



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER:108

NJSA: 39:3-10

"Graduated driver's licenses"

BILL NO: S318 (Substituted for A1524 Assembly Committee Substitute)

SPONSOR(S): Singer and Palaia

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY: Transportation

SENATE: Law and Public Safety

AMENDED DURING PASSAGE:Yes

DATE OF PASSAGE:

ASSEMBLY: June 25, 1998

SENATE: June 29, 1998

DATE OF APPROVAL: September 17, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Senate Committee Substitute (2nd Reprint)
(Amendments during passage denoted by superscript numbers)

S318

SPONSORS STATEMENT: *Yes* (Begins on page 14 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*Yes*

SENATE:*Yes*

FLOOR AMENDMENT STATEMENTS: *Yes*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

A1524

SPONSORS STATEMENT: *Yes* (Begins on page 14 of original bill)
(Bill and Sponsors Statement identical to S318)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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NEWSPAPER ARTICLES: *No*

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 318

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED FEBRUARY 23, 1998

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Co-Sponsored by:

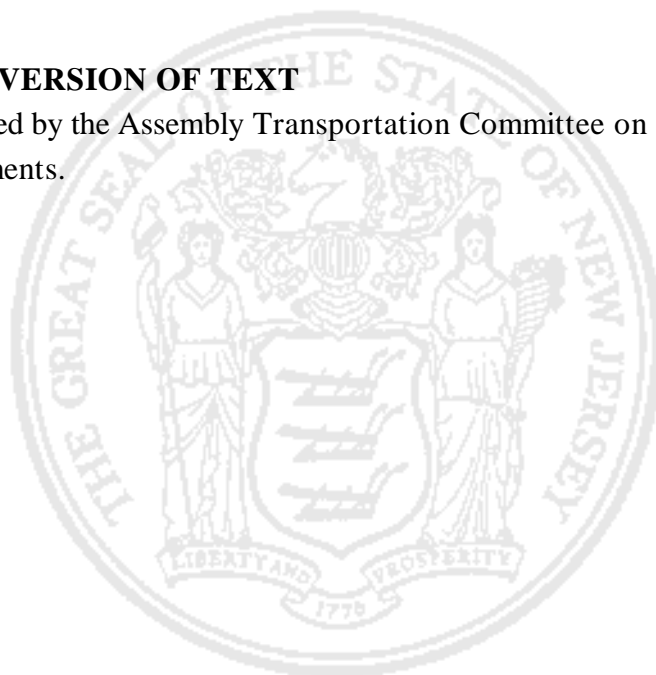
Assemblymen Malone, Cottrell and Assemblywoman Weinberg

SYNOPSIS

Creates graduated driver's license system for new drivers of passenger automobiles.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation Committee on June 15, 1998, with amendments.



(Sponsorship Updated As Of: 6/26/1998)

1 AN ACT concerning graduated motor vehicle licensing, amending
2 R.S.39:3-10, P.L.1977, c.23, R.S.39:3-13, P.L.1950, c.127,
3 P.L.1977, c.25, and supplementing chapter 3 of Title 39 of the
4 Revised Statutes and P.L.1990, c.8.

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

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

10 39:3-10. No person shall drive a motor vehicle on a public
11 highway in this State unless **[licensed to do so]** in possession of a
12 validated permit, or a provisional or basic driver's license issued to him
13 in accordance with this article.

14 No person under **[17]** 18 years of age shall be **[licensed]** issued
15 a basic license to drive motor vehicles, nor shall a person be **[licensed]**
16 issued a validated permit¹, including a validated examination permit,¹
17 until he has passed a satisfactory examination¹ and other requirements¹
18 as to his ability as an operator. The examination shall include a test of
19 the applicant's vision, his ability to understand traffic control devices,
20 his knowledge of safe driving practices and of the effects that ingestion
21 of alcohol or drugs has on a person's ability to operate a motor
22 vehicle, his knowledge of such portions of the mechanism of motor
23 vehicles as is necessary to insure the safe operation of a vehicle of the
24 kind or kinds indicated by the applicant and of the laws and ordinary
25 usages of the road **[and a]**. A road test shall be required for a
26 **[basic]** provisional¹ license and serve as a demonstration of² **[his]**
27 the applicant's² ability to operate a vehicle of the class designated.
28 The road test shall be given on public streets, where practicable and
29 feasible, but may be preceded by an off-street screening process to
30 assess basic skills. The director shall approve locations for the road
31 test which pose no more than a minimal risk of injury to the applicant,
32 the examiner and other motorists. No new locations for the road test
33 shall be approved unless the test can be given on public streets.

34 The director shall issue a basic driver's license to operate a motor
35 vehicle other than a motorcycle to a person over 18 years of age who
36 previously has not been licensed to drive a motor vehicle in this State
37 or another jurisdiction only if that person has: (1) operated a
38 passenger automobile in compliance with the requirements of this title
39 for not less than one year, not including any period of suspension or
40 postponement, either from the date of issuance of an examination
41 permit pursuant to R.S.39:3-13 or a provisional license pursuant to

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:

¹ Senate floor amendments adopted April 27, 1998.

² Assembly ATR committee amendments adopted June 15, 1998.

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

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

17 ¹Up to 20 questions may be added to the examination on subjects
18 to be determined by the director that are of particular relevance to
19 youthful drivers, after consultation with the Director of the Office of
20 Highway Traffic Safety.¹

21 The director shall expand the driver's license examination to
22 include a question asking whether the applicant is aware of the
23 provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161
24 (C.26:6-57 et seq.) and the procedure for indicating on the driver's
25 license the intention to make a donation of body organs or tissues
26 pursuant to P.L.1978, c.181 (C.39:3-12.2).

27 Any person applying for a driver's license to operate a motor
28 vehicle or motorized bicycle in this State shall surrender to the director
29 any current driver's license issued to him by another state ¹or
30 jurisdiction¹ upon his receipt of a driver's license for this State. The
31 director shall refuse to issue a driver's license if the applicant fails to
32 comply with this provision. ²An applicant for a permit or license who
33 is less than 18 years of age, and who holds a permit or license for a
34 passenger automobile issued by another state or country that is valid
35 or has expired within a time period designated by the director, shall be
36 subject to the permit and license requirements and penalties applicable
37 to State permit and license applicants who are of the same age; except
38 that if the other State or country has permit or license standards
39 substantially similar to those of this State, the credentials of the other
40 state or country shall be acceptable.²

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

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

1 steering;

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

4 c. Articulated vehicles means a combination of a commercial
5 motor vehicle registered at a gross weight in excess of 18,000 pounds
6 and one or more motor-drawn vehicles joined together by means of a
7 coupling device;

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

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

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

18 The director, upon payment of the lawful fee and after he or a
19 person authorized by him has examined the applicant and is satisfied
20 of the applicant's ability as an operator, may, in his discretion, issue a
21 license to the applicant to drive a motor vehicle. The license shall
22 authorize him to drive any registered vehicle, of the kind or kinds
23 indicated, and shall expire, except as otherwise provided, on the last
24 day of the 48th calendar month following the calendar month in which
25 such license was issued.

26 The director may, at his discretion and for good cause shown, issue
27 licenses which shall expire on a date fixed by him. The fee for licenses
28 with expiration dates fixed by the director shall be fixed by the director
29 in amounts proportionately less or greater than the fee herein
30 established.

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

33 Motorcycle license or endorsement ~~[\$13.00]~~\$13

34 Omnibus or school bus endorsement ~~[\$16.00]~~\$16

35 Articulated vehicle endorsement ~~[\$8.00]~~\$8

36 Basic driver's license ~~[16.00]~~\$16

37 The director shall waive the payment of fees for issuance of
38 omnibus endorsements whenever an applicant establishes to the
39 director's satisfaction that said 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 director shall issue licenses for the following license period on
44 and after the first day of the calendar month immediately preceding the
45 commencement of such period, such licenses to be effective
46 immediately.

1 All applications for renewals of licenses shall be made on forms
2 prescribed by the director and in accordance with procedures
3 established by him.

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

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

16 A person violating this section shall be subject to a fine not
17 exceeding ²[\$500.00] \$500² or imprisonment in the county jail for not
18 more than 60 days, but if that person has never been licensed to drive
19 in this State or any other jurisdiction, he shall be subject to a fine of
20 not less than ²[\$200.00] \$200² and, in addition, the court shall issue
21 an order to the Director of the Division of Motor Vehicles requiring
22 the director to refuse to issue a license to operate a motor vehicle to
23 the person for a period of not less than 180 days. The penalties
24 provided for by this paragraph shall not be applicable in cases where
25 failure to have actual possession of the operator's license is due to an
26 administrative or technical error by the Division of Motor Vehicles.

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

30 (cf: P.L.1993, c.34, s.1)

31
32 2. Section 1 of P.L.1977, c.23 (C.39:3-10b.) is amended to read
33 as follows:

34 1. All successful applicants for a **[basic driver's license or]**
35 motorcycle license who previously have never been licensed to drive
36 a motor vehicle in this, or any other state, shall be licensed on a
37 probationary basis for the 2-year period following the issuance of
38 their initial licenses. No such license shall physically differ by way of
39 appearance from a nonprobationary license.

40 (cf: P.L.1977, c.23, s.1)

41
42 3. R.S.39:3-13 is amended to read as follows:

43 39:3-13. The director may, in his discretion, issue to a person over
44 17 years of age an examination permit, under the hand and seal of the
45 director, allowing such person, for the purpose of fitting himself to
46 become a licensed driver, to operate a designated class of motor

1 vehicles other than passenger automobiles for a specified period of not
2 more than 90 days, while in the company and under the supervision of
3 a driver licensed to operate such designated class of motor vehicles.

4 The director, in his discretion, may issue for a specified period of
5 not less than one year an examination permit to operate a passenger
6 automobile to a person over 17 years of age ¹【who has satisfactorily
7 completed a classroom driver education course of a minimum of six
8 hours approved by the director, but who has not】 regardless of
9 whether a person has¹ completed a course of behind-the-wheel
10 automobile driving education pursuant to section 1 of P.L.1950, c.127
11 (C.39:3-13.1). An examination permit applicant who is under 18 years
12 of age shall obtain the signature of a parent or guardian for submission
13 to the division on a form prescribed by the director. The director shall
14 postpone for six months the driving privileges of any person who
15 submits a fraudulent signature for a parent or guardian.

16 For ¹【not less than】¹ six months immediately following the
17 issuance of an examination permit, the holder ¹who is less than
18 21 years of age¹ shall operate the passenger automobile only when
19 accompanied by, and under the supervision of, a New Jersey licensed
20 driver who is at least 21 years of age and has been licensed to drive a
21 passenger automobile for not less than three years. ²The holder of an
22 examination permit who is at least 21 years of age shall operate the
23 passenger automobile for the first three months under such
24 supervision.² The supervising driver shall sit in the front seat of the
25 vehicle. Whenever operating a vehicle while in possession of an
26 examination permit, the holder of the permit shall operate the
27 passenger automobile with only one additional passenger in the vehicle
28 excluding persons with whom the holder resides, except that this
29 passenger restriction shall not apply when either the permit holder or
30 one other passenger is at least 21 years of age. Further, the holder of
31 the permit ¹who is less than 21 years of age¹ shall not drive during the
32 hours between 12:01 a.m. and 5 a.m.; provided, however, ¹【the
33 director may waive】 ¹that ¹this condition ¹may be waived ¹for an
34 emergency which, in the judgment of local police, is of sufficient
35 severity and magnitude to substantially endanger the health, safety,
36 welfare or property of a person, or for any bona fide employment or
37 religion-related activity if the employer or appropriate religious
38 authority ¹【submits an application to the director prior to the
39 employment or activity pursuant to regulation】 provides written
40 verification of such activity in a manner provided for by the director.¹
41 The permit holder shall also ensure that all occupants of the vehicle are
42 secured in a properly adjusted and fastened seat belt or child restraint
43 system.

44 ¹【In addition to any other penalties that may be imposed, the
45 director shall suspend for not less than 90 days an examination permit

1 if a permit holder accumulates] When notified by a court of competent
2 jurisdiction that an examination permit holder has been convicted of
3 a violation which causes the permit holder to accumulate¹ more than
4 two motor vehicle points or ¹ [violates] has been convicted of a
5 violation of¹ 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:11-5;
7 subsection c. of N.J.S.2C:12-1¹ [;]¹ or any other motor vehicle-related
8 law the director deems significant and applicable pursuant to
9 regulation¹, in addition to any other penalty that may be imposed, the
10 director shall, without the exercise of discretion ²or a hearing²,
11 suspend the examination permit holder's examination permit for
12 90 days¹. The director shall restore the permit ¹ following the term of
13 the permit suspension¹ if the permit holder satisfactorily completes a
14 remedial training course of not less than four hours and remits a
15 course fee prescribed by the director. The director also shall postpone
16 ²without the exercise of discretion or a hearing ²the issuance of a
17 basic license for ¹ [not less than]¹ 90 days if the ¹ [examination permit
18 holder, after completion of the remedial training course, accumulates
19 any motor vehicle points or violates] director is notified by a court of
20 competent jurisdiction that the examination permit holder, after
21 completion of the remedial training course, has been convicted of any
22 motor vehicle violation which results in the imposition of any motor
23 vehicle points or has been convicted of a violation of¹ R.S.39:4-50;
24 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182 (C.39:4-
25 50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1
26 or any other motor vehicle-related law the director deems significant
27 and applicable pursuant to regulation. ¹ [The director shall suspend
28 the examination permit for a period of not less than six months or
29 more than one year if the permit holder is convicted] When the
30 director is notified by a court of competent jurisdiction that an
31 examination permit holder has been convicted¹ of any alcohol or drug-
32 related offense unrelated to the operation of a motor vehicle ¹ and is
33 not otherwise subject to any other ²suspension² penalty therefor, the
34 director shall, without the exercise of discretion ²or a hearing²,
35 suspend the examination permit for six months¹. A fine of ¹ [not less
36 than]¹ \$100 ¹ [or more than \$500]¹ shall be imposed for any other
37 violation of the conditions of the examination permit.

38 An examination permit for a motorcycle or a commercial motor
39 vehicle issued to a handicapped person, as determined by the Division
40 of Motor Vehicles after consultation with the Department of
41 Education, shall be valid for nine months or until the completion of the
42 road test portion of his license examination, whichever period is
43 shorter.

44 ¹ [The] Each¹ permit shall be sufficient license for the person to
45 operate such designated class of motor vehicles in this State during the

1 period specified, while in the company of and under the control of a
 2 driver licensed by this State to operate such designated class of motor
 3 vehicles, or, in the case of a commercial driver license permit, while in
 4 the company of and under the control of a holder of a valid
 5 commercial driver license for the appropriate license class and with the
 6 appropriate endorsements issued by this or any other state. Such
 7 person, as well as the licensed driver, except for a motor vehicle
 8 examiner administering a driving skills test, shall be held accountable
 9 for all violations of this subtitle committed by such person while in the
 10 presence of the licensed driver. In addition to requiring an applicant
 11 for an examination permit to submit satisfactory proof of identity and
 12 age, the director also shall require the applicant to provide, as a
 13 condition for obtaining the permit, satisfactory proof that the
 14 applicant's presence in the United States is authorized under federal
 15 law.

