

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

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

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

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

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

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

8 As used in this section:

9 "Parking sensors" means proximity sensors which use either
10 electromagnetic or ultrasonic technology and are designed to alert
11 the driver to obstacles while parking.

12 "Rear visibility system" means devices or components installed
13 on a motor vehicle at the time of manufacture that allow a forward
14 facing driver to view a visual image of the area directly behind the
15 vehicle.¹

16 (cf: P.L.2016, c.81, s.2)

17

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

20 8. a. he Director of the **【Office】** Division of Highway Traffic
21 Safety in the Department of Law and Public Safety, after
22 consultation with the Chief Administrator of the New Jersey Motor
23 Vehicle Commission in, but not of, the Department of
24 Transportation, shall develop curriculum guidelines for use by
25 teachers of approved classroom driver education courses. The
26 course of instruction for approved courses shall be no less than 30
27 hours in length and be designed to develop and instill the
28 knowledge and attitudes necessary for the safe operation and
29 driving of motor vehicles. Defensive driving, highway courtesy,
30 bicycle and pedestrian safety, dangers of driving a vehicle in an
31 aggressive manner, which shall include, but not be limited to,
32 unexpectedly altering the speed of a vehicle, making improper or
33 erratic traffic lane changes, disregarding traffic control devices,
34 failing to yield the right of way, and following another vehicle too
35 closely, accident avoidance, understanding and respect for the
36 State's motor vehicle laws, insurance fraud, and State requirements
37 for and benefits of maintaining automobile insurance shall be
38 emphasized. The incorporation of these curriculum guidelines in
39 these classroom courses and the use of related instructional
40 materials shall be a requirement for approval of the course by the
41 chief administrator.

42 b. The Director of the **【Office】** Division of Highway Traffic
43 Safety, in consultation with the Chief Administrator of the New
44 Jersey Motor Vehicle Commission, shall produce an informational
45 brochure for parents and guardians of beginning drivers under the
46 age of 18 years. The commission shall ensure that the parents or
47 guardians of a permit holder receive these brochures at the time a

1 permit is issued to a beginning driver. The brochures shall include,
2 but not be limited to, the following information:

- 3 (1) Setting an example for the beginning driver;
- 4 (2) Accident and fatality statistics about beginning drivers;
- 5 (3) Causes of accidents among beginning drivers;
- 6 (4) The need to supervise vehicle operation by a beginning
7 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,
13 as 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.

19 (9) Maintaining an awareness of operating a motor vehicle in a
20 manner that safely shares the roadway with pedestrians, bicyclists,
21 skaters, riders of motorized-scooters and other non-motorized
22 vehicles, which shall include, but not be limited to, passing a cyclist
23 on the road, recognizing bicycle lanes, navigating intersections with
24 pedestrians and cyclists, and exiting a vehicle without endangering
25 pedestrians and cyclists.

26 (cf: P.L.2015, c.36, s.2)】¹

27

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

30 8. a. The Director of the Division of Highway Traffic Safety in
31 the Department of Law and Public Safety, after consultation with
32 the Chief Administrator of the New Jersey Motor Vehicle
33 Commission, shall develop curriculum guidelines for use by
34 teachers of approved classroom driver education courses. The
35 course of instruction for approved courses shall be no less than 30
36 hours in length and be designed to develop and instill the
37 knowledge and attitudes necessary for the safe operation and
38 driving of motor vehicles. Defensive driving; highway courtesy;
39 dangers of driving a vehicle in an aggressive manner, which shall
40 include, but not be limited to, unexpectedly altering the speed of a
41 vehicle, making improper or erratic traffic lane changes,
42 disregarding traffic control devices, failing to yield the right of way,
43 and following another vehicle too closely; accident avoidance;
44 understanding and respect for the State's motor vehicle laws;
45 techniques for the safe operation and proper maintenance of a
46 vehicle, which shall include, but not be limited to, safety tips to
47 avoid carbon monoxide poisoning from motor vehicles; insurance
48 fraud; operating a motor vehicle in a manner that safely shares the

1 roadway with pedestrians, cyclists, skaters, riders of motorized-
2 scooters, and other non-motorized vehicles, which shall include, but
3 not be limited to, passing a cyclist on the roadway, recognizing
4 bicycle lanes, navigating intersections with pedestrians and cyclists,
5 and exiting a vehicle without endangering pedestrians and cyclists;
6 and State requirements for and benefits of maintaining automobile
7 insurance shall be emphasized. The incorporation of these
8 curriculum guidelines in these classroom courses and the use of
9 related instructional materials shall be a requirement for approval of
10 the course by the chief administrator.

