

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 28

NJSA: 39:3-9a

(Ten-year drivers license; Fraud Deterence Features)

BILL NO: A2623(Substituted for S1505 - 1st Reprint)

SPONSOR(S): Gregg and DeCroce

DATE INTRODUCED: November 9, 1998

COMMITTEE:

ASSEMBLY: Transportation; Appropriations

SENATE:---

AMENDED DURING PASSAGE: Yes

DATES OF PASSAGE:

ASSEMBLY: January 12, 1999

SENATE: January 28, 1999

DATE OF APPROVAL: February 25, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: A2623/1800 (Assembly Committee Substitute - 2nd Reprint)
(Amendments during passage denoted by superscript numbers)

ACS for A2623/1800

SPONSORS STATEMENT: *No*

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

November 9, 1998

December 3, 1998

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *Yes*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

S1800

SPONSORS STATEMENT: *Yes (Begins on page 3 of original bill)*

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A2623

SPONSORS STATEMENT: *Yes (Begins on page 13 of original bill)*

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S1505

SPONSORS STATEMENT: *Yes (Begins on page 13 of original bill)*

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

December 10, 1998 - Transportation

December 10, 1998 - Budget & Appropriations

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

LAST VERSION: *Yes (1st Reprint)*

(Amendments during passage denoted by superscript numbers)

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *Yes*

"Whitman signs digital license bill," The Record, 2-26-99, p. A4.

"NJ drivers gain more mileage on licenses," The Press of Atlantic City, 2-26-99, p. A1.

"NJ drivers licenses go digital," Asbury Park Press, 2-26-99, p. A3.

§§15-17
C. 39:3-10f1
To 39:3-10f3
§18 Repealer
§19 Note To §§1-18

P.L. 1999, CHAPTER 28, *approved February 25, 1999*
Assembly Committee Substitute (*Second Reprint*) for
Assembly, Nos. 2623 and 1800

1 **AN ACT** concerning 10 year driver's licenses, amending various parts
2 of the statutory law, supplementing chapter 3 of Title 39 of the
3 Revised Statutes, and repealing various parts of the statutory law.

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

7
8 1. Section 2 of P.L.1987, c.20 (C.39:3-9a) is amended to read as
9 follows:

10 2. Each driver's license issued pursuant to R.S.39:3-10 shall have
11 the legal name of the licensee endorsed thereon in his own
12 handwriting. For purposes of this section, legal name shall mean the
13 name recorded on a birth certificate unless otherwise changed by
14 marriage, divorce or order of court. The director may require that only
15 the legal name be recorded on the driver's license. A person who has
16 been issued a driver's license pursuant to R.S.39:3-10 whose name is
17 changed due to marriage, divorce or by order of court shall notify the
18 director of the change in name within two weeks after the change is
19 made.

20 A person who fails to notify the Director of the Division of Motor
21 Vehicles of a change in name as required in this section shall be subject
22 to a fine [of \$10.00. A person who fails to endorse a driver's license
23 in his own handwriting as required in this section shall be subject to a
24 fine of \$20.00]. A person who is fined under this section for a
25 violation of this section shall not be subject to a surcharge under the
26 New Jersey Merit Rating Plan as provided in section 6 of P.L.1983,
27 c.65 (C.17:29A-35).

28 For the purposes of this section, a digitized signature image shall
29 constitute a licensee's signature in his own handwriting. A digitized
30 signature image is an electronic representation of a person's written
31 signature.

32 (cf: P.L.1988, c.8, s.1)

33

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

35 39:3-10. No person shall drive a motor vehicle on a public highway

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 Assembly AAP committee amendments adopted December 3, 1998.

² Assembly floor amendments adopted December 17, 1998.

1 in this State unless in possession of a validated permit, or a provisional
2 or basic driver's license issued to him in accordance with this article.

3 No person under 18 years of age shall be issued a basic license to
4 drive motor vehicles, nor shall a person be issued a validated permit,
5 including a validated examination permit, until he has passed a
6 satisfactory examination and other requirements as to his ability as an
7 operator. The examination shall include a test of the applicant's vision,
8 his ability to understand traffic control devices, his knowledge of safe
9 driving practices and of the effects that ingestion of alcohol or drugs
10 has on a person's ability to operate a motor vehicle, his knowledge of
11 such portions of the mechanism of motor vehicles as is necessary to
12 insure the safe operation of a vehicle of the kind or kinds indicated by
13 the applicant and of the laws and ordinary usages of the road. A road
14 test shall be required for a provisional license and serve as a
15 demonstration of the applicant's ability to operate a vehicle of the class
16 designated. The road test shall be given on public streets, where
17 practicable and feasible, but may be preceded by an off-street
18 screening process to assess basic skills. The director shall approve
19 locations for the road test which pose no more than a minimal risk of
20 injury to the applicant, the examiner and other motorists. No new
21 locations for the road test shall be approved unless the test can be
22 given on public streets.

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

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

1 drugs as related to highway safety.

2 Up to 20 questions may be added to the examination on subjects to
3 be determined by the director that are of particular relevance to
4 youthful drivers, after consultation with the Director of the Office of
5 Highway Traffic Safety.

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

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

26 The director shall create classified licensing of drivers covering the
27 following classifications:

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

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

35 c. **[Articulated vehicles means a combination of a commercial**
36 **motor vehicle registered at a gross weight in excess of 18,000 pounds**
37 **and one or more motor-drawn vehicles joined together by means of a**
38 **coupling device;]** (Deleted by amendment, P.L. , c.)(now before
39 the Legislature as this bill).

40 d. All motor vehicles not included in classifications a.**[,]** and b.
41 **[and c.]** A license issued pursuant to this classification d. shall be
42 referred to as the "basic driver's license."

43 Every applicant for a license under classification b. **[or c.]** shall be
44 a holder of a basic driver's license. Any issuance of a license under
45 classification b. **[or c.]** shall be by endorsement on the basic driver's
46 license.

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

4 The director, upon payment of the lawful fee and after he or a
5 person authorized by him has examined the applicant and is satisfied
6 of the applicant's ability as an operator, may, in his discretion, issue a
7 license to the applicant to drive a motor vehicle. The license shall
8 authorize him to drive any registered vehicle, of the kind or kinds
9 indicated, and shall expire, except as otherwise provided, on the last
10 day of the ~~48th~~ 120th calendar month following the calendar month
11 in which such license was issued.

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

17 The required fee for a license for the ~~48-month~~ 120-month
18 period shall be as follows:

19

20	Motorcycle license or endorsement 13	<u>35</u>
21	Omnibus or school bus endorsement 16	<u>35</u>
22	Articulated vehicle endorsement 8	
23	Basic driver's license 16	<u>35</u>

24

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

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

35 All applications for renewals of licenses shall be made ~~on forms~~
36 in a manner prescribed by the director and in accordance with
37 procedures established by him.