16 ²The holder of an examination permit shall be required to take a
 17 road test in order to obtain a basic driver's license. ² No road test for
 18 any person who has been issued an examination permit to operate a
 19 passenger vehicle shall be given unless the person has met the
 20 requirements of this section. No [examination]road test for [a] ¹[any
 21 other] a basic¹ driver's license shall be given unless the applicant has
 22 first secured [a special learner's permit or] an examination permit and
 23 no such road test shall be scheduled for an applicant who has secured
 24 an examination permit ²for a passenger vehicle² until at least
 25 ¹[20 days] one year¹ shall have elapsed following the validation of the
 26 examination permit for practice driving ²or, in the case of an
 27 examination permit for other vehicles, until 20 days has elapsed²,
 28 except that in the case of an omnibus endorsement or school bus no
 29 road test shall be scheduled until at least 10 days shall have elapsed.

30 Every applicant for an examination permit to qualify for an
 31 omnibus endorsement or an articulated vehicle endorsement shall be
 32 a holder of a valid basic driver's license.

33 The required fees for special learners' permits and examination
 34 permits shall be as follows:

35

36 Basic driver's license	[\$5.00] ¹ [\$25] up to \$10 ¹
37 Motorcycle license or endorsement	[5.00] \$5
38 Omnibus or school bus endorsement	[25.00] \$25
39 Articulated vehicle endorsement	[15.00] \$15

40

41 The director shall waive the payment of fees for issuance of
 42 examination permits for omnibus endorsements whenever the applicant
 43 establishes to the director's satisfaction that said applicant will use the
 44 omnibus endorsement exclusively for operating omnibuses owned by
 45 a nonprofit organization duly incorporated under Title 15 or 16 of the
 46 Revised Statutes or Title 15A of the New Jersey Statutes.

1 The specified period for which a permit is issued may be extended
2 for not more than an additional 60 days, without payment of added
3 fee, upon application made by the holder thereof, where the holder has
4 applied to take the examination for a driver's license prior to the
5 expiration of the original period for which the permit was issued and
6 the director was unable to schedule an examination during said period.
7 (cf: P.L.1993, c.34, s.2)

8
9 4. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to read
10 as follows:

11 1. The Director of the Division of Motor Vehicles may issue to a
12 person over 16 years of age a special learner's permit, under the hand
13 and seal of the director, allowing such person, for the purpose of
14 **fitting himself to become a motor vehicle driver, to operate**
15 **preparing himself to qualify for a provisional license for a passenger**
16 **automobile by operating** a dual pedal controlled motor vehicle while
17 **enrolled in** taking a **required** course of behind-the-wheel automobile
18 driving education approved by the State Department of Education and
19 conducted in a public, parochial or private school of this State or
20 **while taking** a course of behind-the-wheel automobile driving
21 instruction conducted by a drivers' school duly licensed pursuant to the
22 provisions of P.L.1951, c.216 (C.39:12-1 et seq.)**], which].** The
23 special learner's permit shall be issued in lieu of the examination permit
24 provided for in R.S.39:3-13. In addition to requiring an applicant for
25 a permit to submit satisfactory proof of identity and age, the director
26 also shall require the applicant to provide, as a condition for obtaining
27 **the** a ²**validated**² permit, satisfactory proof that the ¹**applicant**
28 **has satisfactorily completed a classroom driver education course of a**
29 **minimum of six hours approved by the Division of Motor Vehicles and**
30 **proof that the**¹ applicant's presence in the United States is authorized
31 under federal law.

32 The special learner's permit described above, when issued to a
33 person **enrolled in** taking a course of **behind-the-wheel** driving
34 education conducted in a public, parochial or private school, shall be
35 retained in the office of the school principal at all times except during
36 such time as the person to whom the permit is issued in undergoing
37 behind-the-wheel automobile driving instruction. The director may
38 make such rules and regulations as he may deem necessary to carry out
39 the provisions of this section.

40 (cf: P.L.1993, c.34, s.3)

41
42 5. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to read
43 as follows:

44 6. Any person to whom a special learner's permit has been issued
45 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
46 successful completion of a behind-the-wheel driving course conducted

1 by a licensed drivers' school or of a public, parochial or private school
2 driving education course, shall be entitled to retain the special learner's
3 permit in his own possession. ¹The special learner's permit shall be
4 considered validated for the purpose of driving a motor vehicle on a
5 public highway in this State after the holder has successfully met the
6 necessary examination requirements, and upon the successful
7 completion of a behind-the-wheel driving course.¹ Such person may
8 operate a motor vehicle of the class for which a basic driver's license
9 is required except during the hours between [12:01 a.m.] 11:01 p.m.
10 and 5:00 a.m. while in the company and under the
11 [control]supervision, from the front passenger seat, of a licensed
12 motor vehicle driver of this State who is over 21 years of age and
13 [who has had at least three years' experience as a licensed motor
14 vehicle driver] has been licensed to drive a passenger automobile for
15 at least three years. Such special permit shall be valid [for 90 days
16 after] until such person's seventeenth birthday or until [the completion
17 of the road test portion of his license examination]he qualifies for a
18 provisional license ¹[, whichever period is shorter] ¹ [; provided,
19 however, that a special permit issued to a handicapped person, as
20 determined by the Division of Motor Vehicles after consultation with
21 the Department of Education, shall be valid for nine months after such
22 person's seventeenth birthday or until the completion of the road test
23 portion of his license examination, whichever period is shorter].
24 Except during an instructional period of a behind-the-wheel driving
25 course, the holder of a special permit shall operate a passenger
26 automobile with only the following passengers: (1) the supervising
27 passenger; (2) persons who share the permit holder's residence; and (3)
28 one additional passenger who does not reside with the permit holder.
29 All occupants of the automobile shall be secured in a properly adjusted
30 and fastened seat belt or child restraint system.

31 ¹[In addition to any other penalties that may be imposed, the
32 director shall suspend for not less than 90 days a special learner's
33 permit if a permit holder accumulates] When notified by a court of
34 competent jurisdiction that a special learner's permit holder has been
35 convicted of a violation which causes the permit holder to accumulate¹
36 more than two motor vehicle points or ¹[violates] has been convicted
37 of a violation of¹ R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-
38 50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5;
39 subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law
40 the director determines to be significant and applicable pursuant to
41 regulation ¹,and in addition to any other penalty that may be imposed,
42 the director shall, without the exercise of discretion ²or a hearing ²,
43 suspend the holder's special learner's permit for 90 days¹. The director
44 shall restore the permit ¹following the term of the permit suspension¹
45 if the permit holder satisfactorily completes a remedial training course

1 of not less than four hours and remits a course fee prescribed by the
2 director. ¹ 【The director also shall postpone the issuance of a
3 provisional license for not less than 90 days if the permit holder, after
4 completion of the remedial training course, accumulates any motor
5 vehicle points or violates】 If, after completion of the remedial training
6 course, the director is notified by a court of competent jurisdiction that
7 the special learner's permit holder has been convicted of any motor
8 vehicle violation which results in the imposition of any motor vehicle
9 points or has been convicted of a violation of¹ R.S.39:4-50; section 2
10 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
11 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
12 other motor vehicle-related law the director deems significant and
13 applicable pursuant to regulation ¹ 【The director shall suspend the
14 special learner's permit for a period of not less than six months or
15 more than one year if the permit holder is】, the director, without the
16 exercise of discretion² or a hearing², shall also postpone the issuance
17 of a basic license for 90 days. When the director is notified by a court
18 of competent jurisdiction that a special learner's permit holder has
19 been¹ convicted of any alcohol or drug-related offense unrelated to the
20 operation of a motor vehicle¹ and he is not otherwise subject to any
21 other² suspension² penalty therefor, the director shall, without the
22 exercise of discretion² or a hearing², suspend the special learner's
23 permit for six months¹. A fine of¹ 【not less than】¹ \$100¹ 【or more
24 than \$500】¹ shall be imposed for any other violations of the conditions
25 of the special learner's permit.

26 (cf: P.L.1993, c.287)

27

28 6. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to read
29 as follows:

30 3. No special permit shall be issued unless the person applying
31 therefor shall present a written application for the same, bearing a
32 certification by the principal of the school indicating that the person is
33 enrolled in an approved behind-the-wheel driving education course in
34 the school of which he is principal or by the person operating a duly
35 licensed drivers' school indicating that the person has contracted to
36 take a course of behind-the-wheel automobile driving instruction
37 offered by the school and shall pay ¹ 【the】^a sum of 【\$5.00】¹ 【\$25】
38 up to \$10 as determined by the director¹ to an agent of the Division
39 of Motor Vehicles, which sum shall be turned over by the agent to the
40 director, and by him remitted with the other funds collected in his
41 division to the State Treasurer, in accordance with law. A special
42 learner's permit to operate a passenger automobile shall not be issued
43 to any person younger than 18 years of age without the signature of
44 a parent or guardian. The signature shall be submitted to the division
45 on a form prescribed by the director. The director shall postpone for
46 six months the driving privileges of any person who submits a

1 fraudulent signature for a parent or guardian.

2 (cf: P.L.1977, c.25, s.7)

3

4 7. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to read
5 as follows:

6 4. The holder of a special learner's permit shall be entitled to
7 **[examination for]** a provisional driver's license (1) upon attaining the
8 age of 17 years **[and], (2)** upon the satisfactory completion of an
9 approved behind-the-wheel automobile driving education course as
10 indicated upon the face of the special permit over the signature of the
11 principal of the school or the person operating the drivers' school in
12 which the course was conducted ¹**[and],** ¹(3) upon the completion of
13 six months driving experience with a validated special learner's permit
14 in compliance with the provisions of section 6 of P.L.1977, c.25
15 (C.39:3-13.2a.) ¹and (4) upon passing the road test pursuant to
16 R.S.39:3-10¹.

17 The holder of a provisional license shall be permitted to operate
18 the passenger automobile with only one additional passenger in the
19 vehicle besides persons with whom the holder resides, except that this
20 passenger restriction shall not apply when either the holder of the
21 provisional license or one other passenger is at least 21 years of age.
22 Further, the holder of the provisional license ¹who is under 21 years
23 of age¹ shall not drive during the hours between 12:01 a.m. and 5
24 a.m.; provided however, ¹**[the director may waive]** ¹that ¹this
25 condition ¹may be waived ¹for an emergency which, in the judgment
26 of local police, is of sufficient severity and magnitude to substantially
27 endanger the health, safety, welfare or property of a person or for any
28 bona fide employment or religion-related activity if the employer or
29 appropriate religious authority ¹**[submits an application to the director**
30 **prior to such employment or activity pursuant to regulation]** provides
31 written verification of such activity in a manner provided for by the
32 director¹. In addition, the holder of the provisional license shall
33 ensure that all occupants of the vehicle are secured in a properly
34 adjusted and fastened seat belt or child restraint system. In addition
35 to any other penalties provided under law, the holder of a provisional
36 license who accumulates more than two motor vehicle points or
37 ¹**[commits]** is convicted of¹ a violation of R.S.39:4-50; section 2 of
38 P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
39 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
40 other motor vehicle law the director deems to be significant and
41 applicable pursuant to regulation shall, for the first violation, be
42 required to satisfactorily complete a remedial training course of not
43 less than four hours and remit a course fee prescribed by the director.
44 ¹**[For]** When notified by a court of competent jurisdiction that a
45 provisional license holder has been convicted of¹ a second or
46 subsequent violation, in addition to any other penalties provided under

1 law, the director shall¹, without the exercise of discretion or² a
2 hearing^{2,1} suspend the provisional license for ¹ [not less than]¹ three
3 months ¹ [or more than six months]¹ and shall postpone eligibility for
4 a basic license for an equivalent period. In addition, ¹ [the director
5 shall suspend a provisional license for not less than six months or more
6 than one year if the holder is] when the director is notified by a court
7 of competent jurisdiction that a provisional license holder has been¹
8 convicted of any alcohol or drug-related offense unrelated to the
9 operation of a motor vehicle¹, and he is not otherwise subject to any
10 other ²suspension² penalty therefor, the director shall, without the
11 exercise of discretion ²or a hearing², suspend the provisional license
12 for six months¹. A provisional license holder who violates other
13 conditions of the license shall be fined ¹ [not less than]¹ \$100 ¹ [or
14 more than \$500]¹.

15 A provisional license may be sent by mail and shall be clearly
16 identifiable and distinguishable in appearance from a basic license by
17 any name, mark, color or device deemed appropriate by the director.
18 (cf: P.L.1977, c.25, s.8)

19

20 8. (New section) a. The Director of the Office of Highway
21 Traffic Safety in the Department of Law and Public Safety, after
22 consultation with the Director of the Division of Motor Vehicles in the
23 Department of Transportation and the Advisory Committee on Driver
24 Education established in section 10 of P.L. , c. (C.) (now
25 pending before the Legislature as this bill), shall develop curriculum
26 guidelines for use by teachers of approved classroom driver education
27 courses. The course of instruction for approved courses shall be
28 designed to develop and instill the knowledge and attitudes necessary
29 for the safe operation and driving of motor vehicles. Defensive
30 driving, highway courtesy, accident avoidance and understanding and
31 respect for the State's motor vehicle laws shall be emphasized. The
32 incorporation of these curriculum guidelines in these classroom
33 courses and the use of related instructional materials shall be a
34 requirement for approval of the course by the Director of ¹the Division
35 of¹ Motor Vehicles.

36 b. The Director of ¹the Office of¹ Highway Traffic Safety, in
37 consultation with the Director of ¹the Division of¹ Motor Vehicles,
38 shall produce an informational brochure for parents and guardians of
39 beginning drivers under the age of 18 years. The division shall ensure
40 that the parents or guardians of a permit holder receive these
41 brochures at the time a permit is issued to a beginning driver. The
42 brochures shall include, but not be limited to, the following
43 information:

- 44 (1) Setting an example for the beginning driver;
45 (2) Accident and fatality statistics about beginning drivers;
46 (3) Causes of accidents among beginning drivers;

- 1 (4) The need to supervise vehicle operation by ¹a¹ beginning driver;
2 ¹[and]¹
3 (5) Methods to coach a beginning driver on how to reduce accidents
4 ¹[.]and
5 (6) A description of the graduated driver's license program.¹
6

7 9. (New section) a. There is created in the Department of ²[Law
8 and Public Safety] Transportation² a special non-lapsing fund to be
9 known as the "¹Graduated¹ Driver ¹[Education] License¹ Fund."
10 There shall be deposited in the fund ¹[\$20] up to \$5 ¹from each
11 special learner's ²permit fee and² examination ²[and]² permit fee for
12 a passenger automobile that is established pursuant to R.S.39:3-13 and
13 any other monies that may be made available for ¹[classroom driver
14 education] graduated license program start-up costs¹. The ²[Office
15 of Highway Traffic Safety] Division of Motor Vehicles² shall
16 administer expenditures from this fund ¹[, which shall be used to
17 reimburse providers of approved classroom driver education programs
18 pursuant to subsection b. of this section and for the cost of
19 administering the fund]¹.