11 b. The Director of the Division of Highway Traffic Safety, in
12 consultation with the Chief Administrator of the New Jersey Motor
13 Vehicle Commission, shall produce an informational brochure for
14 parents and guardians of beginning drivers under the age of 18
15 years. The commission shall ensure that the parents or guardians of
16 a permit holder receive these brochures at the time a permit is
17 issued to a beginning driver. The brochures shall include, but not be
18 limited to, the following information:

19 (1) Setting an example for the beginning driver;

20 (2) Accident and fatality statistics about beginning drivers;

21 (3) Causes of accidents among beginning drivers;

22 (4) The need to supervise vehicle operation by a beginning
23 driver;

24 (5) Methods to coach a beginning driver on how to reduce
25 accidents;

26 (6) A description of the graduated driver's license program;

27 (7) Benefits of classroom and behind-the-wheel driver education
28 under the direction of State certified or licensed driving instructors,
29 as the case may be;

30 (8) The dangers of driving a vehicle in an aggressive manner,
31 which shall include, but not be limited to, unexpectedly altering the
32 speed of a vehicle, making improper or erratic traffic lane changes,
33 disregarding traffic control devices, failing to yield the right of way,
34 and following another vehicle too closely; **[and]**

35 (9) The dangers of carbon monoxide poisoning from motor
36 vehicles and techniques for the safe operation and proper
37 maintenance of a vehicle, which shall include, but not be limited to,
38 safety tips to avoid carbon monoxide poisoning from motor
39 vehicles; and

40 (10) Maintaining an awareness of operating a motor vehicle in a
41 manner that safely shares the roadway with pedestrians, cyclists,
42 skaters, riders of motorized-scooters, and other non-motorized
43 vehicles, which shall include, but not be limited to, passing a cyclist
44 on the roadway, recognizing bicycle lanes, navigating intersections
45 with pedestrians and cyclists, and exiting a vehicle without
46 endangering pedestrians and cyclists.¹

47 (cf: P.L.2016, c.81, s.1)

1 3. This act shall take effect on the first day of the seventh month
2 after enactment.

3

4

5

6

7 _____
8 Requires driver education course, certain new driver brochures,
9 and driver's license written exam to include cyclist and pedestrian
safety information.

ASSEMBLY, No. 4165

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2016

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman NICHOLAS CHIARAVALLOTTI

District 31 (Hudson)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Assemblywoman Jimenez

SYNOPSIS

Requires high school driver education course, certain new driver brochures, and driver's license written exam to include bicycle and pedestrian safety information.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/13/2016)

1 AN ACT concerning bicycle and pedestrian safety and amending
2 R.S.39:3-10 and P.L.1998, c.108.

3

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

6

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

8 39:3-10. No person shall drive a motor vehicle on a public
9 highway in this State unless the person is under supervision while
10 participating in a behind-the-wheel driving course pursuant to
11 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
12 validated permit, or a probationary or basic driver's license issued to
13 that person in accordance with this article.

14 No person under 18 years of age shall be issued a basic license to
15 drive motor vehicles, nor shall a person be issued a validated
16 permit, including a validated examination permit, until the applicant
17 has passed a satisfactory examination and other requirements as to
18 the applicant's ability as an operator. The examination shall include
19 a test of the applicant's vision~~[,]~~ ; the applicant's ability to
20 understand traffic control devices~~[,]~~ ; the applicant's knowledge of
21 safe driving practices, including the dangers of driving a vehicle in
22 an aggressive manner, which shall include, but not be limited to,
23 unexpectedly altering the speed of a vehicle, making improper or
24 erratic traffic lane changes, disregarding traffic control devices,
25 failing to yield the right of way, and following another vehicle too
26 closely~~[,]~~ ; the applicant's knowledge of operating a motor vehicle
27 in a manner that safely shares the roadway with pedestrians,
28 bicyclists, skaters, riders of motorized-scooters and other non-
29 motorized vehicles, which shall include, but not be limited to,
30 passing a cyclist on the road, recognizing bicycle lanes, navigating
31 intersections with pedestrians and cyclists, and exiting a vehicle
32 without endangering pedestrians and cyclists; [and of] the effects
33 that ingestion of alcohol or drugs has on a person's ability to operate
34 a motor vehicle~~[,]~~ ; the applicant's knowledge of such portions of
35 the mechanism of motor vehicles as is necessary to insure the safe
36 operation of a vehicle of the kind or kinds indicated by the
37 applicant~~[,]~~ ; and ~~[of]~~ the laws and ordinary usages of the road.
38 No person shall sit for an examination for any permit without
39 exhibiting photo identification deemed acceptable by the
40 commission, unless that person is a high school student
41 participating in a course of automobile driving education approved
42 by the State Department of Education and conducted in a public,
43 parochial, or private school of this State, pursuant to section 1 of
44 P.L.1950, c.127 (C.39:3-13.1). The commission may waive the
45 written law knowledge examination for any person 18 years of age

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

Matter underlined thus is new matter.