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

45 In addition to requiring an applicant for a driver's license to submit
46 satisfactory proof of identity and age, the director also shall require

1 the applicant to provide, as a condition for obtaining a permit and
2 license, satisfactory proof that the applicant's presence in the United
3 States is authorized under federal law.

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

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

18 (cf: P.L.1998, c.108, s.1)

19

20 3. Section 1 of P.L.1979, c.261 (C.39:3-10f) is amended to read as
21 follows:

22 1. In addition to the requirements for the form and content of a
23 motor vehicle driver's license under R.S.39:3-10, on and after January
24 1, 2000, each initial New Jersey license **【issued to a person under the**
25 **age of 21 after the effective date of this act】** and each renewal of a
26 New Jersey driver's license shall have a color **【photograph】** picture
27 of the licensee ²except that a person born before January 1, 1939 or
28 a handicapped person may elect to have a license issued that does not
29 bear a color picture of the licensee². **【Each initial motor vehicle**
30 **license issued to a person 21 years of age or older on or after May 1,**
31 **1982, shall have a color photograph of the licensee. At the option of**
32 **the licensee, a renewal of any motor vehicle driver's license shall be**
33 **either a photo-license or a license that does not bear a photograph of**
34 **the licensee.】** All licenses ²**【bearing a color】** issued on and after
35 January 1, 2000² **【photograph】** ²**【picture of the licensee as provided**
36 **in this act】**² shall be valid for a period of **【48】** 120 calendar months.
37 However, the director may, at his discretion, issue licenses and
38 endorsements which shall expire on a date fixed by him. The fee for
39 such licenses or endorsements shall be fixed in amounts
40 proportionately less or greater than the fee otherwise established.
41 ²Notwithstanding the provisions of this section to the contrary, a
42 person 62 years of age or older or a handicapped person may elect to
43 have a license issued for a period of five or 10 years, which election
44 may not be altered by the director. The fee for the five year license
45 shall be proportionately less than the fee otherwise established.²

46 Each initial motor vehicle license issued to a person under the age

1 of 21 after the effective date of P.L.19 , c. (now before the
2 Legislature as this bill) shall be conspicuously distinct, through the use
3 of color, from the driver's licenses issued to persons 21 years of age
4 or older. The director, in consultation with the Superintendent of
5 State Police, shall determine the color and the manner in which that
6 color shall be used to achieve this result. ²【Following the name of the
7 licensee, this license shall read in conspicuous letters:" , who will be 21
8 on (insert date of licensee's 21st birthday)."] The license shall also
9 bear the words 'UNDER 21" in a conspicuous manner. The director
10 shall provide that upon attaining the age of 21, a licensee shall be
11 issued a replacement driver's license. ²

12 As conditions for the renewal of a driver's license, the director shall
13 provide that the picture of a licensee be updated ¹【and shall ensure
14 that the licensee has passed a vision screening as required by section
15 1 of P.L.1977, c.28 (C.39:3-10c)】¹ ²except that in the case of a
16 person born before January 1, 1939 or a handicapped person, the
17 licensee may elect to have a license issued that does not bear a color
18 picture of the licensee² .

19 Whenever a person has reconstructive or cosmetic surgery which
20 significantly alters the person's facial features, the person shall notify
21 the division and the director may require the picture of the licensee to
22 be updated.

23 Nothing in this section shall be construed to alter or change any
24 expiration date on any New Jersey driver's license issued prior to
25 January 1, 2000 and, unless a licensee's driving privileges are
26 otherwise suspended or revoked, that license shall remain valid until
27 that expiration date.

28 Specific use of the driver's license and any information stored ²or
29 encoded, electronically or otherwise,² in relation thereto shall be in
30 accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal
31 Driver's Privacy Protection Act of 1994, Pub. L.103-322.

32 To replace a photo-license issued prior to the effective date of this
33 act for a licensee who is temporarily out of this State, the director may
34 issue a "valid without 【photo" photo-license】 picture" picture license
35 for the unexpired term of the license.

36 【The provisions of this section shall not apply to driver licenses
37 issued pursuant to P.L.1990, c.103 (C.39:3-10.9 et al.).】

38 ²As used in this section, a "handicapped person" means any
39 individual who has been issued a handicapped person identification
40 card pursuant to section 2 of P.L.1949, c.280 (C.39:4-205).²

41 (cf: P.L.1990, c.103, s.26)

42

43 4. Section 3 of P.L.1979, c.261 (C.39:3-10h) is amended to read
44 as follows:

45 3. The director shall provide for the use of a process or processes
46 in the issuance of licenses with 【photographs】 color pictures that

1 prevent, to the extent possible, the alteration, delamination,
2 duplication, counterfeiting, photographing, forging or other
3 modification of the license and prevent the superimposition of a
4 [photograph] color picture other than the authorized original on such
5 license. The director shall provide that material used for, and the
6 manufacturing process of, the license shall prevent, to the greatest
7 extent possible, any alteration, delamination, duplication,
8 counterfeiting, photographing, forging or other modification of the
9 license. ²[The director may provide for the electronic storage of the
10 licensee's motor vehicle information, including the licensee's color
11 picture and signature, in a bar code, magnetic stripe or database.] In
12 addition, the director may provide that the license include features to
13 ensure the security and integrity of the license. Any information
14 encoded in a bar code or magnetic stripe on the license shall be limited
15 to the following: name, address, municipality of residence, state, zip
16 code of residence, date of birth, under 21 until xx/xx/xx (date of
17 licensee's 21st birthday), gender, color of eyes, height, driver's license
18 number, date of issuance, expiration date, document type, class,
19 endorsements and restrictions, organ donor status, identification of
20 issuer, license fee, transaction number, and the licensee's digitized
21 signature. Any information encoded in a bar code or magnetic stripe
22 on the license shall be displayed on the driver's license, which may be
23 done in abbreviated form. ²

24 (cf: P.L.1979, c.261, s.3)

25

26 5. Section 22 of P.L.1990, c.22 (C.39:3-10.30) is amended to read
27 as follows:

28 22. Notwithstanding the provisions of R.S.39:3-14 or any other
29 sections of law which permit or require the issuance of driver's license
30 without charge, the required fee for a commercial driver license
31 examination or learner's permit shall be \$35. A permit issued before
32 April 1, 1992 shall be valid for a period of two years from the date of
33 issuance, unless another time period is established for such permits in
34 federal regulations promulgated by the Secretary of the United States
35 Department of Transportation. The permit holder shall have unlimited
36 testing opportunities consistent with the scheduling obligations of the
37 Division of Motor Vehicles and the need to provide testing
38 opportunities to all persons affected by this act. For an examination
39 or learner's permit issued on or after April 1, 1992, the director may
40 limit the permit's validity to a specific length of time or number of
41 testing opportunities.