20 b. ¹[Providers of classroom driver education programs approved
21 by the Director of the Division of Motor Vehicles or the Commissioner
22 of Education, as the case may be, shall be eligible for reimbursement
23 from the fund, pursuant to criteria established under regulations
24 promulgated by the Director of the Office of Highway Traffic Safety.
25 The provider shall apply for the reimbursement of a specified amount
26 from the Driver Education Fund for each participant who satisfactorily
27 completes the classroom course and is issued a validated permit.
28 Eligibility for reimbursement to participants shall be dependent upon
29 a properly completed reimbursement coupon prepared by the provider
30 for each participant, which shall include the driver's permit number on
31 its face. Reimbursements shall not be made to any participant
32 repeating the same level of instruction. These providers may include
33 boards of education, public, private and, pursuant to law or judicial
34 decision, parochial and other religious schools that are approved for
35 such instruction for the purposes of this act by the Director of Motor
36 Vehicles. Providers may also include private commercial drivers'
37 schools licensed pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) that
38 have entered into contracts with boards and schools for this instruction
39 or provide instruction independent of these boards and schools. Local
40 school districts which offer driver education courses may offer the
41 courses to non-public secondary school students residing within the
42 district and receive reimbursement, provided the requirements of
43 section 5 of P.L.1977, c.192 (C.18A:46A-5) are met. Reimbursements
44 shall be made only to providers who employ, use or contract for
45 instructors who have successfully completed the requirements for the

1 certified teaching of driver education established by the Department of
2 Education or the Division of Motor Vehicles, as the case may be.

3 c.]¹ Amounts necessary to reimburse the Division of Motor
4 Vehicles in the Department of Transportation and the Office of
5 Highway Traffic Safety in the Department of Law and Public Safety
6 for all costs reasonably and actually incurred in the ¹initial¹
7 implementation² and continuing administration² of this act shall be
8 appropriated from the fund. The Division of Motor Vehicles ¹and the
9 Office of Highway Traffic Safety¹ shall ¹[annually]¹ certify to the
10 ²State² Treasurer ¹[its] their start-up¹ costs to carry out ¹[its] their¹
11 responsibilities under this act ¹, and the program's costs annually
12 thereafter¹. This amount shall be reimbursed to the Division of Motor
13 Vehicles ¹and the Office of Highway Traffic Safety from the
14 ¹Graduated¹ Driver ¹[Education] License¹ Fund ¹[prior to
15 reimbursing providers of approved classroom driver education
16 programs]¹. In the event the fund's balance is insufficient to fully
17 reimburse ¹[the division's] these¹ costs, the ²State² Treasurer shall
18 provide to the ¹Graduated¹ Driver ¹[Education] License¹ Fund a loan
19 from the General Fund in the amount needed to fully defray these
20 costs. This loan shall be repaid to the General Fund when the balance
21 in the ¹Graduated¹ Driver ¹[Education] License¹ Fund exceeds the
22 amount necessary to reimburse ¹[the division's] these¹ costs.

23 ¹[d. The Director of Highway Traffic Safety, by regulation and in
24 consultation with the Director of Motor Vehicles and the Advisory

25 Committee on Driver Education, may establish criteria for the

26 reimbursement of providers pursuant to this section. These criteria

27 shall include, but not be limited to, the number of students who

28 successfully complete State validated permit requirements. A person

29 who knowingly makes a false or fraudulent statement in an application

30 required for reimbursement under this act or who shall knowingly

31 collect or cause to be repaid to any person or claimant any such

32 reimbursement without being entitled to the same, is guilty of a

33 disorderly person's offense.]¹

34

35 10. (New section) There is established a State Advisory

36 Committee on Driver Education. The Governor shall appoint to the

37 committee representatives from the Department of Education, the

38 Department of Transportation, the American Automobile Association

39 Clubs of New Jersey, the Driving School Association of New Jersey,

40 the New Jersey Association of Chiefs of Police, the New Jersey State

41 Safety Council and the New Jersey Traffic Safety Officers Association.

42 The committee shall make recommendations to the Directors of the

43 Division of Motor Vehicles and the Office of Highway Traffic Safety

44 with respect to rules and regulations promulgated under this act

45 including, but not limited to, the development of curriculum guidelines

1 ¹ ~~[and reimbursement procedures for providers]~~ ²for classroom driver
2 education². Any vacancies occurring in the membership shall be filled
3 in the same manner as the original appointments.

4
5 11. (New section) The Division of Motor Vehicles shall monitor
6 the performance of new drivers of passenger automobiles and, in
7 conjunction with the Office of Highway Traffic Safety, report to the
8 Governor and the Legislature evaluating the operation and
9 effectiveness of this act. The ²~~[Office of Highway Traffic Safety]~~
10 Division of Motor Vehicles² shall detail the disbursement of monies
11 from the Driver Education Fund in the report. The division and the
12 office shall make any recommendations necessary to better effectuate
13 the provisions of this act.

14
15 12. (New section) The Director of the Division of Motor Vehicles
16 and the Director of the Office of Highway Traffic Safety shall adopt,
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.), any rules and regulations each determines to be
19 necessary to effectuate their respective responsibilities under this act.

20
21 13. This act shall take effect on January 1, 2001 and shall apply to
22 any applicant for a special learner's permit who is under 16 years of
23 age, or, in the case of an applicant for an examination permit, at least
24 17 years of age on the effective date of this act. Prior to the effective
25 date, the Director of the Division of Motor Vehicles in the Department
26 of Transportation and the Director of the Office of Highway Traffic
27 Safety in the Department of Law and Public Safety may take such
28 anticipatory administrative action in advance as shall be necessary for
29 the implementation of this act.

SENATE, No. 318

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

SYNOPSIS

Creates graduated driver's license system for new drivers of passenger automobiles.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning graduated motor vehicle licensing, amending
2 R.S.39:3-10, P.L.1977, c.23, R.S.39:3-13, P.L.1950, c.127,
3 P.L.1977, c.25, and supplementing chapter 3 of Title 39 of the
4 Revised Statutes and P.L.1990, c.8.

5

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

8

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

10 39:3-10. No person shall drive a motor vehicle on a public highway
11 in this State unless **[licensed to do so]** in possession of a valid permit,
12 or a provisional or basic driver's license issued to him in accordance
13 with this article.

14 No person under 17 years of age shall be licensed to drive motor
15 vehicles, nor shall a person be so licensed until he has passed a
16 satisfactory examination as to his ability as an operator. The
17 examination shall include a test of the applicant's vision, his ability to
18 understand traffic control devices, his knowledge of safe driving
19 practices and of the effects that ingestion of alcohol or drugs has on
20 a person's ability to operate a motor vehicle, his knowledge of such
21 portions of the mechanism of motor vehicles as is necessary to insure
22 the safe operation of a vehicle of the kind or kinds indicated by the
23 applicant and of the laws and ordinary usages of the road and a road
24 test which shall serve as a demonstration of his ability to operate a
25 vehicle of the class designated. The road test shall be given on public
26 streets but may be preceded by an off-street screening process to
27 assess basic skills. The director shall approve locations for the road
28 test which pose no more than a minimal risk of injury to the applicant,
29 the examiner and other motorists.

30 The director shall issue a basic driver's license to operate a motor
31 vehicle other than a motorcycle to a person over 18 years of age who
32 previously has not been licensed to drive a motor vehicle in this state
33 or another jurisdiction only if that person has: (1) operated a
34 passenger automobile in compliance with the requirements of this Title
35 for not less than one year, not including any period of suspension or
36 postponement, either from the date of issuance of an examination
37 permit pursuant to R.S.39:3-13 or a provisional license pursuant to
38 section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed
39 more than two motor vehicle points and has not been convicted in the
40 previous year for a violation of R.S.39:4-50; section 2 of P.L.1981,
41 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;
42 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor
43 vehicle-related violation the director determines to be significant and

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

Matter underlined thus is new matter.

1 applicable pursuant to regulation; and (3) passed an examination of his
2 ability to operate a motor vehicle pursuant to this section.

3 The director shall expand the driver's license examination by 20%.
4 The additional questions to be added shall consist solely of questions
5 developed in conjunction with the State Department of Health
6 concerning the use of alcohol or drugs as related to highway safety.
7 The director shall develop in conjunction with the State Department
8 of Health supplements to the driver's manual which shall include
9 information necessary to answer any question on the driver's license
10 examination concerning alcohol or drugs as related to highway safety.

11 The director shall expand the driver's license examination to include
12 a question asking whether the applicant is aware of the provisions of
13 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et
14 seq.) and the procedure for indicating on the driver's license the
15 intention to make a donation of body organs or tissues pursuant to
16 P.L.1978, c.181 (C.39:3-12.2).

17 Any person applying for a driver's license to operate a motor
18 vehicle or motorized bicycle in this State shall surrender to the director
19 any current driver's license issued to him by another state upon his
20 receipt of a driver's license for this State. The director shall refuse to
21 issue a driver's license if the applicant fails to comply with this
22 provision.

23 The director shall create classified licensing of drivers covering the
24 following classifications:

25 a. Motorcycles, except that for the purposes of this section,
26 motorcycle shall not include any three-wheeled motor vehicle equipped
27 with a single cab with glazing enclosing the occupant, seats similar to
28 those of a passenger vehicle or truck, seat belts and automotive
29 steering;

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

32 c. Articulated vehicles means a combination of a commercial motor
33 vehicle registered at a gross weight in excess of 18,000 pounds and
34 one or more motor-drawn vehicles joined together by means of a
35 coupling device;

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

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

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

46 The director, upon payment of the lawful fee and after he or a

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

8 The director may, at his discretion and for good cause shown, issue
9 licenses which shall expire on a date fixed by him. The fee for licenses
10 with expiration dates fixed by the director shall be fixed by the director
11 in amounts proportionately less or greater than the fee herein
12 established.

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

15 Motorcycle license or endorsement [~~\$13.00~~]\$13

16 Omnibus or school bus endorsement [~~\$16.00~~]\$16

17 Articulated vehicle endorsement [~~\$8.00~~]\$8

18 Basic driver's license [~~16.00~~]\$16

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

25 The director shall issue licenses for the following license period on
26 and after the first day of the calendar month immediately preceding the
27 commencement of such period, such licenses to be effective
28 immediately.

29 All applications for renewals of licenses shall be made on forms
30 prescribed by the director and in accordance with procedures
31 established by him.

32 The director in his discretion may refuse to grant a permit or
33 license to drive motor vehicles to a person who is, in his estimation,
34 not a proper person to be granted such a permit or license, but no
35 defect of the applicant shall debar him from receiving a permit or
36 license unless it can be shown by tests approved by the Director of the
37 Division of Motor Vehicles that the defect incapacitates him from
38 safely operating a motor vehicle.

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

44 A person violating this section shall be subject to a fine not
45 exceeding \$500.00 or imprisonment in the county jail for not more
46 than 60 days, but if that person has never been licensed to drive in this

1 State or any other jurisdiction, he shall be subject to a fine of not less
2 than \$200.00 and, in addition, the court shall issue an order to the
3 Director of the Division of Motor Vehicles requiring the director to
4 refuse to issue a license to operate a motor vehicle to the person for
5 a period of not less than 180 days. The penalties provided for by this
6 paragraph shall not be applicable in cases where failure to have actual
7 possession of the operator's license is due to an administrative or
8 technical error by the Division of Motor Vehicles.

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

12 (cf: P.L.1993, c.34, s.1)

13
14 2. Section 1 of P.L.1977, c.23 (C.39:3-10b.) is amended to read as
15 follows:

16 1. All successful applicants for a [basic driver's license or]
17 motorcycle license who previously have never been licensed to drive
18 a motor vehicle in this, or any other state, shall be licensed on a
19 probationary basis for the 2-year period following the issuance of their
20 initial licenses. No such license shall physically differ by way of
21 appearance from a nonprobationary license.

22 (cf: P.L.1977, c.23, s.1)

23
24 3. R.S.39:3-13 is amended to read as follows:

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

33 The director, in his discretion, may issue for a specified period of
34 not less than one year an examination permit to operate a passenger
35 automobile to a person over 17 years of age who has satisfactorily
36 completed a classroom driver education course of a minimum of six
37 hours approved by the director but who has not completed a course of
38 behind-the-wheel automobile driving education pursuant to section 1
39 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant
40 who is under 18 years of age shall obtain the signature of a parent or
41 guardian for submission to the division on a form prescribed by the
42 director. The director shall postpone for six months the driving
43 privileges of any person who submits a fraudulent signature for a
44 parent or guardian.

45 For not less than six months immediately following the issuance of
46 an examination permit, the holder shall operate the vehicle only when

1 accompanied by and under the supervision of a New Jersey licensed
2 driver who is at least 21 years of age and has been licensed to drive a
3 passenger automobile for not less than three years. The supervising
4 driver shall sit in the front seat of the vehicle. While operating a
5 passenger automobile, the holder of the permit: (1) may have only
6 one additional passenger in the vehicle besides persons with whom the
7 holder resides, (2) shall not drive during the hours between 12:01 a.m.
8 and 5 a.m.; provided, however, the director may waive this condition
9 for any bona fide employment or religion-related activity if an
10 application is submitted prior to such employment or activity by the
11 employer or appropriate religious authority pursuant to regulations of
12 the director, and (3) shall ensure that all occupants of the vehicle are
13 secured in a properly adjusted and fastened seat belt or child restraint
14 system.

15 In addition to any other penalties that may be imposed, the director
16 shall suspend for not less than 90 days an examination permit if a
17 permit holder accumulates more than two motor vehicle points or
18 violates R.S.39:4-50; section 2 of P.L.1981,c.512 (C.39:4-50.4a);
19 P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5;
20 subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law
21 the director deems significant and applicable pursuant to regulation.
22 The director shall restore the permit if the permit holder satisfactorily
23 completes a remedial training course of not less than four hours and
24 remits a course fee prescribed by the director. The director also shall
25 postpone the issuance of a basic license for not less than 90 days if the
26 examination permit holder, after completion of the remedial training
27 course, accumulates any motor vehicle points or violates R.S.39:4-50;
28 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182 (C.39:4-
29 50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1
30 or any other motor vehicle-related law the director deems significant
31 and applicable pursuant to regulation. The director shall suspend the
32 examination permit for a period of not less than six months or more
33 than one year if the permit holder is convicted of any alcohol or drug-
34 related offense unrelated to the operation of a motor vehicle. A fine
35 of not less than \$100 or more than \$500 shall be imposed for any other
36 violations of the conditions of the examination permit.

37 An examination permit for a motorcycle or a commercial motor
38 vehicle issued to a handicapped person, as determined by the Division
39 of Motor Vehicles after consultation with the Department of
40 Education, shall be valid for nine months or until the completion of the
41 road test portion of his license examination, whichever period is
42 shorter. The permit shall be sufficient license for the person to operate
43 such designated class of motor vehicles in this State during the period
44 specified, while in the company of and under the control of a driver
45 licensed by this State to operate such designated class of motor
46 vehicles, or, in the case of a commercial driver license permit, while in

1 the company of and under the control of a holder of a valid
2 commercial driver license for the appropriate license class and with the
3 appropriate endorsements issued by this or any other state. Such
4 person, as well as the licensed driver, except for a motor vehicle
5 examiner administering a driving skills test, shall be held accountable
6 for all violations of this subtitle committed by such person while in the
7 presence of the licensed driver. In addition to requiring an applicant
8 for an examination permit to submit satisfactory proof of identity and
9 age, the director also shall require the applicant to provide, as a
10 condition for obtaining the permit, satisfactory proof that the
11 applicant's presence in the United States is authorized under federal
12 law.