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

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

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

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

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

21 Up to 20 questions may be added to the examination on subjects
22 to be determined by the commission that are of particular relevance
23 to youthful drivers, including the importance of operating a motor
24 vehicle in a manner that safely shares the roadway with pedestrians,
25 bicyclists, skaters, riders of motorized-scooters and other non-
26 motorized vehicles, which shall include, but not be limited to,
27 passing a cyclist on the road, recognizing bicycle lanes, navigating
28 intersections with pedestrians and cyclists, and exiting a vehicle
29 without endangering pedestrians and cyclists, and the dangers of
30 driving a vehicle in an aggressive manner, which shall include, but
31 not be limited to, unexpectedly altering the speed of a vehicle,
32 making improper or erratic traffic lane changes, disregarding traffic
33 control devices, failing to yield the right of way, and following
34 another vehicle too closely, after consultation with the Director of
35 the Division of Highway Traffic Safety in the Department of Law
36 and Public Safety.

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

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

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
6 driver's license if the applicant fails to comply with this provision.
7 An applicant for a permit or license who is less than 18 years of
8 age, and who holds a permit or license for a passenger automobile
9 issued by another state or country that is valid or has expired within
10 a time period designated by the commission, shall be subject to the
11 permit and license requirements and penalties applicable to State
12 permit and license applicants who are of the same age; except that if
13 the other state or country has permit or license standards
14 substantially similar to those of this State, the credentials of the
15 other state or country shall be 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,
21 seats similar to those of a passenger vehicle or truck, seat belts and
22 automotive steering or any vehicle defined as a motorcycle pursuant
23 to R.S.39:1-1 having a motor with a maximum piston displacement
24 that is less than 50 cubic centimeters or a motor that is rated at no
25 more than 1.5 brake horsepower with a maximum speed of no more
26 than 35 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
32 as 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
36 license.

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

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

1 authorize him to drive any registered vehicle, of the kind or kinds
2 indicated, and shall expire, except as otherwise provided, on the last
3 day of the 48th calendar month following the calendar month in
4 which such license was issued.

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

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

20 Motorcycle license or endorsement: \$18.

21 Omnibus or school bus endorsement: \$18.

22 Basic driver's license: \$18.

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

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

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

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

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

1 If the commission has reasonable cause to suspect that any
2 document presented by an applicant as proof of identity, age or
3 legal residency is altered, false or otherwise invalid, the
4 commission shall refuse to grant the permit or license until such
5 time as the document may be verified by the issuing agency to the
6 commission's satisfaction.

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

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

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

22

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

25 8. a. he Director of the **【Office】** Division of Highway Traffic
26 Safety in the Department of Law and Public Safety, after
27 consultation with the Chief Administrator of the New Jersey Motor
28 Vehicle Commission in, but not of, the Department of
29 Transportation, shall develop curriculum guidelines for use by
30 teachers of approved classroom driver education courses. The
31 course of instruction for approved courses shall be no less than 30
32 hours in length and be designed to develop and instill the
33 knowledge and attitudes necessary for the safe operation and
34 driving of motor vehicles. Defensive driving, highway courtesy,
35 bicycle and pedestrian safety, dangers of driving a vehicle in an
36 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, accident avoidance, understanding and respect for the
41 State's motor vehicle laws, insurance fraud, and State requirements
42 for and benefits of maintaining automobile insurance shall be
43 emphasized. The incorporation of these curriculum guidelines in
44 these classroom courses and the use of related instructional
45 materials shall be a requirement for approval of the course by the
46 chief administrator.

47 b. The Director of the **【Office】** Division of Highway Traffic
48 Safety, in consultation with the Chief Administrator of the New

1 Jersey Motor Vehicle Commission, shall produce an informational
2 brochure for parents and guardians of beginning drivers under the
3 age of 18 years. The commission shall ensure that the parents or
4 guardians of a permit holder receive these brochures at the time a
5 permit is issued to a beginning driver. The brochures shall include,
6 but not be limited to, the following information:

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

23 (9) Maintaining an awareness of operating a motor vehicle in a
24 manner that safely shares the roadway with pedestrians, bicyclists,
25 skaters, riders of motorized-scooters and other non-motorized
26 vehicles, which shall include, but not be limited to, passing a cyclist
27 on the road, recognizing bicycle lanes, navigating intersections with
28 pedestrians and cyclists, and exiting a vehicle without endangering
29 pedestrians and cyclists.

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

31

32 3. This act shall take effect on the first day of the seventh month
33 after enactment.

34

35

36

STATEMENT

37

38 This bill requires that the curriculum for approved classroom
39 driver education courses and the informational brochure distributed
40 by the New Jersey Motor Vehicle Commission (MVC) to the
41 parents and guardians of beginning drivers include information
42 concerning the importance of safely sharing the road with bicycles
43 and pedestrians. The bill requires the courses and brochures to
44 emphasize the importance of operating a motor vehicle in a manner
45 that safely shares the roadway with pedestrians, bicyclists, skaters,
46 riders of motorized-scooters and other non-motorized vehicles. The
47 bill further requires that the curriculum should include, but not be
48 limited to, topics such as passing a cyclist on the road, recognizing

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9

- 1 bicycle lanes, navigating intersections with pedestrians and cyclists,
- 2 and exiting a vehicle without endangering pedestrians and cyclists.
- 3 The bill further requires the MVC to include bicycle and
- 4 pedestrian safety as part of the written examination required to
- 5 obtain an examination permit and basic driver's license.