42 After the issuance of a commercial driver license, the examination
43 or learner's permit fee for an additional endorsement or license class
44 shall be \$10 per endorsement or class.

45 In addition to fees for a basic driver license and any non-commercial
46 endorsement and renewals thereof, the required fee for a **[48]**

1 120 month licensing period shall be ~~[\$16]~~ \$35 for each commercial
2 driver license and renewal thereof and ~~[\$2]~~ \$10 for each endorsement
3 and renewal thereof. ~~【In addition, the director shall charge a fee for~~
4 ~~a photograph of the licensee and its affixation to the commercial driver~~
5 ~~license which shall be based on the actual cost incurred by the division~~
6 ~~for the photograph and the affixation.】~~

7 The commercial driver license shall expire on the last day of the
8 ~~【48th】~~ 120th calendar month following the calendar month in which
9 the license was issued. However, the director may, at his discretion,
10 issue licenses and endorsements which shall expire on a date fixed by
11 him. The fee for such licenses or endorsements shall be fixed in
12 amounts proportionately less or greater than the fee otherwise
13 established.

14 Nothing in this section shall be construed to alter or change any
15 expiration date on any New Jersey commercial driver license issued
16 prior to January 1, 2000 and, unless a licensee's driving privileges are
17 otherwise suspended or revoked, the license shall remain valid until its
18 expiration date.

19 (cf: P.L.1990, c.103, s.22)

20

21 6. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read
22 as follows:

23 1. a. The Director of the Division of Motor Vehicles shall provide
24 with every new license ~~【or renewed】~~, renewal license ~~【a card which~~
25 ~~can be attached to the driver's license designating that he,】~~,
26 identification card or renewal identification card the opportunity for
27 each person pursuant to the provisions of the "Uniform Anatomical
28 Gift Act," ~~【(】P.L.1969, c.161 (C.26:6-65 et seq.), ~~【~~ is a donor of】~~
29 to designate that the person shall donate all or any body organs or
30 parts for the purposes of transplantation, therapy, medical research or
31 education upon his death.

32 b. ~~【The designation upon the card completed pursuant to the~~
33 ~~requirements of paragraph (b) of section 4 of P.L.1969, c.161~~
34 ~~(C.26:6-60(b)),】~~ The designation indicating that a person is a donor
35 pursuant to subsection a. of this section shall be done in accordance
36 with procedures prescribed by the director. The designation shall be
37 displayed in print in a conspicuous form and manner on the license or
38 identification card, and electronically, by substantially the following
39 statement: "ORGAN DONOR" and shall constitute sufficient legal
40 authority for the removal of a body organ or part upon the ~~【licensee's】~~
41 death ~~【and the】~~ of the licensee or identification cardholder. The
42 designation shall be removed ~~【by removing the card from the license,~~
43 ~~destroying said card, or by drawing an "X" through the appropriate~~
44 ~~designation】~~ in accordance with procedures prescribed by the director.

45 c. ~~【At the time the prospective donor authorizes the designation to~~

1 appear on a separate card which shall be attached to his license, he
2 shall be notified on the card that the designation can be removed only
3 as set forth in subsection b.】 (Deleted by amendment, P.L. , c.)
4 (now before the Legislature as this bill).

5 d. For the purposes of this section, license shall not include any
6 temporary license or learner's permit.

7 (cf: P.L.1978, c.181, s.1)

8

9 7. Section 3 of P.L.1980, c.47 (C.39:3-29.4) is amended to read as
10 follows:

11 3. Every identification card authorized by section 2 of this act shall
12 bear a color **【photograph】 picture** of the person to whom it is issued
13 and shall be issued upon the standard license form prescribed by the
14 Division of Motor Vehicles for color **【photograph】 picture** drivers'
15 licenses, except that the card shall **【be blue, and shall】** prominently
16 contain the words "For Identification Only."

17 (cf: P.L.1989, c.52, s.3)

18

19 8. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read as
20 follows:

21 4. Each original identification card authorized by section 2 of this
22 act shall, unless canceled earlier, be valid for **【48】 120** calendar
23 months from its date of issuance, and shall be renewable upon the
24 request of the bearer of the card, pursuant to terms of license renewal
25 established by the Division of Motor Vehicles, and upon payment of
26 a fee as required by section 6 of this act. An identification card issued
27 pursuant to this act to an applicant who is blind, disabled, or
28 handicapped shall be valid for the life of the holder unless canceled by
29 the holder. Cards issued prior to October 16, 1989 and valid upon the
30 effective date of this amendatory act shall be valid for the life of the
31 holder unless canceled by the holder. Cards issued to blind, disabled
32 or handicapped persons between October 16, 1989 and the effective
33 date of this amendatory act, and which are valid on the effective date
34 of this act, shall be made valid for the life of the holder unless canceled
35 by the holder, upon presentation of proof that the blindness, disability,
36 or handicap existed at the time of the original application. The
37 director is authorized to require periodic verification of information
38 included on any identification card issued for or valid for the life of the
39 holder. Nothing in this section shall be construed to alter or change
40 any expiration date on any New Jersey identification card issued prior
41 to January 1, 2000 and any such identification card shall remain valid
42 until its expiration date.

43 (cf: P.L.1993, c.34, s.6)

44

45 9. Section 6 of P.L.1980, c.47 (C.39:3-29.7) is amended to read as
46 follows:

1 6. The Division of Motor Vehicles shall charge fees as [it deems
2 appropriate for the issuance of original and duplicate identification
3 cards and for the renewal of identification cards.] follows:

4 Identification Card, Original \$35

5 Identification Card, Duplicate \$5 with stored color picture

6 (Due to loss, stolen or

7 destroyed card) \$10 with new color picture

8 Identification Card, Renewal \$35

9 (cf: P.L.1989, c.52, s.5)

10
11 10. R.S.39:3-31 is amended to read as follows:

12 39:3-31. The director, upon presentation of a statement duly sworn
13 to, stating that the original registration certificate or original
14 motorized bicycle registration certificate has been destroyed, lost or
15 stolen, may, if he is satisfied that the facts as set forth in the statement
16 are substantially true, issue a duplicate or amended registration
17 certificate or motorized bicycle registration certificate to the original
18 holder thereof, upon the payment to the director of a fee of \$5 for
19 each duplicate or amended registration certificate or motorized bicycle
20 registration certificate so issued. The director, upon presentation of
21 a statement, duly sworn to, stating that the original driver's license has
22 been destroyed, lost or stolen, or requesting a new color picture, may,
23 if he is satisfied that the facts as set forth in the statement are
24 substantially true, issue a duplicate driver's license to the original
25 holder thereof, upon payment to the director of a fee of [~~\$3~~] \$5 if the
26 color picture used is a stored color picture or \$10 if the color picture
27 used is a new color picture for each duplicate driver's license so
28 issued.