13 No road test for any person issued an examination permit shall be
14 given unless the person has met the requirements of this section. No
15 ~~[examination]~~road test for ~~[a]~~ any other driver's license shall be given
16 unless the applicant has first secured ~~[a special learner's permit or]~~an
17 examination permit and no such road test shall be scheduled for an
18 applicant who has secured an examination permit until at least 20 days
19 shall have elapsed following the validation of the examination permit
20 for practice driving, except that in the case of an omnibus endorsement
21 or school bus no road test shall be scheduled until at least 10 days
22 shall have elapsed.

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

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

28		
29	Basic driver's license	[\$5.00] <u>\$25</u>
30	Motorcycle license or endorsement	[5.00] <u>\$5</u>
31	Omnibus or school bus endorsement	[25.00] <u>\$25</u>
32	Articulated vehicle endorsement	[15.00] <u>\$15</u>
33		

34 The director shall waive the payment of fees for issuance of
35 examination permits for omnibus endorsements whenever the applicant
36 establishes to the director's satisfaction that said applicant will use the
37 omnibus endorsement exclusively for operating omnibuses owned by
38 a nonprofit organization duly incorporated under Title 15 or 16 of the
39 Revised Statutes or Title 15A of the New Jersey Statutes.

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

46 (cf: P.L.1993, c.34, s.2)

1 4. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to read
2 as follows:

3 1. The Director of the Division of Motor Vehicles may issue to a
4 person over 16 years of age a special learner's permit, under the hand
5 and seal of the director, allowing such person, for the purpose of
6 ~~[fitting himself to become a motor vehicle driver, to operate]~~
7 ~~preparing himself to qualify for a provisional license for a passenger~~
8 ~~automobile by operating~~ a dual pedal controlled motor vehicle while
9 ~~[enrolled in] taking~~ a ~~required~~ course of behind-the-wheel automobile
10 driving education approved by the State Department of Education and
11 conducted in a public, parochial or private school of this State or
12 ~~[while taking]~~ a course of behind-the-wheel automobile driving
13 instruction conducted by a drivers' school duly licensed pursuant to the
14 provisions of P.L.1951, c.216 (C.39:12-1 et seq.)~~[, which]~~. ~~The~~
15 special learner's permit shall be issued in lieu of the examination
16 permit provided for in R.S.39:3-13. In addition to requiring an
17 applicant for a permit to submit satisfactory proof of identity and age,
18 the director also shall require the applicant to provide, as a condition
19 for obtaining the permit, satisfactory proof that the ~~applicant has~~
20 ~~satisfactorily completed a classroom driver education course of a~~
21 ~~minimum of six hours approved by the Division of Motor Vehicles and~~
22 ~~proof that the~~ applicant's presence in the United States is authorized
23 under federal law.

24 The special learner's permit described above, when issued to a
25 person ~~[enrolled in] taking~~ a course of ~~behind-the-wheel~~ driving
26 education conducted in a public, parochial or private school, shall be
27 retained in the office of the school principal at all times except during
28 such time as the person to whom the permit is issued is undergoing
29 behind-the-wheel automobile driving instruction.

30 The director may make such rules and regulations as he may deem
31 necessary to carry out the provisions of this section.

32 (cf: P.L.1993, c.34, s.3)

33

34 5. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to read
35 as follows:

36 6. Any person to whom a special learner's permit has been issued
37 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
38 successful completion of a behind-the-wheel driving course conducted
39 by a licensed drivers' school or of a public, parochial or private school
40 driving education course, shall be entitled to retain the special learner's
41 permit in his own possession. Such person may operate a motor
42 vehicle of the class for which a basic driver's license is required except
43 during the hours between ~~[12:01 a.m.] 11:01 p.m.~~ and 5:00 a.m. while
44 in the company and under the ~~[control]supervision, from the front~~
45 ~~passenger seat,~~ of a licensed motor vehicle driver of this State ~~who is~~
46 ~~over 21 years of age and~~ ~~[who has had at least three years' experience~~

1 as a licensed motor vehicle driver] has been licensed to drive a
2 passenger automobile for at least three years. Such special permit
3 shall be valid [for 90 days after] until such person's seventeenth
4 birthday or until [the completion of the road test portion of his license
5 examination]he qualifies for a provisional license, whichever period is
6 shorter[; provided, however, that a special permit issued to a
7 handicapped person, as determined by the Division of Motor Vehicles
8 after consultation with the Department of Education, shall be valid for
9 nine months after such person's seventeenth birthday or until the
10 completion of the road test portion of his license examination,
11 whichever period is shorter]. Except during an instructional period of
12 a behind-the-wheel driving course, the holder of a special permit shall
13 operate a passenger automobile with only the following passengers:
14 (1) persons who share the permit holder's residence; and (2) one
15 additional passenger who does not reside with the permit holder. All
16 occupants of the automobile shall be secured in a properly adjusted
17 and fastened seat belt or child restraint system.

18 In addition to any other penalties that may be imposed, the director
19 shall suspend for not less than 90 days a special learner's permit if a
20 permit holder accumulates more than two motor vehicle points or
21 violates R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a);
22 P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5;
23 subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law
24 the director determines to be significant and applicable pursuant to
25 regulation. The director shall restore the permit if the permit holder
26 satisfactorily completes a remedial training course of not less than four
27 hours and remits a course fee prescribed by the director. The director
28 also shall postpone the issuance of a provisional license for not less
29 than 90 days if the permit holder, after completion of the remedial
30 training course, accumulates any motor vehicle points or violates
31 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
32 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
33 N.J.S.2C:12-1 or any other motor vehicle-related law the director
34 deems significant and applicable pursuant to regulation. The director
35 shall suspend the special learner's permit for a period of not less than
36 six months or more than one year if the permit holder is convicted of
37 any alcohol or drug-related offense unrelated to the operation of a
38 motor vehicle. A fine of not less than \$100 or more than \$500 shall
39 be imposed for any other violations of the conditions of the special
40 learner's permit.

41 (cf: P.L.1993, c.287)

42

43 6. Section 3 of P.L.1950, c.127 (39:3-13.3) is amended to read as
44 follows:

45 3. No special permit shall be issued unless the person applying
46 therefor shall present a written application for the same, bearing a

1 certification by the principal of the school indicating that the person is
2 enrolled in an approved behind-the-wheel driving education course in
3 the school of which he is principal or by the person operating a duly
4 licensed drivers' school indicating that the person has contracted to
5 take a course of behind-the-wheel automobile driving instruction
6 offered by the school and shall pay the sum of ~~[\$5.00]~~ \$25 to an agent
7 of the Division of Motor Vehicles, which sum shall be turned over by
8 the agent to the director, and by him remitted with the other funds
9 collected in his division to the State Treasurer, in accordance with
10 law. A special learner's permit to operate a passenger automobile shall
11 not be issued to any person younger than 18 years of age without the
12 signature of a parent or guardian. The signature shall be submitted to
13 the division on a form prescribed by the director. The director shall
14 postpone for six months the driving privileges of any person who
15 submits a fraudulent signature for a parent or guardian.
16 (cf: P.L.1977, c.25, s.7)

17

18 7. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to read
19 as follows:

20 4. The holder of a special learner's permit shall be entitled to
21 [examination for] a provisional driver's license (1) upon attaining the
22 age of 17 years [and], (2) upon the satisfactory completion of an
23 approved behind-the-wheel automobile driving education course as
24 indicated upon the face of the special permit over the signature of the
25 principal of the school or the person operating the drivers' school in
26 which the course was conducted, and (3) upon the completion of six
27 months driving experience with a validated special learner's permit in
28 compliance with the provisions of section 6 of P.L.1977, c.25 (C.39:3-
29 13.2a.).

30 The holder of a provisional license: (1) may have only one
31 passenger in the vehicle in addition to persons with whom he shares
32 his residence, (2) shall not drive during the hours between 12:01 a.m.
33 and 5 a.m., except that the director may waive this condition for any
34 bona fide employment or religion-related activity if an application is
35 submitted prior to such employment or activity by the employer or
36 appropriate religious authority pursuant to regulations of the director,
37 (3) shall ensure that all occupants of the vehicle are secured in a
38 properly adjusted and fastened seat belt or child restraint system. In
39 addition to any other penalties provided under law, the holder of a
40 provisional license who accumulates more than two motor vehicle
41 points or commits a violation of R.S.39:4-50; section 2 of P.L.1981,
42 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;
43 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1, or any other motor
44 vehicle law the director deems to be significant and applicable
45 pursuant to regulation shall, for the first violation, be required to
46 satisfactorily complete a remedial training course of not less than four

1 hours and remit a course fee prescribed by the division. For a second
2 or subsequent violation, in addition to any other penalties provided
3 under law, the director shall suspend the provisional license for not
4 less than three months or more than six months and shall postpone
5 eligibility for a basic license for an equivalent period. In addition, the
6 director shall suspend a provisional license for not less than six months
7 or more than one year if the holder is convicted of any alcohol or
8 drug-related offense, unrelated to the operation of a motor vehicle. A
9 provisional license holder who violates other conditions of the license
10 shall be fined not less than \$100 or more than \$500.

11 A provisional license shall be conspicuously different in appearance
12 from a basic license.

13 (cf: P.L.1977, c.25, s.8)

14

15 8. (New section) a. The Director of the Office of Highway Traffic
16 Safety in the Department of Law and Public Safety, after consultation
17 with the Director of the Division of Motor Vehicles in the Department
18 of Transportation, shall develop curriculum guidelines for use by
19 teachers of approved classroom driver education courses. The course
20 of instruction for approved courses shall be designed to develop and
21 instill the knowledge and attitudes necessary for the safe operation and
22 driving of motor vehicles. Defensive driving, highway courtesy,
23 accident avoidance and understanding and respect for the State's
24 motor vehicle laws shall be emphasized. The incorporation of these
25 curriculum guidelines in such classroom courses and the use of related
26 instructional materials shall be a requirement for approval of the
27 course by the Director of the Division of Motor Vehicles and for
28 eligibility for insurance discounts for newly licensed drivers of
29 passenger automobiles pursuant to this act.

30 b. The Director of the Office of Highway Traffic Safety, in
31 consultation with the Director of the Division of Motor Vehicles, shall
32 produce an informational brochure for parents and guardians of
33 beginning drivers under the age of 18 years. The division shall ensure
34 that the parents or guardians of a permit holder receive these
35 brochures at the time a permit is issued to a beginning driver. The
36 brochures shall include, but not be limited to the following
37 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 driver; and
42 (5) Methods to coach a beginning driver in order to reduce accidents.

43

44 9. (New section) a. There is created in the Department of Law
45 and Public Safety a special non-lapsing fund to be known as the
46 "Classroom Driver Education Fund." There shall be deposited in the

1 fund \$20 from each special learner's examination and permit fee for
2 a passenger automobile that is established pursuant to R.S.39:3-13 and
3 any other monies that may be made available for classroom driver
4 education. The Office of Highway Traffic Safety shall administer
5 expenditures from this fund which shall be used exclusively to
6 reimburse providers of approved classroom driver education programs
7 pursuant to subsection b. of this section and for the cost of
8 administering the fund.

9 b. Providers of classroom driver education programs approved by
10 the Director of the Division of Motor Vehicles shall be eligible for
11 reimbursement from the fund, pursuant to criteria established under
12 regulations promulgated by the Director of the Office of Highway
13 Traffic Safety. These providers may include boards of education,
14 public, private and, pursuant to law or judicial decision, parochial and
15 other religious schools that are approved for such instruction for the
16 purposes of this act by the Director of the Division of Motor Vehicles.
17 Providers may also include private commercial drivers' schools
18 licensed pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) that have
19 entered into contracts with the division or with such boards and
20 schools for this instruction, which contracts have been approved by the
21 director for the purposes of this act. The Director of the Division of
22 Motor Vehicles shall set the maximum tuition rate for the course and
23 shall adjust it periodically to reflect the cost-of-living. Local school
24 districts which offer such driver education courses may offer the
25 courses to non-public secondary school students residing within the
26 district and receive reimbursement, provided the requirements of
27 section 5 of P.L.1977, c.192 (C.18A:46A-5) are met. Reimbursements
28 shall be made only to providers who employ, use or contract for
29 instructors who have successfully completed the State's requirements
30 for the certified teaching of driver education.

31 c. Amounts necessary to reimburse the Division of Motor Vehicles
32 in the Department of Transportation and the Office of Highway Traffic
33 Safety in the Department of Law and Public Safety for all costs
34 reasonably and actually incurred in the implementation of this act may
35 be appropriated from the fund.

36 d. The Director of the Office of Highway Traffic Safety, by rule or
37 regulation and in consultation with the Director of the Division of
38 Motor Vehicles, may establish criteria for the reimbursement of
39 providers pursuant to this section. These criteria shall consider the
40 percentage of students who successfully complete State driver
41 licensing requirements. No person whose driver's license is suspended
42 or revoked may teach any driver education course. A person who
43 knowingly makes a false or fraudulent statement in an application
44 required for reimbursement under this act or who shall knowingly
45 collect or cause to be repaid to any person or claimant any such
46 reimbursement without being entitled to the same, is guilty of a

1 disorderly persons offense.

2

3 10. (New section) The Commissioner of Banking and Insurance
4 shall monitor the experience of beginning drivers under the provisions
5 of P.L. , c.(C.) (now pending before the Legislature as this bill).
6 Beginning four years after the effective date of this act, the
7 commissioner shall determine whether one or more discounts are
8 justified by the actuarial experience of insurers in insuring drivers who
9 have successfully completed the required classroom or behind-the-
10 wheel training course or both, conducted pursuant to P.L. , c. (C.)
11 (now before the Legislature as this bill). If the commissioner
12 determines that one or more discounts are justified, the commissioner
13 shall require that every rate filing for private passenger automobile
14 insurance contain appropriate discounts, based on the insurer's
15 actuarial experience as a result of the changes implemented under
16 P.L. , c. (C.) (now before the Legislature as this bill) for personal
17 injury protection coverage, bodily injury liability coverage, property
18 damage coverage and physical damage coverage of persons who have
19 successfully completed the required course or courses for a special
20 learner's permit or examination permit, as the case may be. These
21 discounts shall be available to the insured for not less than two years
22 beginning with the next succeeding policy period after the successful
23 completion of the required course or courses and may be renewed or
24 extended beyond that two-year period. An insurer may immediately
25 terminate the discounts provided under this section to any person
26 whose driver's license is suspended or who, within the two-year
27 period, accumulates three or more motor vehicle penalty points
28 assessed under the provisions of section 1 of P.L.1982, c.43 (C.39:5-
29 30.5) without an allowance for a reduction in points.

30

31 11. (New section) The Division of Motor Vehicles shall monitor
32 the performance of new drivers of passenger automobiles and, in
33 conjunction with the Office of Highway Traffic Safety, report to the
34 Governor and the Legislature evaluating the operation and
35 effectiveness of this act. The Office of Highway Traffic Safety shall
36 detail the disbursement of monies from the Classroom Driver
37 Education Fund in the report. The division and the office shall make
38 any recommendations necessary to better effectuate the provisions
39 hereof.

40

41 12. (New section) The Director of the Division of Motor Vehicles
42 and the Director of the Office of Highway Traffic Safety shall adopt,
43 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
44 (C.52:14B-1 et seq.), any rules and regulations each determines to be
45 necessary to effectuate their respective responsibilities under this act.