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4165

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2016

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 4165.

As amended and reported, this bill requires that the curriculum for approved classroom driver education courses and the informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of beginning drivers include information concerning operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles, which is to include, but is not to be limited to, passing a cyclist on the road, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists.

The bill further requires the MVC to include questions on cyclist and pedestrian safety as part of the written examination required to obtain an examination permit, a special learner's permit, and a basic driver's license.

COMMITTEE AMENDMENTS

The committee amended the bill to: update sections 1 and 2 of the bill to include the changes made to those sections of law as amended by P.L.2016, c.81 (approved December 5, 2016); change certain references to "bicyclist" and "bicycle" in the bill to "cyclist"; clarify that the MVC is required to include cyclist and pedestrian safety questions on the written examination required to obtain an examination permit, a special learner's permit, and a basic driver's license; and clarify that a classroom driver education course is to include information concerning operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles, including, but not limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4165

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Transportation Committee reports favorably and with committee amendments Assembly Bill No. 4165 (1R).

As amended and reported, this bill requires the curriculum for approved classroom driver education courses and the informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of beginning drivers to include information concerning operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles. This curriculum is to include, but is not to be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists.

The bill further provides that the written examination, which is to be passed in order to be issued a basic driver's license, special learner's permit, or examination permit, is to include questions on cyclist and pedestrian safety, and that the MVC may include these questions as part of the 20 questions that may be added to the exam on subjects to be determined by the MVC that are of particular relevance to youthful drivers.

The committee amended the bill to clarify that the questions regarding cyclist and pedestrian safety that are to be included in the written examination may be included in the 20 questions that may be added to the exam on subjects to be determined by the MVC that are of particular relevance to youthful drivers.

As amended and reported, Assembly Bill No. 4165(1R) is identical to Senate Bill No. 2894, which was also amended and reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 4165

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2017

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4165 (2R).

This bill requires approved driver education courses, certain beginning driver informational brochures, and the driver's license written examination to include certain cyclist and pedestrian safety information.

Under the bill, the curriculum for approved classroom driver education courses and the informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of beginning drivers under the age of 18 years is required to include information concerning the operation of a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles. The bill specifies that this information concerning the operation of a motor vehicle in a manner that safely shares the roadway is to include, but is not limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists.

The bill requires the MVC to include questions on operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles as part of the written examination that is required to be passed to be issued a basic driver's license, a special learner's permit, or an examination permit. The bill provides that the MVC may include these questions as part of the 20 questions that may be added to the examination on subjects determined by the MVC to be of particular relevance to youthful drivers.

The bill is scheduled to take effect on the first day of the seventh month after enactment.

As reported, this bill is identical to Senate Bill No. 2894 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services estimates that the Department of Law and Public Safety and the New Jersey Motor Vehicle

Commission will incur indeterminate increased costs in the first year after the bill's effective date to update the curriculum guidelines to be used by teachers of approved classroom driver education courses with information concerning cyclist and pedestrian safety.

In addition, the department and MVC may incur costs of approximately \$250,000 or more in the first year after the bill's effective date to update informational brochures for parents and guardians of beginning drivers to include information about cyclist and pedestrian safety and to print the updated informational brochures.

The MVC also may incur an indeterminate cost in the first year after the bill's effective date to update the written driver's license examination to include questions concerning cyclist and pedestrian safety.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 4165

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: DECEMBER 18, 2017

SUMMARY

- Synopsis:** Requires driver education course, certain new driver brochures, and driver's license written exam to include cyclist and pedestrian safety information.
- Type of Impact:** Increased State expenditures.
- Agencies Affected:** New Jersey Motor Vehicle Commission; Department of Law and Public Safety

Office of Legislative Services Estimate

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

- The Office of Legislative Services estimates that the Department of Law and Public Safety (department) and the New Jersey Motor Vehicle Commission (MVC) will incur indeterminate increased costs in the first year after the bill's effective date to update the curriculum guidelines to be used by teachers of approved classroom driver education courses with information concerning cyclist and pedestrian safety.
- The department and MVC may incur costs of approximately \$250,000 or more in the first year after the bill's effective date to update informational brochures to include information about cyclist and pedestrian safety and to print the updated informational brochures.
- The MVC may incur an indeterminate cost in the first year after the bill's effective date to update the written driver's license examination to include questions concerning cyclist and pedestrian safety.

BILL DESCRIPTION

This bill requires the curriculum guidelines for approved classroom driver education courses and the informational brochure distributed by the MVC to the parents and guardians of beginning drivers under the age of 18 to include information concerning operating a motor

vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles. The curriculum guidelines and informational brochure are to include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists.