29 (cf: P.L.1994, c.60, s.18)

30
31 11. R.S.39:3-36 is amended to read as follows:

32 39:3-36. The registered owner of a motor vehicle or a motorized
33 bicycle and a licensed operator shall notify the director of a change in
34 his residence within one week after the change is made. Notice shall
35 be in such form and shall contain such information as the director may
36 require. A person who violates this section shall be subject to a
37 penalty of not more than \$10. Upon notification, and payment of a fee
38 of \$5 if it involves a stored color picture or \$10 if it involves a new
39 color picture, the director shall provide the registered owner or
40 licensed operator either with a new license or change the license
41 currently held by that owner or operator pursuant to terms established
42 by the Division of Motor Vehicles.

43 (cf: P.L.1990, c.103, s.31)

44
45 12. Section 1 of P.L.1941, c.343 (C.39:3-86) is amended to read
46 as follows:

1 1. For a violation of a provision of chapter three of Title 39 of the
2 Revised Statutes for which no specific penalty is provided, the
3 offender shall be liable to a penalty of ~~not more than fifty dollars~~
4 ~~(\$50.00)]~~ not less than \$25 or more than \$500 or imprisonment for
5 a term of not exceeding fifteen days or both.
6 (cf: P.L.1941, c.343, s.1).

7
8 13. Section 4 of P.L.1995, c.401 (C.12:7-73) is amended to read
9 as follows:

10 4. a. The fee for a ~~[48-month]~~ 120-month power vessel operator's
11 license required pursuant to section 3 of P.L.1995, c.401 (C.12:7-72)
12 shall be ~~[\$16]~~ \$35 and shall be paid to the director for deposit into
13 the State General Fund.

14 b. Each New Jersey power vessel operator's license issued pursuant
15 to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a color
16 ~~[photograph]~~ picture of the licensee. ~~[In addition to the fee required~~
17 ~~pursuant to subsection a. of this section, the fee for the photograph~~
18 ~~shall be \$2 for each license.]~~

19 (cf: P.L.1995, c.401, s.4)

20
21 14. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to read
22 as follows:

23 1. a. A person who knowingly sells, offers or exposes for sale, or
24 otherwise transfers, or possesses with the intent to sell, offer or
25 expose for sale, or otherwise transfer, a document, printed form or
26 other writing which [simulates] falsely purports to be a drivers' license
27 or other document issued by a governmental agency and which could
28 be used as a means of verifying a person's identity or age is guilty of
29 a [disorderly persons offense] crime of the third degree.

30 b. A person who knowingly makes, or possesses devices or
31 materials to make, a document or other writing which falsely purports
32 to be a driver's license or other document issued by a governmental
33 agency and which could be used as a means of verifying a person's
34 identity or age is guilty of a crime of the third degree.

35 c. A person who knowingly exhibits, displays or utters a document
36 or other writing which falsely purports to be a driver's license or other
37 document issued by a governmental agency and which could be used
38 as a means of verifying a person's identity or age is guilty of a crime
39 of the fourth degree.

40 d. A person who knowingly possesses a document or other writing
41 which falsely purports to be a driver's license or other document issued
42 by a governmental agency and which could be used as a means of
43 verifying a person's identity or age is guilty of a disorderly persons
44 offense.

45 e. In addition to any other disposition authorized by this Title, the
46 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other

1 statute indicating the dispositions that may be ordered for an
2 adjudication of delinquency, and, notwithstanding the provisions of
3 subsection c. of N.J.S.2C:43-2, every person convicted of or
4 adjudicated delinquent for a violation of any offense defined in this
5 section shall forthwith forfeit his right to operate a motor vehicle over
6 the highways of this State for a period to be fixed by the court at not
7 less than six months or more than two years which shall commence on
8 the day the sentence is imposed. In the case of any person who at the
9 time of the imposition of the sentence is less than 17 years of age, the
10 period of the suspension of driving privileges authorized herein,
11 including a suspension of the privilege of operating a motorized
12 bicycle, shall commence on the day the sentence is imposed and shall
13 run for a period as fixed by the court of not less than six months or
14 more than two years after the day the person reaches the age of 17
15 years. If the driving privilege of any person is under revocation,
16 suspension, or postponement for a violation of any provision of this
17 Title or Title 39 of the Revised Statutes at the time of any conviction
18 or adjudication of delinquency for a violation of any offense defined
19 in this chapter or chapter 36 of this Title, the revocation, suspension,
20 or postponement period imposed herein shall commence as of the date
21 of termination of the existing revocation, suspension or postponement.

22 The court before whom any person is convicted of or adjudicated
23 delinquent for a violation of any offense defined in this section shall
24 collect forthwith the New Jersey driver's license or licenses of that
25 person and forward the license or licenses to the Director of the
26 Division of Motor Vehicles along with a report indicating the first and
27 last day of the suspension or postponement period imposed by the
28 court pursuant to this section. If the court is for any reason unable to
29 collect the license or licenses of the person, the court shall cause a
30 report of the conviction or adjudication of delinquency to be filed with
31 the director. The report shall include the complete name, address,
32 date of birth, eye color and sex of the person and shall indicate the
33 first and last day of the suspension or postponement period imposed
34 by the court pursuant to this section. The court shall inform the
35 person orally and in writing that if the person is convicted of
36 personally operating a motor vehicle during the period of license
37 suspension or postponement imposed pursuant to this section, the
38 person shall, upon conviction, be subject to the penalties set forth in
39 R.S.39:3-40. A person shall be required to acknowledge receipt of the
40 written notice in writing. Failure to receive a written notice or failure
41 to acknowledge in writing the receipt of a written notice shall not be
42 a defense to a subsequent charge of a violation of R.S.39:3-40. If the
43 person is the holder of a driver's license from another jurisdiction, the
44 court shall not collect the license, but shall notify forthwith the
45 director who shall notify the appropriate officials in that licensing
46 jurisdiction. The court shall, however, in accordance with the

1 provisions of this section, revoke the person's non-resident driving
2 privileges in this State.

3 In addition to any other condition imposed, a court, in its discretion,
4 may suspend, revoke or postpone the driving privileges of a person
5 admitted to supervisory treatment under N.J.S.2C:36A-1 or
6 N.J.S.2C:43-12 without a plea of guilty or finding of guilt.