1 21 years old with three years of passenger automobile driving
2 experience; (2) restricted from having more than one passenger in
3 addition to persons sharing his residence, except during an
4 instructional period of a behind-the-wheel driving course; and (3)
5 responsible for ensuring that all passengers are wearing seat belts or
6 using child restraint systems. Any violations of these conditions
7 would result in a fine of \$100 to \$500. Any permit holder who is
8 assessed more than two motor vehicle points or convicted of drunk
9 driving, leaving the scene of an accident, vehicular homicide, assault
10 by auto or any other significant violations established by regulation
11 would be suspended for a minimum of 90 days and be required to
12 satisfactorily complete a remedial course of at least four hours in
13 addition to any other penalty provided under the law. The assessment
14 of any points or additional such violations following this course would
15 result in a postponement of eligibility for a provisional license for at
16 least 90 days in addition to any other penalties provided by law. If
17 the permit holder is convicted of any drug or alcohol-related offense
18 which is not motor vehicle-related, his permit would be suspended for
19 six months to a year.

20 In order to obtain a provisional license, at the next graduated step,
21 a driver must: (1) be at least 17 years old, (2) satisfactorily complete
22 an approved behind-the-wheel training program, and (3) have six
23 months of driving experience with a special learner's permit. The
24 holder of a provisional license would be prohibited from: (1) having
25 more than one passenger in addition to persons sharing his residence,
26 and (2) driving between 12:01 a.m. and 5 a.m. except for bona fide
27 employment or religious purposes. The driver would be required to
28 ensure that all occupants of the vehicle are wearing seat belts or child
29 restraint systems.

30 A provisional licensed driver who receives more than two motor
31 vehicle points or is convicted of drunk driving or certain other
32 offenses would be required to complete a remedial training course of
33 at least four hours before reapplication for such a license could be
34 made. Following completion of this course, any additional such motor
35 vehicle violations would result in a provisional license suspension of
36 three to six months and a postponement of eligibility for a basic
37 license for a comparable period of time, in addition to any other
38 penalties under law. As is the case with permit holders, provisional
39 licensees would have their license suspended for six months to a year
40 for alcohol or drug related offenses that are not motor vehicle related.

41 The driver holding a provisional license can advance to an
42 unrestricted "basic" driver's license if he: (1) satisfies all conditions
43 and requirements for a provisional license, (2) has at least a year of
44 driving experience after having obtained a provisional license (or
45 completes a post-conviction remedial training course, whichever is
46 later) with no more than two motor vehicle points and no other motor

1 vehicle convictions during the previous year, and (3) passes the
2 State's road test conducted in low-risk public street locations.

3 The bill raises the driver's license permit fee from \$5 to \$25. The
4 additional \$20 per permit would be placed in a dedicated fund to
5 provide at least a partial reimbursement of driver education classroom
6 instructional costs and for the Division of Motor Vehicles and the
7 Office of Highway Traffic Safety to administer the new system.
8 Administration will include division monitoring of the performance of
9 drivers holding permits and provisional licenses. The sponsor hopes
10 that such funding will serve as an incentive to school authorities to
11 either institute or maintain these classes. The bill would require that
12 after four years of monitoring by the Commissioner of Insurance, and
13 if indicated by an insurer's actuarial experience, every insurer would
14 be expected to provide a discount for two years to those who had
15 satisfactorily completed the approved classroom or behind-the-wheel
16 course or both. These discounts will help to offset the permit fee
17 increase and cost of additional instruction and recognize the value of
18 classroom and behind-the-wheel instruction. A suspension or receipt
19 of three motor vehicle penalty points within two years would result in
20 immediate loss of the discounts. Also, an informational brochure
21 would be distributed to the parents or guardians of beginning drivers
22 under age 18 which is intended to assist them in the supervision of
23 their childrens' early driving experiences.

24 Research shows that 16-year old drivers are nearly three times as
25 likely as 18-year old drivers to be involved in an automobile accident
26 per mile driven. Nationally, 15% of teenage drivers nationally are
27 involved in accidents in their first year of driving. Moreover, teenage
28 drivers are the only age group for which most traffic fatalities occur
29 during nighttime driving. In New Jersey, fatal crashes of drivers age
30 16 to 20 range from about 115 to 170 a year. In 1994, according to
31 the Insurance Institute for Highway Safety, 17 year-old New Jersey
32 drivers were involved in traffic accidents 2.5 times as often as those
33 aged 25 to 59.

34 This bill is expected to make a direct contribution to lowering the
35 traffic injury and death rate in the State as well as reducing collision
36 damage and its costs to insurance policy holders.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 318**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 1998

The Assembly Transportation Committee reports favorably Senate Committee Substitute for Senate Bill No. 318 (1R) with committee amendments.

As amended by the committee, this substitute bill restructures the State's system of issuing permits and licenses to persons driving passenger automobiles in New Jersey for the first time. It creates a graduated system of licensing designed to phase-in exposure to increasingly complex driving tasks and environments as new drivers mature and develop their driving skills under supervised conditions. Beginning drivers will have greater opportunity to get their behind-the-wheel experience under conditions of controlled risk. Under the substitute, obtaining a regular or "basic" license will become a privilege gained only by demonstrating, in a systematic and progressive manner, conscientious and responsible driving behavior in each stage of licensing.

Many drivers to be licensed for the first time would advance from a special learner's permit to a provisional license to an unrestricted (or "basic") license. An applicant for a special learner's permit, who can be as young as 16 years old, will be required later to take a behind-the-wheel driving instruction course to qualify for a provisional driver's license.

The alternate route to a basic license, which one can presently follow by obtaining an examination permit, is also modified. In this case, an applicant for such a permit at the age of 17 must ultimately satisfy conditions similar to those set forth for special permit holders and provisional licensees before becoming eligible for a basic license. However, the applicant need not take a behind-the-wheel training course required for a provisional license. Also, his permit would be suspended on the first occasion for any serious motor vehicle related convictions or for being assessed more than two motor vehicle points.

In addition to satisfying current eligibility requirements, to qualify for a learner's permit under the committee substitute, a person would be required to submit the signature of a parent or guardian. The permit holder would be: (1) limited to driving during the hours of 5:01 a.m. and 11:00 p.m. while in the company and under the supervision of a licensed driver who is at least 21 years old with three years of passenger automobile driving experience; (2) restricted from having more than one passenger in addition to the supervising passenger and persons sharing his residence; and (3) responsible for ensuring that all passengers are wearing seat belts or using child restraint systems. Any violations of these conditions would result in a fine of \$100. Any permit holder who is assessed more than two motor vehicle points or convicted of drunk driving, leaving the scene of an accident, vehicular homicide, assault by auto or any other significant violations established by regulation would be suspended for a minimum of 90 days and be required to satisfactorily complete a remedial course of at least four hours in addition to any other penalty provided under the law. The assessment of any points or additional such violations following this course would result in a postponement of eligibility for a provisional license for at least 90 days in addition to any other penalties provided by law. If the permit holder is convicted of any drug or alcohol-related offense which is not motor vehicle-related, his permit would be suspended for six months to a year.

In order to obtain a provisional license, at the next graduated step, a driver must: (1) be at least 17 years old, (2) satisfactorily complete an approved behind-the-wheel training program, (3) have six months of driving experience with a special learner's permit, and (4) pass a road test. The holder of a provisional license who is under age 21 would be prohibited from: (1) having more than one passenger in addition to persons sharing his residence, except if the license holder or a passenger is at 21 years old; and (2) driving between 12:01 a.m. and 5 a.m. except for bona fide employment, religious purpose and emergencies. The driver would be required to ensure that all occupants of the vehicle are wearing seat belts or child restraint systems.

A provisional licensed driver who receives more than two motor vehicle points or is convicted of drunk driving or certain other offenses would be required to complete a remedial training course of at least four hours before reapplication for such a license could be made. Following completion of this course, any additional such motor vehicle violations would result in a provisional license suspension of three to six months and a postponement of eligibility for a basic license for a comparable period of time, in addition to any other penalties under law. As is the case with permit holders, provisional licensees would have their license suspended for six months to a year for alcohol or drug related offenses that are not motor vehicle related.

The driver holding a provisional license can advance to an

unrestricted "basic" driver's license if he: (1) satisfies all conditions and requirements for a provisional license, (2) has at least a year of driving experience after having obtained a provisional license (or completes a post-conviction remedial training course, whichever is later) with no more than two motor vehicle points and no other motor vehicle convictions during the previous year, and (3) passes the State's road test conducted, as appropriate, at existing testing sites or low-risk public street locations.

The substitute bill establishes the "Graduated Driver License Fund" which would be used to offset the costs of implementing and administering the graduated driver license program. Up to \$5 from each special learner's permit fee and examination permit fee would be deposited in the fund. Administration of the program will include monitoring of the performance of drivers holding permits and provisional licenses. The substitute bill also provides for start-up funds for the division by permitting a loan to be made to the division which would be repaid to the State Treasury from fees in the "Graduated Driver License Fund." Also, an informational brochure would be distributed to the parents or guardians of beginning drivers under age 18 which is intended to assist them in the supervision of their childrens' early driving experiences.

The substitute bill establishes a State Advisory Committee on Driver Education to make recommendations to the Directors of the Division of Motor Vehicles and the Office Highway Traffic Safety concerning regulations promulgated under the bill, including, but not limited to the development of curriculum guidelines and reimbursement procedures for providers. The members would be appointed by the Governor and would include representatives from the Department of Education, the Department of Transportation, the Automobile Association Clubs of New Jersey, the Driving School Association of New Jersey, the New Jersey Association of Chiefs of Police, the New Jersey State Safety Council and the New Jersey Traffic Safety Officers Association.

It is the committee's understanding that this bill is expected to make a direct contribution to lowering the traffic injury and death rate in the State as well as reducing collision damage and its costs to insurance policy holders.

The effective date of the substitute bill is January 1, 2001, to enable the State's administering agencies to prepare for the operation of the program. However, the Directors of the Division of Motor Vehicles and the Office of Highway Traffic Safety are permitted to take any necessary anticipatory administrative action in advance as may be necessary for the bill's implementation.

The committee amendments to the substitute bill make the following changes:

- Ensure that examination permit holders over the age of 21 will have a supervising licensed driver during the first three months of

practice driving.

- Require that non-State licensed drivers under age 18 who apply for NJ permit and licenses for passenger automobiles be subject to penalties, minimum age, supervision, night time hour and passenger restrictions applicable to New Jersey applicants under age 18 unless their former jurisdictions have licensing standards similar to New Jersey's.
- Reinsert less stringent requirement of a 20-day waiting period for holders of examination permits before qualifying for the road test for motorcycle, commercial driver, moped and agricultural licenses.
- Preclude hearings in disciplinary actions, including permit and provisional license suspensions and license postponements, for new drivers when committing a variety of motor vehicle, drug and alcohol violations.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 318**

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1998

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 318.

This committee substitute restructures the State's system of issuing permits and licenses to persons driving passenger automobiles in New Jersey for the first time. It creates a graduated system of licensing designed to phase-in exposure to increasingly complex driving tasks and environments as new drivers mature and develop their driving skills under supervised conditions. Beginning drivers will have greater opportunity to get their behind-the-wheel experience under conditions of controlled risk. Under the substitute, obtaining a regular or "basic" license will become a privilege gained only by demonstrating, in a systematic and progressive manner, conscientious and responsible driving behavior in each stage of licensing.

Many drivers to be licensed for the first time would advance from a special learner's permit to a provisional license to an unrestricted (or "basic") license. Classroom driver education would be required for a permit. An applicant for a special learner's permit, who can be as young as 16 years old, will be required later to take a behind-the-wheel driving instruction course to qualify for a provisional driver's license.

The alternate route to a basic license, which one can presently follow by obtaining an examination permit, is also modified. In this case, an applicant for such a permit at the age of 17 must ultimately satisfy conditions similar to those set forth for special permit holders and provisional licensees before becoming eligible for a basic license. However, the applicant need not take a behind-the-wheel training course required for a provisional license. Also, his permit would be suspended on the first occasion for any serious motor vehicle related convictions or for being assessed more than two motor vehicle points.

In addition to satisfying current eligibility requirements and completing the classroom course, to qualify for a learner's permit under the committee substitute, a person would be required to submit the signature of a parent or guardian. The permit holder would be: (1) limited to driving during the hours of 5:01 a.m. and 11:00 p.m. while in the company and under the supervision of a licensed driver

who is at least 21 years old with three years of passenger automobile driving experience; (2) restricted from having more than one passenger in addition to the supervising passenger and persons sharing his residence; and (3) responsible for ensuring that all passengers are wearing seat belts or using child restraint systems. Any violations of these conditions would result in a fine of \$100 to \$500. Any permit holder who is assessed more than two motor vehicle points or convicted of drunk driving, leaving the scene of an accident, vehicular homicide, assault by auto or any other significant violations established by regulation would be suspended for a minimum of 90 days and be required to satisfactorily complete a remedial course of at least four hours in addition to any other penalty provided under the law. The assessment of any points or additional such violations following this course would result in a postponement of eligibility for a provisional license for at least 90 days in addition to any other penalties provided by law. If the permit holder is convicted of any drug or alcohol-related offense which is not motor vehicle-related, his permit would be suspended for six months to a year.

In order to obtain a provisional license, at the next graduated step, a driver must: (1) be at least 17 years old, (2) satisfactorily complete an approved behind-the-wheel training program, and (3) have six months of driving experience with a special learner's permit. The holder of a provisional license would be prohibited from: (1) having more than one passenger in addition to persons sharing his residence, except if the license holder or a passenger is at 21 years old; and (2) driving between 12:01 a.m. and 5 a.m. except for bona fide employment, religious purpose and emergencies. The driver would be required to ensure that all occupants of the vehicle are wearing seat belts or child restraint systems.

A provisional licensed driver who receives more than two motor vehicle points or is convicted of drunk driving or certain other offenses would be required to complete a remedial training course of at least four hours before reapplication for such a license could be made. Following completion of this course, any additional such motor vehicle violations would result in a provisional license suspension of three to six months and a postponement of eligibility for a basic license for a comparable period of time, in addition to any other penalties under law. As is the case with permit holders, provisional licensees would have their license suspended for six months to a year for alcohol or drug related offenses that are not motor vehicle related.

The driver holding a provisional license can advance to an unrestricted "basic" driver's license if he: (1) satisfies all conditions and requirements for a provisional license, (2) has at least a year of driving experience after having obtained a provisional license (or completes a post-conviction remedial training course, whichever is later) with no more than two motor vehicle points and no other motor vehicle convictions during the previous year, and (3) passes the State's road test conducted, as appropriate, at existing testing sites or

low-risk public street locations.

The committee substitute raises the driver's license permit fee from \$5 to \$25. The additional \$20 per permit would be placed in a dedicated fund to provide at least partial reimbursement for the costs of driver education classroom instruction, which may include commercial driving schools, and for the Division of Motor Vehicles and the Office of Highway Traffic Safety to administer the new system. Administration will include division monitoring of the performance of drivers holding permits and provisional licenses. The substitute also provides for start-up funds for the division by permitting a loan to be made to the division which would be repaid to the State Treasury from fees in the new Driver Education Fund. Also, an informational brochure would be distributed to the parents or guardians of beginning drivers under age 18 which is intended to assist them in the supervision of their childrens' early driving experiences.