The bill further provides that the written examination, which is to be passed in order to be issued a basic driver's license, special learner's permit, or examination permit, is to include questions on cyclist and pedestrian safety, and that the MVC may include these questions as part of the 20 questions that may be added to the exam on subjects to be determined by the MVC that are of particular relevance to youthful drivers.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill will result in an indeterminate increase in State expenditure in the first year of the bill's effective date. The Division of Highway Traffic Safety (division), in the Department of Law and Public Safety, and the MVC are required to include information concerning the operation of a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized scooters, and other non-motorized vehicles within the curriculum guidelines to be used by teachers of approved classroom driver education courses. The division and MVC will incur certain costs in the first year after the bill's effective date to update the approved curriculum guidelines with this information. However, it is not known how extensive these changes will be, or how many resources and personnel will be needed to make these changes.

The bill also requires the division, in consultation with the MVC, to include certain information concerning cyclist and pedestrian safety in informational brochures provided to the parents and guardians of beginning drivers under the age of 18. The division and MVC may need a graphic artist to update the informational brochure. The cost of a graphic artist is indeterminate since it is not known how many changes will need to be made in order to update the informational brochure.

Additionally, the MVC will need to print new brochures for distribution to replace the old brochures. According to the United States Census Bureau's 2010 Census Summary, there were approximately 370,000 New Jersey residents between the ages of 16 and 18 at that time. In order to provide all teenage residents with new brochures and to refill the supply at MVC facilities, the MVC may have to print approximately 500,000 new copies. At a cost of 50 cents per color copy for a letter size copy, based upon estimates from online printing services, the cost of the print run will be approximately \$250,000, excluding costs that may be required for a graphic artist. However, copies for tri-fold brochures may cost more than 50 cents per color copy. Thus, changes required to be made to the informational brochure, as required by the bill, may cost approximately \$250,000 or more in the first year after the bill's effective date.

The bill provides that the written examination is to include questions on cyclist and pedestrian safety and that the MVC may include these questions as part of the 20 questions that may be added to the exam on subjects to be determined by the MVC that are of particular

relevance to youthful drivers. The MVC may incur costs in the first year after the bill's effective date to add an additional question or questions concerning cyclist and pedestrian safety to the written examination. However, it is not known how many questions will be added or whether these additional questions may be included in an existing MVC process to update and revise the written examination.

Although not specifically required by the legislation, the MVC may need to update the driver's manual to include information concerning cyclist and pedestrian safety and may incur an indeterminate cost to do so in the first year after the bill's effective date. It is not known how many manuals will need to be reprinted, if any, or to what extent the online driver's manual will be updated with this information.

Section: Authorities, Utilities, Transportation, and Communications

*Analyst: Lauren M. Vogel
Associate Counsel*

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

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

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

SENATE, No. 2894

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JANUARY 9, 2017

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Requires driver education course, certain new driver brochures, and driver's license written exam to include cyclist and pedestrian safety information.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning cyclist and pedestrian safety and amending
2 R.S.39:3-10 and P.L.1998, c.108.

3

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

6

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

8 39:3-10. A person shall not drive a motor vehicle on a public
9 highway in this State unless the person is under supervision while
10 participating in a behind-the-wheel driving course pursuant to
11 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a
12 validated permit, or a probationary or basic driver's license issued to
13 that person in accordance with this article.

14 A person under 18 years of age shall not be issued a basic license
15 to drive motor vehicles or be issued a validated permit, including a
16 validated examination permit, until the applicant has passed a
17 satisfactory examination and other requirements as to the applicant's
18 ability as an operator. The examination shall include: a test of the
19 applicant's vision; the applicant's ability to understand traffic
20 control devices; the applicant's knowledge of safe driving practices,
21 including the dangers of driving a vehicle in an aggressive manner,
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; the applicant's
26 knowledge of operating a motor vehicle in a manner that safely
27 shares the roadway with pedestrians, cyclists, skaters, riders of
28 motorized-scooters, and other non-motorized vehicles, which shall
29 include, but not be limited to, passing a cyclist on the roadway,
30 recognizing bicycle lanes, navigating intersections with pedestrians
31 and cyclists, and exiting a vehicle without endangering pedestrians
32 and cyclists; the applicant's knowledge of the effects that ingestion
33 of alcohol or drugs has on a person's ability to operate a motor
34 vehicle; the applicant's knowledge of the dangers of carbon
35 monoxide poisoning from motor vehicles and techniques for the
36 safe operation and proper maintenance of a motor vehicle; the
37 applicant's knowledge of portions of the mechanism of motor
38 vehicles as is necessary to insure the safe operation of a vehicle of
39 the kind or kinds indicated by the applicant; and the applicant's
40 knowledge of the laws and ordinary usages of the road. A person
41 shall not sit for an examination for any permit without exhibiting
42 photo identification deemed acceptable by the commission, unless
43 that person is a high school student participating in a course of
44 automobile driving education approved by the State Department of
45 Education and conducted in a public, parochial, or private school of