7 (cf: P.L.1983, c.565, s.1)

8
9 ²15. (New section) Nothing in this act shall be construed as
10 requiring any county or municipal law enforcement agency to acquire
11 or use any electronic reader or other device in order to verify the
12 authenticity of a driver's license issued pursuant to the provisions of
13 this act, unless the cost of acquiring and using such devices is paid for
14 by the State of New Jersey.²

15
16 ²16. (New section) Notwithstanding the provisions of P.L.1963,
17 c.73 (C.47:1A-1 et seq.) or any other law to the contrary, a licensee's
18 picture shall not be released or otherwise disclosed by the director,
19 except, subject to the approval of the director, for use by a
20 governmental agency, including any court or law enforcement agency
21 in carrying out its functions, or, subject to the approval of the director,
22 for use by any private person or entity acting on behalf of a federal,
23 State or local agency in carrying out its functions.²

24
25 ²[15.] ²17. (New section) The Director of the Division of Motor
26 Vehicles, in accordance with the provisions of the "Administrative
27 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may
28 promulgate rules and regulations to effectuate the purposes of this act.

29
30 ²[16.] ²18. R.S.39:3-39, section 2 of P.L.1979, c.261 (C.39:3-
31 10g) and section 1 of P.L.1964, c.172 (C.39:3-38.1) and section 2 of
32 P.L.1975, c.268 (C.39:3-38.2) are repealed.

33
34 ²[17.] ²19. This act shall take effect January 1, 2000, but the
35 Division of Motor Vehicles in the Department of Transportation may
36 take such anticipatory administrative and regulatory action in advance
37 as shall be necessary to implement the provisions of this act; provided,
38 however, that section 14 of this act shall take effect immediately and,
39 further provided, that for good cause, the Director of the Division of
40 Motor Vehicles may on January 1, 2000 delay implementation of the
41 provisions of this act, other than those set forth in section 14, for a
42 period not to extend beyond January 1, 2001.

43
44
45
46 _____
Authorizes a ten year driver's license.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 2623 and 1800

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 1998

The Assembly Transportation Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2623 and 1800.

This substitute bill would establish a 10-year driver's license with a high degree of security against fraud. The license would contain only motor vehicle information and display a tamper-proof color picture of the licensee. In order to deter fraud, the information would be stored electronically in a bar code, magnetic stripe, or database. To address public concerns about privacy, the bill specifies that the information stored on the license would be subject to State and federal driver's privacy protection laws. The substitute bill provides that material used for, and the manufacturing process of, the license shall prevent, to the greatest extent possible, any alteration, delamination, duplication, counterfeiting, photographing, forging or other modification of the license.

The fee for the basic 10-year driver's license would be \$35, which decreases the annual picture driver's license cost from \$4.50 to \$3.50. In addition to driver's licenses, the bill's provisions apply to identification cards and specific driver's license endorsements, such as boat licenses, motorcycle licenses and commercial driver licenses. The bill would not alter current expiration dates, nor invalidate current licenses.

The provisions of the bill would be implemented over a four-year period beginning on January 1, 2000, as licenses are renewed. It is the committee's understanding that the Director of the Division of Motor Vehicles, in order to establish a smooth transition from four-year licenses to 10-year licenses, may provide that licenses issued in the four years immediately following the implementation of this act be for a term of less than 10 years. The staggering of license renewals over a ten-year period would establish a stable and consistent demand for renewals, but would provide that all licensees are issued a tamper-proof license by December 31, 2004.

The substitute bill also provides that, after the effective date of the bill, the initial motor vehicle license issued to a person under the age of 21 will be conspicuously distinct, through the use of color, from the

driver's licenses issued to persons 21 years of age or older. The director will consult with the Superintendent of State Police to determine the color and manner in which that color shall be used to achieve an easily discernible license for licensees under the age of 21.

The substitute bill provides that the designation indicating that a person is an organ donor shall be displayed in print in a conspicuous form and manner on a license or identification card, and electronically, by substantially the following statement: "ORGAN DONOR."

Finally, the substitute bill establishes enhanced penalties, which would take effect immediately, for those who sell, provide, manufacture, supply or possess a document which falsely purports to be a driver's license.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 2623 and 1800**

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1998

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2623/1800 ACS with committee amendments.

Assembly Bill No. 2623/1800 ACS, as amended, establishes a 10-year driver's license with a high degree of security against fraud. The license will contain only motor vehicle information and display a tamper-proof color picture of the licensee. To deter fraud, the information will be stored electronically in a bar code, magnetic stripe, or database. To address public concerns about privacy, the bill specifies that the information stored on the license will be subject to State and federal driver's privacy protection laws. The bill requires that material used for, and in the manufacturing process of, the license prevent, to the greatest extent possible, any alteration, delamination, duplication, counterfeiting, photographing, forging or other modification of the license.

The fee for the basic 10-year driver's license will be \$35, which decreases the per-year picture driver's license cost from \$4.50 to \$3.50. In addition to driver's licenses, the bill's provisions apply to identification cards and specific driver's license endorsements, such as boat licenses, motorcycle licenses and commercial driver licenses. The bill does not alter current expiration dates, nor invalidate current licenses.

The provisions of the bill will be implemented over a four-year period beginning on January 1, 2000, as licenses are renewed.

The bill requires that initial motor vehicle licenses issued to a person under the age of 21 be conspicuously distinct, through the use of color, from the driver's licenses issued to persons 21 years of age or older. The director will consult with the Superintendent of State Police to determine the color and manner in which that color will be used to achieve an easily discernible license for licensees under the age of 21.

The bill requires that the designation indicating that a person is an organ donor be displayed in print in a conspicuous form and manner on a license or identification card, and electronically, by substantially

the following statement: "ORGAN DONOR."

Finally, the substitute bill establishes enhanced penalties, effective immediately, for those who sell, provide, manufacture, supply or possess a document which falsely purports to be a driver's license.

As amended and reported by the committee, this bill is identical to Senate Bill No. 1505.

FISCAL IMPACT:

The Division of Motor Vehicles has provided the information that its fiscal analysis of the implementation costs for the 10-year license is not complete, but that its preliminary estimate is the first year costs will be between \$5 million and \$7 million; the division expects to have a more definitive cost estimate by mid-December.

COMMITTEE AMENDMENTS:

The amendments delete a provision concerning vision testing upon license renewal.

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 2623 and 1800**

with Assembly Floor Amendments
(Proposed By Assemblyman GREGG)

ADOPTED: DECEMBER 17, 1998

This bill would establish a ten year driver's license. These floor amendments would allow persons born before January 1, 1939 and the handicapped to elect whether or not to have a color picture on their licenses. Also, the amendments would allow persons age 62 or older on or after the year 2000 and the handicapped to elect to have a license issued for a period of five or 10 years.