The committee substitute also creates a State Advisory Committee on Driver Education to make recommendations to the Directors of the Division of Motor Vehicles and the Office Highway Traffic Safety concerning regulations promulgated under the bill, including, but not limited to the development of curriculum guidelines and reimbursement procedures for providers. The members would be appointed by the Governor and would include representatives from the Department of Education, the Department of Transportation, the Automobile Association Clubs of New Jersey, the Driving School Association of New Jersey, the New Jersey Association of Chiefs of Police, the New Jersey State Safety Council and the New Jersey Traffic Safety Officers Association.

It is the committee's understanding that this bill is expected to make a direct contribution to lowering the traffic injury and death rate in the State as well as reducing collision damage and its costs to insurance policy holders.

The effective date of the committee substitute is January 1, 2001, to enable the State's administering agencies to prepare for the operation of the program. However, the Directors of the Division of Motor Vehicles and the Office of Highway Traffic Safety are permitted to take any necessary antiicipatory administrative action in advance as may be necessary for the bill's implementation.

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 318

with Senate Floor Amendments
(Proposed By Senator SINGER)

ADOPTED: APRIL 27, 1998

These Senate amendments make the following changes in the Senate Committee Substitute for Senate 318, which creates a graduated driver licensing program:

- Eliminate the proposed statutory requirement of mandatory classroom driver education for persons applying for special learner's permits or examination permits.
- Authorize the addition of 20 questions to the written driver's license examination.
- Require an applicant for a provisional license to pass a road test.
- Remove the requirement that provisional licensees age 21 or over be subject to passenger and nighttime driving restrictions.
- Remove the requirement that holders of examination permits age 21 or over be subject to supervision, passenger and nighttime driving restrictions.
- Reduce the additional permit fee from \$20 to \$5. Eliminate funding for classroom driver education courses.
- Make employers and religious leaders responsible for issuing written waivers to the holders of examination permits and to provisional licensees who qualify for exemption from nighttime driving restrictions because of bona fide employment or religion-related activity.
- Clarify role of the DMV in offering hearings to examination and special learner's permit holders when the DMV proposes to suspend their permits and limits the discretion of the DMV director for setting their suspension terms and fine amounts. This is designed to reduce hearings and, therefore, administrative costs. Suspensions and postponements for the motor vehicle convictions of permit holders would be a fixed 90-day period rather than a minimum of 90 days; suspensions for convictions for drug or alcohol-related offenses unrelated to the operation of motor vehicles are reduced to a fixed period of six months. The fine for violating the conditions of the permit is downgraded from a range of \$100 to \$500 to a flat \$100. For provisional licensees, the term of suspension is reduced to a flat three months from a minimum of three months and a maximum of six months.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 318**

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JUNE 24, 1998

Senate Committee Substitute (1R) for Senate Bill No. 318 of 1998 creates a graduated driver's license system for new drivers of passenger automobiles. The graduated system of licensing is designed to phase in exposure to increasingly complex driving tasks and environments as new drivers develop their driving skills under supervised conditions. Under this system many drivers would first receive a special learner's permit before advancing to a provisional license and then an unrestricted (or "basic") license. The bill would take effect on January 1, 2001.

The Office of Legislative Services (OLS) notes that the bill increases the fee for a special learner's permit from \$5.00 to an amount up to \$10.00. In addition, fines of \$100 shall be imposed for certain violations of the conditions of an examination permit, special learner's permit, or provisional license permit. OLS further notes that the bill creates the "Graduated Driver License Fund" into which would be deposited up to \$5.00 from each special learner's permit and any other monies that may be available for graduated license program start-up costs.

The Division of Motor Vehicles has not provided any data concerning the estimated number of permits that may be issued under the proposed graduated license program nor estimates for the costs of initial implementation or program continuation. Since this bill creates a new process for licensing new drivers, OLS is unable to provide a fiscal estimate absent basic program details that must be provided by the Division of Motor Vehicles concerning the number of permits that would be issued pursuant to the new program and an estimate of the administrative costs that the Division of Motor Vehicles and the Office of Highway Traffic Safety would incur to initiate and continue the program.

This legislative fiscal estimate has been produced by the Office of

[1R] SCS for S318

2

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.

ASSEMBLY, No. 1524

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman JOSEPH R.MALONE, III
District 30 (Burlington, Monmouth and Ocean)
Assemblyman MELVIN COTTRELL
District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

Assemblywoman Weinberg

SYNOPSIS

Creates graduated driver's license system for new drivers of passenger automobiles.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/11/1998)

1 AN ACT concerning graduated motor vehicle licensing, amending
2 R.S.39:3-10, P.L.1977, c.23, R.S.39:3-13, P.L.1950, c.127,
3 P.L.1977, c.25, and supplementing chapter 3 of Title 39 of the
4 Revised Statutes and P.L.1990, c.8.

5

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

8

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

10 39:3-10. No person shall drive a motor vehicle on a public highway
11 in this State unless **[licensed to do so]** in possession of a valid permit,
12 or a provisional or basic driver's license issued to him in accordance
13 with this article.

14 No person under 17 years of age shall be licensed to drive motor
15 vehicles, nor shall a person be so licensed until he has passed a
16 satisfactory examination as to his ability as an operator. The
17 examination shall include a test of the applicant's vision, his ability to
18 understand traffic control devices, his knowledge of safe driving
19 practices and of the effects that ingestion of alcohol or drugs has on
20 a person's ability to operate a motor vehicle, his knowledge of such
21 portions of the mechanism of motor vehicles as is necessary to insure
22 the safe operation of a vehicle of the kind or kinds indicated by the
23 applicant and of the laws and ordinary usages of the road and a road
24 test which shall serve as a demonstration of his ability to operate a
25 vehicle of the class designated. The road test shall be given on public
26 streets but may be preceded by an off-street screening process to
27 assess basic skills. The director shall approve locations for the road
28 test which pose no more than a minimal risk of injury to the applicant,
29 the examiner and other motorists.

30 The director shall issue a basic driver's license to operate a motor
31 vehicle other than a motorcycle to a person over 18 years of age who
32 previously has not been licensed to drive a motor vehicle in this state
33 or another jurisdiction only if that person has: (1) operated a
34 passenger automobile in compliance with the requirements of this Title
35 for not less than one year, not including any period of suspension or
36 postponement, either from the date of issuance of an examination
37 permit pursuant to R.S.39:3-13 or a provisional license pursuant to
38 section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed
39 more than two motor vehicle points and has not been convicted in the
40 previous year for a violation of R.S.39:4-50; section 2 of P.L.1981,
41 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;
42 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor
43 vehicle-related violation the director determines to be significant and

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

Matter underlined thus is new matter.

1 applicable pursuant to regulation; and (3) passed an examination of his
2 ability to operate a motor vehicle pursuant to this section.

3 The director shall expand the driver's license examination by 20%.
4 The additional questions to be added shall consist solely of questions
5 developed in conjunction with the State Department of Health
6 concerning the use of alcohol or drugs as related to highway safety.
7 The director shall develop in conjunction with the State Department
8 of Health supplements to the driver's manual which shall include
9 information necessary to answer any question on the driver's license
10 examination concerning alcohol or drugs as related to highway safety.

11 The director shall expand the driver's license examination to include
12 a question asking whether the applicant is aware of the provisions of
13 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et
14 seq.) and the procedure for indicating on the driver's license the
15 intention to make a donation of body organs or tissues pursuant to
16 P.L.1978, c.181 (C.39:3-12.2).

17 Any person applying for a driver's license to operate a motor
18 vehicle or motorized bicycle in this State shall surrender to the director
19 any current driver's license issued to him by another state upon his
20 receipt of a driver's license for this State. The director shall refuse to
21 issue a driver's license if the applicant fails to comply with this
22 provision.

23 The director shall create classified licensing of drivers covering the
24 following classifications:

25 a. Motorcycles, except that for the purposes of this section,
26 motorcycle shall not include any three-wheeled motor vehicle equipped
27 with a single cab with glazing enclosing the occupant, seats similar to
28 those of a passenger vehicle or truck, seat belts and automotive
29 steering;

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

32 c. Articulated vehicles means a combination of a commercial
33 motor vehicle registered at a gross weight in excess of 18,000 pounds
34 and one or more motor-drawn vehicles joined together by means of a
35 coupling device;

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

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

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

46 The director, upon payment of the lawful fee and after he or a

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

8 The director may, at his discretion and for good cause shown, issue
9 licenses which shall expire on a date fixed by him. The fee for licenses
10 with expiration dates fixed by the director shall be fixed by the director
11 in amounts proportionately less or greater than the fee herein
12 established.

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

15 Motorcycle license or endorsement [~~\$13.00~~]\$13

16 Omnibus or school bus endorsement [~~\$16.00~~]\$16

17 Articulated vehicle endorsement [~~\$8.00~~]\$8

18 Basic driver's license [~~16.00~~]\$16

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

25 The director shall issue licenses for the following license period on
26 and after the first day of the calendar month immediately preceding the
27 commencement of such period, such licenses to be effective
28 immediately.

29 All applications for renewals of licenses shall be made on forms
30 prescribed by the director and in accordance with procedures
31 established by him.

32 The director in his discretion may refuse to grant a permit or
33 license to drive motor vehicles to a person who is, in his estimation,
34 not a proper person to be granted such a permit or license, but no
35 defect of the applicant shall debar him from receiving a permit or
36 license unless it can be shown by tests approved by the Director of the
37 Division of Motor Vehicles that the defect incapacitates him from
38 safely operating a motor vehicle.

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

44 A person violating this section shall be subject to a fine not
45 exceeding \$500.00 or imprisonment in the county jail for not more
46 than 60 days, but if that person has never been licensed to drive in this

1 State or any other jurisdiction, he shall be subject to a fine of not less
2 than \$200.00 and, in addition, the court shall issue an order to the
3 Director of the Division of Motor Vehicles requiring the director to
4 refuse to issue a license to operate a motor vehicle to the person for
5 a period of not less than 180 days. The penalties provided for by this
6 paragraph shall not be applicable in cases where failure to have actual
7 possession of the operator's license is due to an administrative or
8 technical error by the Division of Motor Vehicles.

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

12 (cf: P.L.1993, c.34, s.1)

13
14 2. Section 1 of P.L.1977, c.23 (C.39:3-10b.) is amended to read as
15 follows:

16 1. All successful applicants for a **[basic driver's license or]**
17 motorcycle license who previously have never been licensed to drive
18 a motor vehicle in this, or any other state, shall be licensed on a
19 probationary basis for the 2-year period following the issuance of
20 their initial licenses. No such license shall physically differ by way of
21 appearance from a nonprobationary license.

22 (cf: P.L.1977, c.23, s.1)

23
24 3. R.S.39:3-13 is amended to read as follows:

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

33 The director, in his discretion, may issue for a specified period of
34 not less than one year an examination permit to operate a passenger
35 automobile to a person over 17 years of age who has satisfactorily
36 completed a classroom driver education course of a minimum of six
37 hours approved by the director but who has not completed a course
38 of behind-the-wheel automobile driving education pursuant to section
39 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant
40 who is under 18 years of age shall obtain the signature of a parent or
41 guardian for submission to the division on a form prescribed by the
42 director. The director shall postpone for six months the driving
43 privileges of any person who submits a fraudulent signature for a
44 parent or guardian.

45 For not less than six months immediately following the issuance of
46 an examination permit, the holder shall operate the vehicle only when

1 accompanied by and under the supervision of a New Jersey licensed
2 driver who is at least 21 years of age and has been licensed to drive a
3 passenger automobile for not less than three years. The supervising
4 driver shall sit in the front seat of the vehicle. While operating a
5 passenger automobile, the holder of the permit: (1) may have only
6 one additional passenger in the vehicle besides persons with whom the
7 holder resides, (2) shall not drive during the hours between 12:01 a.m.
8 and 5 a.m.; provided, however, the director may waive this condition
9 for any bona fide employment or religion-related activity if an
10 application is submitted prior to such employment or activity by the
11 employer or appropriate religious authority pursuant to regulations of
12 the director, and (3) shall ensure that all occupants of the vehicle are
13 secured in a properly adjusted and fastened seat belt or child restraint
14 system.

15 In addition to any other penalties that may be imposed, the director
16 shall suspend for not less than 90 days an examination permit if a
17 permit holder accumulates more than two motor vehicle points or
18 violates R.S.39:4-50; section 2 of P.L.1981,c.512 (C.39:4-50.4a);
19 P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5;
20 subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related
21 law the director deems significant and applicable pursuant to
22 regulation. The director shall restore the permit if the permit holder
23 satisfactorily completes a remedial training course of not less than four
24 hours and remits a course fee prescribed by the director. The director
25 also shall postpone the issuance of a basic license for not less than 90
26 days if the examination permit holder, after completion of the remedial
27 training course, accumulates any motor vehicle points or violates
28 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
29 c.182 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
30 N.J.S.2C:12-1 or any other motor vehicle-related law the director
31 deems significant and applicable pursuant to regulation. The director
32 shall suspend the examination permit for a period of not less than six
33 months or more than one year if the permit holder is convicted of any
34 alcohol or drug-related offense unrelated to the operation of a motor
35 vehicle. A fine of not less than \$100 or more than \$500 shall be
36 imposed for any other violations of the conditions of the examination
37 permit.

38 An examination permit for a motorcycle or a commercial motor
39 vehicle issued to a handicapped person, as determined by the Division
40 of Motor Vehicles after consultation with the Department of
41 Education, shall be valid for nine months or until the completion of the
42 road test portion of his license examination, whichever period is
43 shorter. The permit shall be sufficient license for the person to operate
44 such designated class of motor vehicles in this State during the period
45 specified, while in the company of and under the control of a driver
46 licensed by this State to operate such designated class of motor

1 vehicles, or, in the case of a commercial driver license permit, while in
 2 the company of and under the control of a holder of a valid
 3 commercial driver license for the appropriate license class and with the
 4 appropriate endorsements issued by this or any other state. Such
 5 person, as well as the licensed driver, except for a motor vehicle
 6 examiner administering a driving skills test, shall be held accountable
 7 for all violations of this subtitle committed by such person while in the
 8 presence of the licensed driver. In addition to requiring an applicant
 9 for an examination permit to submit satisfactory proof of identity and
 10 age, the director also shall require the applicant to provide, as a
 11 condition for obtaining the permit, satisfactory proof that the
 12 applicant's presence in the United States is authorized under federal
 13 law.

14 No road test for any person issued an examination permit shall be
 15 given unless the person has met the requirements of this section. No
 16 ~~[examination]~~road test for ~~[a]~~ any other driver's license shall be given
 17 unless the applicant has first secured ~~[a special learner's permit or]~~an
 18 examination permit and no such road test shall be scheduled for an
 19 applicant who has secured an examination permit until at least 20 days
 20 shall have elapsed following the validation of the examination permit
 21 for practice driving, except that in the case of an omnibus endorsement
 22 or school bus no road test shall be scheduled until at least 10 days
 23 shall have elapsed.

24 Every applicant for an examination permit to qualify for an omnibus
 25 endorsement or an articulated vehicle endorsement shall be a holder of
 26 a valid basic driver's license.