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

34 A person who successfully completes a road test for a
35 motorcycle license or a motorcycle endorsement when operating a
36 motorcycle or motorized scooter with an engine displacement of
37 less than 231 cubic centimeters shall be issued a motorcycle license
38 or endorsement restricting the person's operation of such vehicles to
39 any motorcycle with an engine displacement of 500 cubic
40 centimeters or less. A person who successfully completes a road
41 test for a motorcycle license or motorcycle endorsement when
42 operating a motorcycle with an engine displacement of 231 or more
43 cubic centimeters shall be issued a motorcycle license or
44 endorsement without any restriction as to engine displacement.
45 Any person who successfully completes an approved motorcycle
46 safety education course established pursuant to the provisions of
47 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 percent. The additional questions to be added shall consist
22 solely of questions developed in conjunction with the Department
23 of Health concerning the use of alcohol or drugs as related to
24 highway safety. The commission shall develop, in conjunction with
25 the Department of Health, supplements to the driver's manual which
26 shall include information necessary to answer any question on the
27 driver's license examination concerning alcohol or drugs as related
28 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 The commission shall expand the driver's license examination to
8 include questions concerning the importance of operating a motor
9 vehicle in a manner that safely shares the roadway with pedestrians,
10 cyclists, skaters, riders of motorized-scooters, and other non-
11 motorized vehicles, which shall include, but not be limited to,
12 passing a cyclist on the roadway, recognizing bicycle lanes,
13 navigating intersections with pedestrians and cyclists, and exiting a
14 vehicle without endangering pedestrians and cyclists.

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

30 The commission shall create classified licensing of drivers
31 covering the following classifications:

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

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

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

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

47 Every applicant for a license under classification b. shall be a
48 holder of a basic driver's license. Any issuance of a license under

1 classification b. shall be by endorsement on the basic driver's
2 license.

3 A driver's license for motorcycles may be issued separately, but
4 if issued to the holder of a basic driver's license, it shall be by
5 endorsement on the basic driver's license. The holder of a basic
6 driver's license or a separately issued motorcycle license shall be
7 authorized to operate a motorcycle having a motor with a maximum
8 piston displacement that is less than 50 cubic centimeters or a motor
9 that is rated at no more than 1.5 brake horsepower with a maximum
10 speed no more than 35 miles per hour on a flat surface.

11 The commission, upon payment of the lawful fee and after it or a
12 person authorized by it has examined the applicant and is satisfied
13 of the applicant's ability as an operator, may, in its discretion, issue
14 a license to the applicant to drive a motor vehicle. The license shall
15 authorize the applicant to drive any registered vehicle, of the kind
16 or kinds indicated, and shall expire, except as otherwise provided,
17 on the last day of the 48th calendar month following the calendar
18 month in which the license was issued.

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

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

34 Motorcycle license or endorsement: \$18.

35 Omnibus or school bus endorsement: \$18.

36 Basic driver's license: \$18.

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

43 The commission shall issue licenses for the following license
44 period on and after the first day of the calendar month immediately
45 preceding the commencement of the period, the licenses to be
46 effective immediately.

1 All applications for renewals of licenses shall be made in a
2 manner prescribed by the commission and in accordance with
3 procedures established by it.

4 The commission in its discretion may refuse to grant a permit or
5 license to drive motor vehicles to a person who is, in its estimation,
6 not a proper person to be granted a permit or license, but no defect
7 of the applicant shall debar the applicant from receiving a permit or
8 license unless it can be shown by tests approved by the commission
9 that the defect incapacitates the applicant from safely operating a
10 motor vehicle.

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

16 If the commission has reasonable cause to suspect that any
17 document presented by an applicant as proof of identity, age, or
18 legal residency is altered, false, or otherwise invalid, the
19 commission shall refuse to grant the permit or license until the time
20 when the document may be verified by the issuing agency to the
21 commission's satisfaction.

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

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

36 As used in this section:

37 "Parking sensors" means proximity sensors which use either
38 electromagnetic or ultrasonic technology and are designed to alert
39 the driver to obstacles while parking.

40 "Rear visibility system" means devices or components installed
41 on a motor vehicle at the time of manufacture that allow a forward
42 facing driver to view a visual image of the area directly behind the
43 vehicle.

44 (cf: P.L.2016, c.81, s.2)