The amendments provide that the license include security features and specifies an exclusive list of items which may be encoded in a bar code and magnetic stripe on the license. Any information encoded must be displayed on the license.

The amendments would place restrictions on the disclosure of the licensee's picture by prohibiting disclosures except for use by a governmental agency or a private person or entity acting on behalf of an agency.

The amendments would require that licenses issued to individuals under 21 years of age bear the words "UNDER 21" in a conspicuous manner.

Finally, the amendments address the "State mandate - State pay issue."

These floor amendments make this bill identical to Senate Bill No. 1505 (1R).

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 2623 and 1800**

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: DECEMBER 18, 1998

Assembly Committee Substitute for Assembly Bill Nos. 2623 and 1800 of 1998 would establish a 10-year driver's license. The license would contain only motor vehicle information and display a tamper-proof color picture of the licensee. Further, the fee for the new 10-year license would be \$35 as compared to the current fee of \$16 for a 4-year driver's license.

The Division of Motor Vehicles (DMV) informed the Office of Legislative Services (OLS) that DMV has not yet completed its fiscal analysis on the cost that the division would incur to implement the 10-year license. Although a preliminary estimate ranges between \$5 and \$7 million for first year start-up costs, this is still an unofficial estimate. However, OLS anticipates that the DMV would have a more definitive cost estimate by mid-December, 1998. In addition, OLS would also note that since the State recognizes driver license fees over the term of the license, \$3.50 per year in new license fees would be recognized and available for appropriation under the proposed 10-year license versus \$4.00 per year under current driver license terms. The impact of this apparent reduction in annual driver license fee revenues should be addressed by the DMV fiscal analysis of the 10-year license.

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

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 1800

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 22, 1999

Sponsored by:

Senator ROBERT J. MARTIN

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Permits certain senior citizens to receive absentee ballots.

CURRENT VERSION OF TEXT

As introduced.



S1800 MARTIN

2

1 AN ACT concerning absentee ballots and amending P.L.1953, c.211.

2

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

5

6 1. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read as
7 follows:

8 2. Whenever used in this act, the following terms shall, unless the
9 context indicates otherwise, be construed to have the following
10 meanings:

11 "Absentee ballot" means any military service ballot or civilian
12 absentee ballot as herein defined.

13 "Absentee voter" means any person qualified to vote a military
14 service ballot or a civilian absentee ballot under the provisions of this
15 act.

16 "Armed Forces of the United States" means any branch or
17 department of the United States Army, Navy, Air Force, Coast Guard
18 or Marine Corps.

19 "Civilian absentee ballot" means a ballot for use by a civilian
20 absentee voter as prescribed by this act.

21 "Civilian absentee voter" means any qualified and registered voter
22 of the State who expects to be absent from the State on the day of any
23 election and any qualified and registered voter who will be within the
24 State on the day of any election but because the person is 62 years of
25 age or older, or because of illness or physical disability, including
26 blindness or pregnancy, or because of the observance of a religious
27 holiday pursuant to the tenets of his religion, or because of resident
28 attendance at a school, college or university, or because of the nature
29 and hours of his employment, will be unable to cast his ballot at the
30 polling place in his election district on the day of the election.

31 "Election," "general election," "primary election for the general
32 election," "municipal election," "school election," and "special
33 election" shall mean, respectively, such elections as defined in the Title
34 to which this is a supplement (R.S.19:1-1 et seq.).

35 "Family member" means an adult who is a spouse, parent, child,
36 grandparent, grandchild or sibling of a voter, whether by adoption or
37 natural relationship. It shall also include any adult occupant regularly
38 living with a voter in any residential building or part of a building
39 intended for the use of no more than one family.

40 "Incapacitated absentee voter" means a voter who, due to
41 incapacity, is unable to complete his ballot.

42 "Military service" means active service by any person, as a member
43 of any branch or department of the United States Army, Navy, Air

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.

S1800 MARTIN

1 Force, Coast Guard or Marine Corps, or as a member of the maritime
2 or merchant marine service, or as a reservist absent from his place of
3 residence and undergoing training under Army, Navy, Air Force, Coast
4 Guard or Marine Corps direction, at a place other than that of such
5 person's residence.

6 "Military service voter" means a qualified elector under the
7 Constitution and the laws of this State who comes within one of the
8 following categories:

9 (a) Persons in the military service and their spouses and
10 dependents.

11 (b) Patients in a veterans' hospital located in any place other than
12 the place of their residences who have been in the military service in
13 any war in which the United States has been engaged and have been
14 discharged or released from such service.

15 (c) Civilians attached to or serving with the Armed Forces of the
16 United States without this State and their spouses and dependents
17 when residing with or accompanying them.

18 "Military service ballot" means a ballot for use by a military service
19 voter as prescribed by this act.

20 "Member of the maritime or merchant marine service" means any
21 person employed as an officer or crew member of a vessel documented
22 under the laws of the United States, or a vessel owned by the United
23 States, or a vessel of foreign-flag registry under charter to or control
24 of the United States or enrolled with the United States for employment
25 or training for employment, or maintained by the United States for
26 emergency relief service as an officer or crew member of any such
27 vessel or any such person as otherwise defined in section 107 of
28 Pub.L. 99-410, the "Uniformed and Overseas Citizens Absentee
29 Voting Act," (42 U.S.C.1973ff-6).

30 (cf: P.L.1995, c.278, s.22)

31

32 2. Section 3 of P.L.1953, c.211 (C.19:57-3) is amended to read as
33 follows:

34 3. The following persons shall be entitled to vote by absentee ballot
35 in any election to be held in this State, in the manner hereinafter
36 provided:

37 A military service voter who may be absent on the day on which
38 such election is held from the election district in which he resides,
39 whether such person is within or without this State in the case of a
40 military service voter as defined in paragraph (a) or (b) of section 2,
41 or without this State and within or without the United States in the
42 case of any military service voter as defined in section 2, provided he
43 has resided in this State at least 30 days and in the county in which he
44 claims the right to vote at least 30 days counting the time he has been
45 absent from the election district in which he resides because of the
46 service, work, status or relationship entitling him to a military service

S1800 MARTIN

1 ballot;

2 A military service voter who is stationed and resident in any
3 garrison, barrack or military or naval place or station within this State,
4 or who resides therein as spouse or dependent of a person in the
5 military, naval or marine service so stationed, and who claims his vote
6 in the municipality wherein such residence is located, shall be entitled
7 to vote by military absentee ballot in any election for which he is duly
8 registered to cast his vote in the election district of his residence in
9 said municipality, but not otherwise;

10 A civilian absentee voter who expects to be or may be absent
11 outside the State or the United States on the day on which an election
12 is held or who may be within the State on the day of any election but
13 because the person is 62 years of age or older, or because of
14 permanent and total disability, or because of illness or temporary
15 physical disability, or because of the observance of a religious holiday
16 pursuant to the tenets of his religion, or because of resident attendance
17 at a school, college or university, or because of the nature and hours
18 of his employment, will be unable to cast his ballot at the polling place
19 in his election district on the day of the election, provided he is a
20 registered voter, and is not otherwise disqualified by law from voting
21 in such election.