27 The required fees for special learners' permits and examination
 28 permits shall be as follows:

29

30 Basic driver's license	[\$5.00] <u>\$25</u>
31 Motorcycle license or endorsement	[5.00] <u>\$5</u>
32 Omnibus or school bus endorsement	[25.00] <u>\$25</u>
33 Articulated vehicle endorsement	[15.00] <u>\$15</u>

34

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

41 The specified period for which a permit is issued may be extended
 42 for not more than an additional 60 days, without payment of added
 43 fee, upon application made by the holder thereof, where the holder has
 44 applied to take the examination for a driver's license prior to the
 45 expiration of the original period for which the permit was issued and

1 the director was unable to schedule an examination during said period.
2 (cf: P.L.1993, c.34, s.2)

3

4 4. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to read
5 as follows:

6 1. The Director of the Division of Motor Vehicles may issue to a
7 person over 16 years of age a special learner's permit, under the hand
8 and seal of the director, allowing such person, for the purpose of
9 **fitting himself to become a motor vehicle driver, to operate**
10 **preparing himself to qualify for a provisional license for a passenger**
11 **automobile by operating** a dual pedal controlled motor vehicle while
12 **enrolled in** **taking** a **required** course of behind-the-wheel automobile
13 driving education approved by the State Department of Education and
14 conducted in a public, parochial or private school of this State or
15 **while taking** a course of behind-the-wheel automobile driving
16 instruction conducted by a drivers' school duly licensed pursuant to the
17 provisions of P.L.1951, c.216 (C.39:12-1 et seq.)**, which**. **The**
18 special learner's permit shall be issued in lieu of the examination
19 permit provided for in R.S.39:3-13. In addition to requiring an
20 applicant for a permit to submit satisfactory proof of identity and age,
21 the director also shall require the applicant to provide, as a condition
22 for obtaining the permit, satisfactory proof that the **applicant has**
23 **satisfactorily completed a classroom driver education course of a**
24 **minimum of six hours approved by the Division of Motor Vehicles and**
25 **proof that the** applicant's presence in the United States is authorized
26 under federal law.

27 The special learner's permit described above, when issued to a
28 person **enrolled in** **taking** a course of **behind-the-wheel** driving
29 education conducted in a public, parochial or private school, shall be
30 retained in the office of the school principal at all times except during
31 such time as the person to whom the permit is issued in undergoing
32 behind-the-wheel automobile driving instruction.

33 The director may make such rules and regulations as he may deem
34 necessary to carry out the provisions of this section.
35 (cf: P.L.1993, c.34, s.3)

36

37 5. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to read
38 as follows:

39 6. Any person to whom a special learner's permit has been issued
40 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
41 successful completion of a behind-the-wheel driving course conducted
42 by a licensed drivers' school or of a public, parochial or private school
43 driving education course, shall be entitled to retain the special learner's
44 permit in his own possession. Such person may operate a motor
45 vehicle of the class for which a basic driver's license is required except
46 during the hours between **12:01 a.m.** **11:01 p.m.** and 5:00 a.m. while

1 in the company and under the ~~control~~supervision, from the front
2 ~~passenger seat~~, of a licensed motor vehicle driver of this State ~~who is~~
3 ~~over 21 years of age and~~ ~~who has had at least three years' experience~~
4 ~~as a licensed motor vehicle driver~~ has been licensed to drive a
5 passenger automobile for at least three years. Such special permit
6 shall be valid ~~for 90 days after~~ until such person's seventeenth
7 birthday or until ~~the completion of the road test portion of his license~~
8 ~~examination~~ he qualifies for a provisional license, whichever period is
9 shorter~~;~~; provided, however, that a special permit issued to a
10 handicapped person, as determined by the Division of Motor Vehicles
11 after consultation with the Department of Education, shall be valid for
12 nine months after such person's seventeenth birthday or until the
13 completion of the road test portion of his license examination,
14 whichever period is shorter~~].~~ Except during an instructional period of
15 a behind-the-wheel driving course, the holder of a special permit shall
16 operate a passenger automobile with only the following passengers:
17 (1) persons who share the permit holder's residence; and (2) one
18 additional passenger who does not reside with the permit holder. All
19 occupants of the automobile shall be secured in a properly adjusted
20 and fastened seat belt or child restraint system.

21 In addition to any other penalties that may be imposed, the director
22 shall suspend for not less than 90 days a special learner's permit if a
23 permit holder accumulates more than two motor vehicle points or
24 violates R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a);
25 P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5;
26 subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law
27 the director determines to be significant and applicable pursuant to
28 regulation. The director shall restore the permit if the permit holder
29 satisfactorily completes a remedial training course of not less than four
30 hours and remits a course fee prescribed by the director. The director
31 also shall postpone the issuance of a provisional license for not less
32 than 90 days if the permit holder, after completion of the remedial
33 training course, accumulates any motor vehicle points or violates
34 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
35 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
36 N.J.S.2C:12-1 or any other motor vehicle-related law the director
37 deems significant and applicable pursuant to regulation. The director
38 shall suspend the special learner's permit for a period of not less than
39 six months or more than one year if the permit holder is convicted of
40 any alcohol or drug-related offense unrelated to the operation of a
41 motor vehicle. A fine of not less than \$100 or more than \$500 shall
42 be imposed for any other violations of the conditions of the special
43 learner's permit.

44 (cf: P.L.1993, c.287)

1 6. Section 3 of P.L.1950, c.127 (39:3-13.3) is amended to read as
2 follows:

3 3. No special permit shall be issued unless the person applying
4 therefor shall present a written application for the same, bearing a
5 certification by the principal of the school indicating that the person
6 is enrolled in an approved behind-the-wheel driving education course
7 in the school of which he is principal or by the person operating a duly
8 licensed drivers' school indicating that the person has contracted to
9 take a course of behind-the-wheel automobile driving instruction
10 offered by the school and shall pay the sum of ~~[\$5.00]~~\$25 to an agent
11 of the Division of Motor Vehicles, which sum shall be turned over by
12 the agent to the director, and by him remitted with the other funds
13 collected in his division to the State Treasurer, in accordance with
14 law. A special learner's permit to operate a passenger automobile
15 shall not be issued to any person younger than 18 years of age without
16 the signature of a parent or guardian. The signature shall be submitted
17 to the division on a form prescribed by the director. The director shall
18 postpone for six months the driving privileges of any person who
19 submits a fraudulent signature for a parent or guardian.

20 (cf: P.L.1977, c.25, s.7)

21

22 7. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to read
23 as follows:

24 4. The holder of a special learner's permit shall be entitled to
25 ~~【examination for】~~ a provisional driver's license (1) upon attaining the
26 age of 17 years ~~【and】~~, (2) upon the satisfactory completion of an
27 approved behind-the-wheel automobile driving education course as
28 indicated upon the face of the special permit over the signature of the
29 principal of the school or the person operating the drivers' school in
30 which the course was conducted, and (3) upon the completion of six
31 months driving experience with a validated special learner's permit in
32 compliance with the provisions of section 6 of P.L.1977, c.25
33 (C.39:3-13.2a.).

34 The holder of a provisional license: (1) may have only one
35 passenger in the vehicle in addition to persons with whom he shares
36 his residence. (2) shall not drive during the hours between 12:01 a.m.
37 and 5 a.m., except that the director may waive this condition for any
38 bona fide employment or religion-related activity if an application is
39 submitted prior to such employment or activity by the employer or
40 appropriate religious authority pursuant to regulations of the director.
41 (3) shall ensure that all occupants of the vehicle are secured in a
42 properly adjusted and fastened seat belt or child restraint system. In
43 addition to any other penalties provided under law, the holder of a
44 provisional license who accumulates more than two motor vehicle
45 points or commits a violation of R.S.39:4-50; section 2 of P.L.1981,
46 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;

1 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1, or any other motor
2 vehicle law the director deems to be significant and applicable
3 pursuant to regulation shall, for the first violation, be required to
4 satisfactorily complete a remedial training course of not less than four
5 hours and remit a course fee prescribed by the division. For a second
6 or subsequent violation, in addition to any other penalties provided
7 under law, the director shall suspend the provisional license for not
8 less than three months or more than six months and shall postpone
9 eligibility for a basic license for an equivalent period. In addition, the
10 director shall suspend a provisional license for not less than six months
11 or more than one year if the holder is convicted of any alcohol or
12 drug-related offense, unrelated to the operation of a motor vehicle. A
13 provisional license holder who violates other conditions of the license
14 shall be fined not less than \$100 or more than \$500.

15 A provisional license shall be conspicuously different in appearance
16 from a basic license.

17 (cf: P.L.1977, c.25, s.8)

18

19 8. (New section) a. The Director of the Office of Highway Traffic
20 Safety in the Department of Law and Public Safety, after consultation
21 with the Director of the Division of Motor Vehicles in the Department
22 of Transportation, shall develop curriculum guidelines for use by
23 teachers of approved classroom driver education courses. The course
24 of instruction for approved courses shall be designed to develop and
25 instill the knowledge and attitudes necessary for the safe operation and
26 driving of motor vehicles. Defensive driving, highway courtesy,
27 accident avoidance and understanding and respect for the State's
28 motor vehicle laws shall be emphasized. The incorporation of these
29 curriculum guidelines in such classroom courses and the use of related
30 instructional materials shall be a requirement for approval of the
31 course by the Director of the Division of Motor Vehicles and for
32 eligibility for insurance discounts for newly licensed drivers of
33 passenger automobiles pursuant to this act.

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

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

1 9. (New section) a. There is created in the Department of Law
2 and Public Safety a special non-lapsing fund to be known as the
3 "Classroom Driver Education Fund." There shall be deposited in the
4 fund \$20 from each special learner's examination and permit fee for
5 a passenger automobile that is established pursuant to R.S.39:3-13 and
6 any other monies that may be made available for classroom driver
7 education. The Office of Highway Traffic Safety shall administer
8 expenditures from this fund which shall be used exclusively to
9 reimburse providers of approved classroom driver education programs
10 pursuant to subsection b. of this section and for the cost of
11 administering the fund.

12 b. Providers of classroom driver education programs approved by
13 the Director of the Division of Motor Vehicles shall be eligible for
14 reimbursement from the fund, pursuant to criteria established under
15 regulations promulgated by the Director of the Office of Highway
16 Traffic Safety. These providers may include boards of education,
17 public, private and, pursuant to law or judicial decision, parochial
18 and other religious schools that are approved for such instruction for
19 the purposes of this act by the Director of the Division of Motor
20 Vehicles. Providers may also include private commercial drivers'
21 schools licensed pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) that
22 have entered into contracts with the division or with such boards and
23 schools for this instruction, which contracts have been approved by the
24 director for the purposes of this act. The Director of the Division of
25 Motor Vehicles shall set the maximum tuition rate for the course and
26 shall adjust it periodically to reflect the cost-of-living. Local school
27 districts which offer such driver education courses may offer the
28 courses to non-public secondary school students residing within the
29 district and receive reimbursement, provided the requirements of
30 section 5 of P.L.1977, c.192 (C.18A:46A-5) are met. Reimbursements
31 shall be made only to providers who employ, use or contract for
32 instructors who have successfully completed the State's requirements
33 for the certified teaching of driver education.

34 c. Amounts necessary to reimburse the Division of Motor Vehicles
35 in the Department of Transportation and the Office of Highway Traffic
36 Safety in the Department of Law and Public Safety for all costs
37 reasonably and actually incurred in the implementation of this act may
38 be appropriated from the fund.

39 d. The Director of the Office of Highway Traffic Safety, by rule or
40 regulation and in consultation with the Director of the Division of
41 Motor Vehicles, may establish criteria for the reimbursement of
42 providers pursuant to this section. These criteria shall consider the
43 percentage of students who successfully complete State driver
44 licensing requirements. No person whose driver's license is suspended
45 or revoked may teach any driver education course. A person who
46 knowingly makes a false or fraudulent statement in an application

1 required for reimbursement under this act or who shall knowingly
2 collect or cause to be repaid to any person or claimant any such
3 reimbursement without being entitled to the same, is guilty of a
4 disorderly persons offense.

5
6 10. (New section) The Commissioner of Banking and Insurance
7 shall monitor the experience of beginning drivers under the provisions
8 of P.L. , c.(C.) (now pending before the Legislature as this bill).
9 Beginning four years after the effective date of this act, the
10 commissioner shall determine whether one or more discounts are
11 justified by the actuarial experience of insurers in insuring drivers who
12 have successfully completed the required classroom or behind-the-
13 wheel training course or both, conducted pursuant to P.L. , c.
14 (C.) (now before the Legislature as this bill). If the commissioner
15 determines that one or more discounts are justified, the commissioner
16 shall require that every rate filing for private passenger automobile
17 insurance contain appropriate discounts, based on the insurer's
18 actuarial experience as a result of the changes implemented under
19 P.L. , c. (C.) (now before the Legislature as this bill) for personal
20 injury protection coverage, bodily injury liability coverage, property
21 damage coverage and physical damage coverage of persons who have
22 successfully completed the required course or courses for a special
23 learner's permit or examination permit, as the case may be. These
24 discounts shall be available to the insured for not less than two years
25 beginning with the next succeeding policy period after the successful
26 completion of the required course or courses and may be renewed or
27 extended beyond that two-year period. An insurer may immediately
28 terminate the discounts provided under this section to any person
29 whose driver's license is suspended or who, within the two-year
30 period, accumulates three or more motor vehicle penalty points
31 assessed under the provisions of section 1 of P.L.1982, c.43 (C.39:5-
32 30.5) without an allowance for a reduction in points.

33
34 11. (New section) The Division of Motor Vehicles shall monitor
35 the performance of new drivers of passenger automobiles and, in
36 conjunction with the Office of Highway Traffic Safety, report to the
37 Governor and the Legislature evaluating the operation and
38 effectiveness of this act. The Office of Highway Traffic Safety shall
39 detail the disbursement of monies from the Classroom Driver
40 Education Fund in the report. The division and the office shall make
41 any recommendations necessary to better effectuate the provisions
42 hereof.

43
44 12. (New section) The Director of the Division of Motor Vehicles
45 and the Director of the Office of Highway Traffic Safety shall adopt,
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), any rules and regulations each determines to be
2 necessary to effectuate their respective responsibilities under this act.

3
4 13. This act shall take effect on the first day of the seventh month
5 after enactment and shall apply to any applicant for a special learner's
6 permit who is under 16 years of age, or, in the case of an applicant for
7 an examination permit, under 17 years of age on the effective date of
8 this act. Prior to the effective date, the Director of the Division of
9 Motor Vehicles in the Department of Transportation and the Director
10 of the Office of Highway Traffic Safety in the Department of Law and
11 Public Safety may take such anticipatory administrative action in
12 advance as shall be necessary for the implementation of this act.

13
14
15 STATEMENT

16
17 This bill restructures the State's system of issuing permits and
18 licenses to persons driving passenger automobiles in New Jersey for
19 the first time. It creates a graduated system of licensing designed to
20 phase-in exposure to increasingly complex driving tasks and
21 environments as new drivers mature and develop their driving skills
22 under supervised conditions. Beginning drivers will have greater
23 opportunity to get their behind-the-wheel experience under conditions
24 of controlled risk. Under this bill, obtaining a regular or "basic"
25 license will become a privilege gained only by demonstrating, in a
26 systematic and progressive manner, conscientious and responsible
27 driving behavior in each stage of licensing.

28 Many drivers to be licensed for the first time would advance from
29 a special learner's permit to a provisional license to an unrestricted (or
30 "basic") license. Classroom driver education would be required for a
31 permit. An applicant for a special learner's permit, who can be as
32 young as 16 years old, will be required later to take a behind-the-
33 wheel driving instruction course to qualify for a provisional driver's
34 license.