45

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

1 8. a. The Director of the Division of Highway Traffic Safety in
2 the Department of Law and Public Safety, after consultation with
3 the Chief Administrator of the New Jersey Motor Vehicle
4 Commission, shall develop curriculum guidelines for use by
5 teachers of approved classroom driver education courses. The
6 course of instruction for approved courses shall be no less than 30
7 hours in length and be designed to develop and instill the
8 knowledge and attitudes necessary for the safe operation and
9 driving of motor vehicles. Defensive driving; highway courtesy;
10 dangers of driving a vehicle in an aggressive manner, which shall
11 include, but not be limited to, unexpectedly altering the speed of a
12 vehicle, making improper or erratic traffic lane changes,
13 disregarding traffic control devices, failing to yield the right of way,
14 and following another vehicle too closely; accident avoidance;
15 understanding and respect for the State's motor vehicle laws;
16 techniques for the safe operation and proper maintenance of a
17 vehicle, which shall include, but not be limited to, safety tips to
18 avoid carbon monoxide poisoning from motor vehicles; insurance
19 fraud; operating a motor vehicle in a manner that safely shares the
20 roadway with pedestrians, cyclists, skaters, riders of motorized-
21 scooters, and other non-motorized vehicles, which shall include, but
22 not be limited to, passing a cyclist on the roadway, recognizing
23 bicycle lanes, navigating intersections with pedestrians and cyclists,
24 and exiting a vehicle without endangering pedestrians and cyclists;
25 and State requirements for and benefits of maintaining automobile
26 insurance shall be emphasized. The incorporation of these
27 curriculum guidelines in these classroom courses and the use of
28 related instructional materials shall be a requirement for approval of
29 the course by the chief administrator.

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

- 38 (1) Setting an example for the beginning driver;
- 39 (2) Accident and fatality statistics about beginning drivers;
- 40 (3) Causes of accidents among beginning drivers;
- 41 (4) The need to supervise vehicle operation by a beginning
42 driver;
- 43 (5) Methods to coach a beginning driver on how to reduce
44 accidents;
- 45 (6) A description of the graduated driver's license program;
- 46 (7) Benefits of classroom and behind-the-wheel driver education
47 under the direction of State certified or licensed driving instructors,
48 as the case may be;

1 (8) The dangers of driving a vehicle in an aggressive manner,
2 which shall include, but not be limited to, unexpectedly altering the
3 speed of a vehicle, making improper or erratic traffic lane changes,
4 disregarding traffic control devices, failing to yield the right of way,
5 and following another vehicle too closely; **[and]**

6 (9) The dangers of carbon monoxide poisoning from motor
7 vehicles and techniques for the safe operation and proper
8 maintenance of a vehicle, which shall include, but not be limited to,
9 safety tips to avoid carbon monoxide poisoning from motor
10 vehicles**[.]**;and

11 (10) Maintaining an awareness of operating a motor vehicle in a
12 manner that safely shares the roadway with pedestrians, cyclists,
13 skaters, riders of motorized-scooters, and other non-motorized
14 vehicles, which shall include, but not be limited to, passing a cyclist
15 on the roadway, recognizing bicycle lanes, navigating intersections
16 with pedestrians and cyclists, and exiting a vehicle without
17 endangering pedestrians and cyclists.

18 (cf: P.L.2016, c.81, s.1)

19

20 3. This act shall take effect on the first day of the seventh
21 month after enactment.

22

23

24

STATEMENT

25

26 This bill requires that the curriculum for approved classroom
27 driver education courses and the informational brochure distributed
28 by the New Jersey Motor Vehicle Commission (MVC) to the
29 parents and guardians of beginning drivers include information
30 concerning operating a motor vehicle in a manner that safely shares
31 the roadway with pedestrians, cyclists, skaters, riders of motorized-
32 scooters, and other non-motorized vehicles, which is to include, but
33 is not to be limited to, passing a cyclist on the road, recognizing
34 bicycle lanes, navigating intersections with pedestrians and cyclists,
35 and exiting a vehicle without endangering pedestrians and cyclists.

36 The bill further requires the MVC to include questions on
37 cyclist and pedestrian safety as part of the written examination
38 required to obtain an examination permit, a special learner's permit,
39 and a basic driver's license.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2894

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 2894.

As amended and reported, this bill requires the curriculum for approved classroom driver education courses and the informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of beginning drivers to include information concerning operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles. This curriculum is to include, but is not to be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists.

The bill further provides that the written examination, which is to be passed in order to be issued a basic driver's license, special learner's permit, or examination permit, is to include questions on cyclist and pedestrian safety, and that the MVC may include these questions as part of the 20 questions that may be added to the exam on subjects to be determined by the MVC that are of particular relevance to youthful drivers.

The committee amended the bill to clarify that the questions regarding cyclist and pedestrian safety that are to be included in the written examination may be included in the 20 questions that may be added to the exam on subjects to be determined by the MVC that are of particular relevance to youthful drivers.

As amended and reported, Senate Bill No. 2894 is identical to Assembly Bill No. 4165(1R), which was also amended and reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2894

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2894 (1R).

This bill requires approved driver education courses, certain beginning driver informational brochures, and the driver's license written examination to include certain cyclist and pedestrian safety information.

Under the bill, the curriculum for approved classroom driver education courses and the informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of beginning drivers under the age of 18 years is required to include information concerning the operation of a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles. The bill specifies that this information concerning the operation of a motor vehicle in a manner that safely shares the roadway is to include, but is not limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists.

The bill requires the MVC to include questions on operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles as part of the written examination that is required to be passed to be issued a basic driver's license, a special learner's permit, or an examination permit. The bill provides that the MVC may include these questions as part of the 20 questions that may be added to the examination on subjects determined by the MVC to be of particular relevance to youthful drivers.