22 This act shall be liberally construed to effectuate these purposes.
23 (cf: P.L.1977, c.47, s.2)

24

25 3. Section 4 of P.L.1953, c.211 (C.19:57-4) is amended to read as
26 follows:

27 4. At any time not less than seven days prior to an election in
28 which he desires to vote by mail, a civilian absentee voter may apply
29 to the person designated in section 6 of this act, for a civilian absentee
30 ballot. Such application or request shall be made in writing, shall be
31 signed by the applicant and shall state his or her place of voting
32 residence and the address to which said ballot shall be sent, and the
33 reason for which the ballot is requested.

34 Any military service voter desiring to vote in any election or any
35 relative or friend of a military service voter who believes that such
36 voter will desire to vote in any election, may apply to the person
37 designated in section 6 of this act for a military service ballot to be
38 sent to such voter. A military service voter may use a federal postcard
39 application form to apply for a military service ballot. On any
40 application made by a military service voter the voter may request a
41 military service ballot for all subsequent elections held during the
42 calendar year in which the request is made; if such a request is made,
43 a military service ballot shall be sent in a timely manner to the voter
44 for all such elections.

45 Any civilian absentee voter who fails to apply within the seven-day
46 time prescribed above may apply in person to the county clerk for an

1 absentee ballot on any day up to 3 p.m. of the day before the election.

2 In the event of sickness or confinement, the qualified voter may
3 apply in writing for and obtain an absentee ballot by authorized
4 messenger, who shall be so designated over the signature of the voter
5 and whose printed name and address shall appear on the application in
6 the space provided. The authorized messenger shall be a family
7 member or a registered voter of the county in which the application is
8 made and shall place his signature on the application in the space so
9 provided in the presence of the county clerk or his designee. The
10 county clerk or his designee shall authenticate the signature of the
11 authorized messenger, in the event such a messenger is other than a
12 family member, by comparing it with the signature of the said person
13 appearing on a State of New Jersey driver's license, or other
14 identification issued or recognized as official by the federal
15 government, the State, or any of its political subdivisions, which
16 identification carries the full address and signature of said person.
17 After the signature of the application and, when appropriate,
18 authentication, the county clerk or his designee is authorized to deliver
19 to the authorized messenger a ballot to be delivered to the qualified
20 voter. The Secretary of State shall cause to be prepared a standard
21 authorized messenger application form, which may be included with
22 the standard civilian absentee ballot application forms.

23 A voter who is 62 years of age or older, or permanently and totally
24 disabled, and who states the voter's age or the reason for [such] the
25 in a request for an absentee ballot, shall be furnished an application for
26 an absentee ballot by the county clerk for all future elections in which
27 the voter shall be eligible to vote, without further request on the part
28 of the voter.

29 (cf: P.L.1993, c.73, s.2)

30

31 4. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read as
32 follows:

33 7. The county clerk of the county, in the case of any Statewide
34 election, countywide election, or school election in a regional or other
35 school district comprising more than one municipality; the clerk of the
36 municipality, in the case of any municipal election or school election
37 in a school district comprising a single municipality; and the
38 commissioners or other governing or administrative body of the
39 district, in the case of any election to be held in any fire district, road
40 district, sewerage district, street lighting district, water supply district
41 or other special district, other than a municipality, created for specified
42 public purposes within one or more municipalities, shall publish or
43 cause to be published the following notices in substantially the
44 following forms:

45 NOTICE TO MILITARY SERVICE VOTERS AND
46 TO THEIR RELATIVES AND FRIENDS

S1800 MARTIN

1 If you are in the military service, or the spouse or dependent of a
 2 person in military service or are a patient in a veterans' hospital or a
 3 civilian attached to or serving with the Armed Forces of the United
 4 States without the State of New Jersey, or the spouse or dependent of
 5 and accompanying or residing with a civilian attached to or serving
 6 with the Armed Forces of the United States, and desire to vote, or if
 7 you are a relative or friend of any such person who, you believe, will
 8 desire to vote in the (school, municipal,
 9 primary, general or other) election to be held on
 10 (date of election) kindly write to the undersigned at once making
 11 application for a military service ballot to be voted in said election to
 12 be forwarded to you, stating your name, age, serial number if you are
 13 in military service, home address and the address at which you are
 14 stationed or can be found, or if you desire the military service ballot
 15 for a relative or friend then make application under oath for a military
 16 service ballot to be forwarded to him, stating in your application that
 17 he is over the age of 18 years and stating his name, serial number if he
 18 is in military service, home address and the address at which he is
 19 stationed or can be found.

20 Military service voters may also apply for a military service ballot
 21 by sending a federal postcard application form to the undersigned.

22 On the application for a military service ballot, military service
 23 voters may request that a military service ballot be sent for all
 24 subsequent elections held during this calendar year.

25 (NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY
 26 STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY
 27 NOT USE MILITARY ABSENTEE BALLOT UNLESS
 28 REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH
 29 STATION IS LOCATED.)

30 Forms of application other than federal postcard application forms
 31 can be obtained from the undersigned. Dated
 32

33 (signature and title of county clerk)

34

35 (address of county clerk)

36 NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE
 37 BALLOTS

38 If you are a qualified and registered voter of the State who expects
 39 to be absent outside the State on(date of election) or a
 40 qualified and registered voter who will be within the State on
 41 (date of election) but because you are 62 years of
 42 age or older, or because of permanent and total disability, or because
 43 of illness or temporary physical disability, or because of the
 44 observance of a religious holiday pursuant to the tenets of your
 45 religion, or because of resident attendance at a school, college, or
 46 university, or because of the nature and hours of employment, will be

1 unable to cast your ballot at the polling place in your district on said
 2 date, and you desire to vote in the (school,
 3 municipal, primary, general, or other) election to be held on
 4 (date of election) kindly complete the application form
 5 below and send to the undersigned, or write or apply in person to the
 6 undersigned at once requesting that a civilian absentee ballot be
 7 forwarded to you. Such request must state your home address, and
 8 the address to which said ballot should be sent, and must be signed
 9 with your signature, and state the reason why you will not be able to
 10 vote at your usual polling place. No civilian absentee ballot will be
 11 furnished or forwarded to any applicant unless request therefor is
 12 received not less than seven days prior to the election, and contains the
 13 foregoing information.