35 The alternate route to a basic license, which one can presently
36 follow by obtaining an examination permit, is also modified. In this
37 case, an applicant for such a permit at the age of 17 must ultimately
38 satisfy conditions similar to those set forth for special permit holders
39 and provisional licensees before becoming eligible for a basic license.
40 However, the applicant need not take a behind-the-wheel training
41 course required for a provisional license. Also, his permit would be
42 suspended on the first occasion for any serious motor vehicle related
43 convictions or for being assessed more than two motor vehicle points.

44 In addition to satisfying current eligibility requirements and
45 completing the classroom course, to qualify for a learner's permit
46 under this bill, a person would be required to submit the signature of

1 a parent or guardian. The permit holder would be: (1) limited to
2 driving during the hours of 5:01 a.m. and 11:00 p.m. while in the
3 company and under the supervision of a licensed driver who is at least
4 21 years old with three years of passenger automobile driving
5 experience; (2) restricted from having more than one passenger in
6 addition to persons sharing his residence, except during an
7 instructional period of a behind-the-wheel driving course; and (3)
8 responsible for ensuring that all passengers are wearing seat belts or
9 using child restraint systems. Any violations of these conditions
10 would result in a fine of \$100 to \$500. Any permit holder who is
11 assessed more than two motor vehicle points or convicted of drunk
12 driving, leaving the scene of an accident, vehicular homicide, assault
13 by auto or any other significant violations established by regulation
14 would be suspended for a minimum of 90 days and be required to
15 satisfactorily complete a remedial course of at least four hours in
16 addition to any other penalty provided under the law. The assessment
17 of any points or additional such violations following this course would
18 result in a postponement of eligibility for a provisional license for at
19 least 90 days in addition to any other penalties provided by law. If
20 the permit holder is convicted of any drug or alcohol-related offense
21 which is not motor vehicle-related, his permit would be suspended for
22 six months to a year.

23 In order to obtain a provisional license, at the next graduated step,
24 a driver must: (1) be at least 17 years old, (2) satisfactorily complete
25 an approved behind-the-wheel training program, and (3) have six
26 months of driving experience with a special learner's permit. The
27 holder of a provisional license would be prohibited from: (1) having
28 more than one passenger in addition to persons sharing his residence,
29 and (2) driving between 12:01 a.m. and 5 a.m. except for bona fide
30 employment or religious purposes. The driver would be required to
31 ensure that all occupants of the vehicle are wearing seat belts or child
32 restraint systems.

33 A provisional licensed driver who receives more than two motor
34 vehicle points or is convicted of drunk driving or certain other
35 offenses would be required to complete a remedial training course of
36 at least four hours before reapplication for such a license could be
37 made. Following completion of this course, any additional such
38 motor vehicle violations would result in a provisional license
39 suspension of three to six months and a postponement of eligibility for
40 a basic license for a comparable period of time, in addition to any
41 other penalties under law. As is the case with permit holders,
42 provisional licensees would have their license suspended for six
43 months to a year for alcohol or drug related offenses that are not
44 motor vehicle related.

45 The driver holding a provisional license can advance to an
46 unrestricted "basic" driver's license if he: (1) satisfies all conditions

1 and requirements for a provisional license, (2) has at least a year of
2 driving experience after having obtained a provisional license (or
3 completes a post-conviction remedial training course, whichever is
4 later) with no more than two motor vehicle points and no other motor
5 vehicle convictions during the previous year, and (3) passes the
6 State's road test conducted in low-risk public street locations.

7 The bill raises the driver's license permit fee from \$5 to \$25. The
8 additional \$20 per permit would be placed in a dedicated fund to
9 provide at least a partial reimbursement of driver education classroom
10 instructional costs and for the Division of Motor Vehicles and the
11 Office of Highway Traffic Safety to administer the new system.
12 Administration will include division monitoring of the performance of
13 drivers holding permits and provisional licenses. The sponsor hopes
14 that such funding will serve as an incentive to school authorities to
15 either institute or maintain these classes. The bill would require that
16 after four years of monitoring by the Commissioner of Insurance, and
17 if indicated by an insurer's actuarial experience, every insurer would
18 be expected to provide a discount for two years to those who had
19 satisfactorily completed the approved classroom or behind-the-wheel
20 course or both. These discounts will help to offset the permit fee
21 increase and cost of additional instruction and recognize the value of
22 classroom and behind-the-wheel instruction. A suspension or receipt
23 of three motor vehicle penalty points within two years would result in
24 immediate loss of the discounts. Also, an informational brochure
25 would be distributed to the parents or guardians of beginning drivers
26 under age 18 which is intended to assist them in the supervision of
27 their childrens' early driving experiences.

28 Research shows that 16-year old drivers are nearly three times as
29 likely as 18-year old drivers to be involved in an automobile accident
30 per mile driven. Nationally, 15% of teenage drivers nationally are
31 involved in accidents in their first year of driving. Moreover, teenage
32 drivers are the only age group for which most traffic fatalities occur
33 during nighttime driving. In New Jersey, fatal crashes of drivers age
34 16 to 20 range from about 115 to 170 a year. In 1994, according to
35 the Insurance Institute for Highway Safety, 17 year-old New Jersey
36 drivers were involved in traffic accidents 2.5 times as often as those
37 aged 25 to 59.

38 This bill is expected to make a direct contribution to lowering the
39 traffic injury and death rate in the State as well as reducing collision
40 damage and its costs to insurance policy holders.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1524

STATE OF NEW JERSEY

DATED: JUNE 15, 1998

The Assembly Transportation Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1524 ACS.

This substitute bill restructures the State's system of issuing permits and licenses to persons driving passenger automobiles in New Jersey for the first time. It creates a graduated system of licensing designed to phase-in exposure to increasingly complex driving tasks and environments as new drivers mature and develop their driving skills under supervised conditions. Beginning drivers will have greater opportunity to get their behind-the-wheel experience under conditions of controlled risk. Under the substitute, obtaining a regular or "basic" license will become a privilege gained only by demonstrating, in a systematic and progressive manner, conscientious and responsible driving behavior in each stage of licensing.

Many drivers to be licensed for the first time would advance from a special learner's permit to a provisional license to an unrestricted (or "basic") license. An applicant for a special learner's permit, who can be as young as 16 years old, will be required later to take a behind-the-wheel driving instruction course to qualify for a provisional driver's license.

The alternate route to a basic license, which one can presently follow by obtaining an examination permit, is also modified. In this case, an applicant for such a permit at the age of 17 must ultimately satisfy conditions similar to those set forth for special permit holders and provisional licensees before becoming eligible for a basic license. However, the applicant need not take a behind-the-wheel training course required for a provisional license. Also, his permit would be suspended on the first occasion for any serious motor vehicle related convictions or for being assessed more than two motor vehicle points.

In addition to satisfying current eligibility requirements, to qualify for a learner's permit under the committee substitute, a person would be required to submit the signature of a parent or guardian. The permit holder would be: (1) limited to driving during the hours of 5:01 a.m. and 11:00 p.m. while in the company and under the supervision of a licensed driver who is at least 21 years old with three years of passenger automobile driving experience; (2) restricted from

having more than one passenger in addition to the supervising passenger and persons sharing his residence; and (3) responsible for ensuring that all passengers are wearing seat belts or using child restraint systems. Any violations of these conditions would result in a fine of \$100. Any permit holder who is assessed more than two motor vehicle points or convicted of drunk driving, leaving the scene of an accident, vehicular homicide, assault by auto or any other significant violations established by regulation would be suspended for a minimum of 90 days and be required to satisfactorily complete a remedial course of at least four hours in addition to any other penalty provided under the law. The assessment of any points or additional such violations following this course would result in a postponement of eligibility for a provisional license for at least 90 days in addition to any other penalties provided by law. If the permit holder is convicted of any drug or alcohol-related offense which is not motor vehicle-related, his permit would be suspended for six months to a year.

In order to obtain a provisional license, at the next graduated step, a driver must: (1) be at least 17 years old, (2) satisfactorily complete an approved behind-the-wheel training program, (3) have six months of driving experience with a special learner's permit, and (4) pass a road test. The holder of a provisional license who is under age 21 would be prohibited from: (1) having more than one passenger in addition to persons sharing his residence, except if the license holder or a passenger is at 21 years old; and (2) driving between 12:01 a.m. and 5 a.m. except for bona fide employment, religious purpose and emergencies. The driver would be required to ensure that all occupants of the vehicle are wearing seat belts or child restraint systems.

A provisional licensed driver who receives more than two motor vehicle points or is convicted of drunk driving or certain other offenses would be required to complete a remedial training course of at least four hours before reapplication for such a license could be made. Following completion of this course, any additional such motor vehicle violations would result in a provisional license suspension of three to six months and a postponement of eligibility for a basic license for a comparable period of time, in addition to any other penalties under law. As is the case with permit holders, provisional licensees would have their license suspended for six months to a year for alcohol or drug related offenses that are not motor vehicle related.

The driver holding a provisional license can advance to an unrestricted "basic" driver's license if he: (1) satisfies all conditions and requirements for a provisional license, (2) has at least a year of driving experience after having obtained a provisional license (or completes a post-conviction remedial training course, whichever is later) with no more than two motor vehicle points and no other motor vehicle convictions during the previous year, and (3) passes the State's road test conducted, as appropriate, at existing testing sites or low-risk public street locations.

The substitute bill establishes the "Graduated Driver License Fund" which would be used to offset the costs of implementing and administering the graduated driver license program. Up to \$5 from each special learner's permit fee and examination permit fee would be deposited in the fund. Administration of the program will include monitoring of the performance of drivers holding permits and provisional licenses. The substitute bill also provides for start-up funds for the division by permitting a loan to be made to the division which would be repaid to the State Treasury from fees in the "Graduated Driver License Fund." Also, an informational brochure would be distributed to the parents or guardians of beginning drivers under age 18 which is intended to assist them in the supervision of their childrens' early driving experiences.

The substitute bill establishes a State Advisory Committee on Driver Education to make recommendations to the Directors of the Division of Motor Vehicles and the Office Highway Traffic Safety concerning regulations promulgated under the bill, including, but not limited to the development of curriculum guidelines and reimbursement procedures for providers. The members would be appointed by the Governor and would include representatives from the Department of Education, the Department of Transportation, the Automobile Association Clubs of New Jersey, the Driving School Association of New Jersey, the New Jersey Association of Chiefs of Police, the New Jersey State Safety Council and the New Jersey Traffic Safety Officers Association.

It is the committee's understanding that this bill is expected to make a direct contribution to lowering the traffic injury and death rate in the State as well as reducing collision damage and its costs to insurance policy holders.

The effective date of the substitute bill is January 1, 2001, to enable the State's administering agencies to prepare for the operation of the program. However, the Directors of the Division of Motor Vehicles and the Office of Highway Traffic Safety are permitted to take any necessary anticipatory administrative action in advance as may be necessary for the bill's implementation.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
609-777-2600

RELEASE: September 17, 1998

Governor Signs Graduated Driver's License Law

Gov. Christie Whitman today signed legislation to provide teenagers with more driving experience before obtaining a driver's license.

The bill, **S-318**, creates a graduated driver licensing system that requires a teenage driver to hold a learner's permit for one year, and a provisional license for one year, before becoming eligible for an unrestricted license at age 18. The bill also places restrictions on the holders of these licenses.

"The sad truth is that many automobile accidents and fatalities involve our young drivers," said Gov. Whitman. "This new licensing system will ensure that teenagers are given adequate training, so they are prepared to face the challenges and responsibilities of driving."

Currently, a person may apply for a learner's permit at age 16, provided he or she is taking a behind the wheel driving education course. A person with a permit must be accompanied by a driver over age 21 when driving and cannot drive between the hours of 12 a.m. and 5 a.m.

The new system expands the restricted times to prohibit driving between 11 p.m. and 5 a.m. and allows as passengers, in addition to the required 21 year old driver, only persons who reside with the permit holder and one additional person who does not reside with the permit holder.

At age 17, a person who has completed the permit requirements and six months driving experience, and has passed the road test, may apply for a provisional license.

The provisional license prohibits driving from 12 a.m. and 5 a.m. and allows only one additional passenger, who does not reside with the permit holder, in addition to persons who share the permit holder's residence. However, this restriction does not apply when at least one passenger is over the age of 21.

Persons who are 17 years of age, but under 21, who apply for an examination permit to take the road test must be accompanied by a driver at least 21 years of age who has been licensed for at least three years. These drivers are subject to the same restrictions on passengers and driving times as a provisional licensee for the first six months.

Examination permit holders over 21 are subject to three months of supervised driving by a New Jersey licensed driver at least 21 years of age who has been licensed to driver for at least three years.

The law establishes penalties for permit holders and provisional licensees who accumulate more than two points, are convicted of a drunken driving offense, an accident involving injury or death, or violation of any other motor vehicle law.

For all categories of licenses, the law raises the age to obtain a basic driver's license from 17 to 18.

The sponsors of the bill were Senators Robert Singer (R-Burlington/Monmouth/Ocean) and Joseph Palaia (R-Monmouth) and Assembly Members Joseph Malone and Melvin Cottrell (R-Burlington/Monmouth/Ocean).

Gov. Whitman also signed the following pieces of legislation:

S-709, sponsored by Senator Robert Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Scott Garrett and Guy Gregg (R-Sussex/ Hunterdon/Morris), extended the comparison phase of cross-acceptance of the New Jersey State Development and Redevelopment Plan from four months to six months.

S-715, sponsored by Senators Robert E. Littell (R-Sussex/Hunterdon/Morris) and Peter A. Inverso (R-Mercer/Middlesex) and Assembly Members Barbara Wright (R-Mercer/ Middlesex) and Guy R. Gregg (R-Sussex/Hunterdon/Morris), establishes a 26-member School Transportation Study Commission to review New Jersey's school transportation system. The commission will investigate the advisability of alternative systems of providing school transportation and the advisability of alternative systems, including a regionally-based transportation system. The commission will also study issues including courtesy busing, safety busing, special education busing and nonpublic school busing.

The commission will include the Commissioner of Education and 17 public members and will issue a final report within six months of its initial meeting.

S-893, sponsored by Senator Robert Martin (R-Essex/Morris/Passaic) and Robert Littell (R-Sussex/Hunterdon/Morris) and Assembly Member Carol Murphy (R-Essex/ Morris/ Passaic) and Tom Smith (R-Monmouth), allows court appointed competency evaluations to take place at jails or prisons and requires DHS to commit certain persons with criminal backgrounds to certain designated hospitals. The legislation, which is based upon the report of the Governor's Task Force for the Review of the Treatment of the Criminally Insane, is intended to increase public safety, the safety of state hospital employees and the security of mental health facilities.

S-894, sponsored by Senators Robert Martin (R-Essex/Morris/Passaic) and Louis Bassano (R-Essex/Union) and Assembly Members Jim Holzapfel (R-Monmouth/Ocean) and Marion Crecco (R-Essex/Passaic), makes participation in prescribed treatment programs a condition for release on parole for mentally ill patients. This bill clarifies that inmates who are mentally ill must participate in their prescribed treatment programs while incarcerated in order to be eligible for parole. It is part of a package of four bills that was recommended by the Governor's Task Force for the Review of the Treatment of the Criminally Insane.