The bill is scheduled to take effect on the first day of the seventh month after enactment.

As reported, this bill is identical to Assembly Bill No. 4165 (2R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services estimates that the Department of Law and Public Safety and the New Jersey Motor Vehicle

Commission will incur indeterminate increased costs in the first year after the bill's effective date to update the curriculum guidelines to be used by teachers of approved classroom driver education courses with information concerning cyclist and pedestrian safety.

In addition, the department and MVC may incur costs of approximately \$250,000 or more in the first year after the bill's effective date to update informational brochures for parents and guardians of beginning drivers to include information about cyclist and pedestrian safety and to print the updated informational brochures.

The MVC also may incur an indeterminate cost in the first year after the bill's effective date to update the written driver's license examination to include questions concerning cyclist and pedestrian safety.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2894

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: DECEMBER 18, 2017

SUMMARY

- Synopsis:** Requires driver education course, certain new driver brochures, and driver's license written exam to include cyclist and pedestrian safety information.
- Type of Impact:** Increased State expenditures.
- Agencies Affected:** New Jersey Motor Vehicle Commission; Department of Law and Public Safety

Office of Legislative Services Estimate

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

- The Office of Legislative Services estimates that the Department of Law and Public Safety (department) and the New Jersey Motor Vehicle Commission (MVC) will incur indeterminate increased costs in the first year after the bill's effective date to update the curriculum guidelines to be used by teachers of approved classroom driver education courses with information concerning cyclist and pedestrian safety.
- The department and MVC may incur costs of approximately \$250,000 or more in the first year after the bill's effective date to update informational brochures to include information about cyclist and pedestrian safety and to print the updated informational brochures.
- The MVC may incur an indeterminate cost in the first year after the bill's effective date to update the written driver's license examination to include questions concerning cyclist and pedestrian safety.

BILL DESCRIPTION

This bill requires the curriculum guidelines for approved classroom driver education courses and the informational brochure distributed by the MVC to the parents and guardians

of beginning drivers under the age of 18 to include information concerning operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles. The curriculum guidelines and informational brochure are to include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists.

The bill further provides that the written examination, which is to be passed in order to be issued a basic driver's license, special learner's permit, or examination permit, is to include questions on cyclist and pedestrian safety, and that the MVC may include these questions as part of the 20 questions that may be added to the exam on subjects to be determined by the MVC that are of particular relevance to youthful drivers.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill will result in an indeterminate increase in State expenditure in the first year of the bill's effective date. The Division of Highway Traffic Safety (division), in the Department of Law and Public Safety, and the MVC are required to include information concerning the operation of a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized scooters, and other non-motorized vehicles within the curriculum guidelines to be used by teachers of approved classroom driver education courses. The division and MVC will incur certain costs in the first year after the bill's effective date to update the approved curriculum guidelines with this information. However, it is not known how extensive these changes will be, or how many resources and personnel will be needed to make these changes.

The bill also requires the division, in consultation with the MVC, to include certain information concerning cyclist and pedestrian safety in informational brochures provided to the parents and guardians of beginning drivers under the age of 18. The division and MVC may need a graphic artist to update the informational brochure. The cost of a graphic artist is indeterminate since it is not known how many changes will need to be made in order to update the informational brochure.

Additionally, the MVC will need to print new brochures for distribution to replace the old brochures. According to the United States Census Bureau's 2010 Census Summary, there were approximately 370,000 New Jersey residents between the ages of 16 and 18 at that time. In order to provide all teenage residents with new brochures and to refill the supply at MVC facilities, the MVC may have to print approximately 500,000 new copies. At a cost of 50 cents per color copy for a letter size copy, based upon estimates from online printing services, the cost of the print run will be approximately \$250,000, excluding costs that may be required for a graphic artist. However, copies for tri-fold brochures may cost more than 50 cents per color copy. Thus, changes required to be made to the informational brochure, as required by the bill, may cost approximately \$250,000 or more in the first year after the bill's effective date.

The bill provides that the written examination is to include questions on cyclist and pedestrian safety and that the MVC may include these questions as part of the 20 questions that

may be added to the exam on subjects to be determined by the MVC that are of particular relevance to youthful drivers. The MVC may incur costs in the first year after the bill's effective date to add an additional question or questions concerning cyclist and pedestrian safety to the written examination. However, it is not known how many questions will be added or whether these additional questions may be included in an existing MVC process to update and revise the written examination.

Although not specifically required by the legislation, the MVC may need to update the driver's manual to include information concerning cyclist and pedestrian safety and may incur an indeterminate cost to do so in the first year after the bill's effective date. It is not known how many manuals will need to be reprinted, if any, or to what extent the online driver's manual will be updated with this information.

Section: Authorities, Utilities, Transportation, and Communications

*Analyst: Lauren M. Vogel
Associate Counsel*

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

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

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