14 Voters who are 62 years of age or older, or who are permanently
 15 and totally disabled shall, after their initial request and without further
 16 action on their part, be forwarded an absentee ballot application by the
 17 county clerk for all future elections in which they are eligible to vote.
 18 Application forms may be obtained by applying to the undersigned
 19 either in writing or by telephone, or the application form provided
 20 below may be completed and forwarded to the undersigned. Dated
 21

22 (signature and title of county clerk)
 23
 24 (address of county clerk)
 25
 26 (Telephone No. of county clerk)

27 APPLICATION FORM FOR CIVILIAN
 28 ABSENTEE BALLOT

29 (Form to be prepared by the Secretary of State pursuant
 30 to section 17 of P.L.1977, c.47 (C.19:57-4.1)).

31 Such notices shall be separately published prior to the 50th day
 32 immediately preceding the holding of any election.

33 Notices relating to any Statewide or countywide election shall be
 34 published by the county clerk in at least two newspapers published in
 35 the county. All other officials charged with the duty of publishing
 36 such notices shall publish the same in at least one newspaper published
 37 in each municipality or district in which the election is to be held or if
 38 no newspaper be published in said municipality or district, then in a
 39 newspaper published in the county and circulating in such municipality,
 40 municipalities or district. All such notices shall be display
 41 advertisements.

42 (cf: P.L.1995, c.278, s.23)

43

44 5. This act shall take effect immediately.

STATEMENT

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This bill adds a registered voter who is 62 years of age or older to the list of persons who may request and receive an absentee ballot. Under current law, the only person permitted to receive an absentee ballot is a registered voter who expects to be outside the State on the day of an election, or if within the State on that day, will be unable to vote at the polling place in the voter's district on that date because of permanent and total disability, illness or temporary physical disability, the observance of a religious holiday, resident attendance at a school, college, or university, or the nature and hours of employment.

The bill also provides that a voter who is 62 years of age or older will, after an initial request, be forwarded an absentee ballot application by the clerk of the county in which the voter resides for all future elections in which that person is eligible to vote without further request by that person. Under existing law, only a registered voter who is permanently and totally disabled can, after an initial request, be provided an application for an absentee ballot for all future elections.

ASSEMBLY, No. 2623

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED NOVEMBER 9, 1998

Sponsored by:

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Assemblyman Felice

SYNOPSIS

Authorizes a ten year driver's license.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning 10 year driver's licenses, amending various parts
2 of the statutory law, supplementing chapter 3 of Title 39 of the
3 Revised Statutes, and repealing various parts of the statutory law.

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

7
8 1. Section 2 of P.L.1987, c.20 (C.39:3-9a) is amended to read as
9 follows:

10 2. Each driver's license issued pursuant to R.S. 39:3-10 shall have
11 the legal name of the licensee endorsed thereon in his own
12 handwriting. For purposes of this section, legal name shall mean the
13 name recorded on a birth certificate unless otherwise changed by
14 marriage, divorce or order of court. The director may require that only
15 the legal name be recorded on the driver's license. A person who has
16 been issued a driver's license pursuant to R.S. 39:3-10 whose name is
17 changed due to marriage, divorce or by order of court shall notify the
18 director of the change in name within two weeks after the change is
19 made.

20 A person who fails to notify the Director of the Division of Motor
21 Vehicles of a change in name as required in this section shall be subject
22 to a fine [of \$10.00. A person who fails to endorse a driver's license
23 in his own handwriting as required in this section shall be subject to a
24 fine of \$20.00]. A person who is fined under this section for a
25 violation of this section shall not be subject to a surcharge under the
26 New Jersey Merit Rating Plan as provided in section 6 of P.L.1983,
27 c.65 (C.17:29A-35).

28 For the purposes of this section, a digitized signature image shall
29 constitute a licensee's signature in his own handwriting. A digitized
30 signature image is an electronic representation of a person's written
31 signature.

32 (cf: P.L.1988, c.8, s.1)

33
34 2. R.S.39:3-10 is amended to read as follows:

35 39:3-10. No person shall drive a motor vehicle on a public highway
36 in this State unless in possession of a validated permit, or a provisional
37 or basic driver's license issued to him in accordance with this article.

38 No person under 18 years of age shall be issued a basic license to
39 drive motor vehicles, nor shall a person be issued a validated permit,
40 including a validated examination permit, until he has passed a
41 satisfactory examination and other requirements as to his ability as an
42 operator. The examination shall include a test of the applicant's vision,
43 his ability to understand traffic control devices, his knowledge of safe

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

Matter underlined thus is new matter.

1 driving practices and of the effects that ingestion of alcohol or drugs
2 has on a person's ability to operate a motor vehicle, his knowledge of
3 such portions of the mechanism of motor vehicles as is necessary to
4 insure the safe operation of a vehicle of the kind or kinds indicated by
5 the applicant and of the laws and ordinary usages of the road. A road
6 test shall be required for a provisional license and serve as a
7 demonstration of the applicant's ability to operate a vehicle of the class
8 designated. The road test shall be given on public streets, where
9 practicable and feasible, but may be preceded by an off-street
10 screening process to assess basic skills. The director shall approve
11 locations for the road test which pose no more than a minimal risk of
12 injury to the applicant, the examiner and other motorists. No new
13 locations for the road test shall be approved unless the test can be
14 given on public streets.

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

31 The director shall expand the driver's license examination by 20%.
32 The additional questions to be added shall consist solely of questions
33 developed in conjunction with the State Department of Health and
34 Senior Services concerning the use of alcohol or drugs as related to
35 highway safety. The director shall develop in conjunction with the
36 State Department of Health and Senior Services supplements to the
37 driver's manual which shall include information necessary to answer
38 any question on the driver's license examination concerning alcohol or
39 drugs as related to highway safety.

40 Up to 20 questions may be added to the examination on subjects to
41 be determined by the director that are of particular relevance to
42 youthful drivers, after consultation with the Director of the Office of
43 Highway Traffic Safety.

44 The director shall expand the driver's license examination to include
45 a question asking whether the applicant is aware of the provisions of
46 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et

1 seq.) and the procedure for indicating on the driver's license the
2 intention to make a donation of body organs or tissues pursuant to
3 P.L.1978, c.181 (C.39:3-12.2).

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

18 The director shall create classified licensing of drivers covering the
19 following classifications:

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

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

27 c. **[Articulated vehicles means a combination of a commercial**
28 **motor vehicle registered at a gross weight in excess of 18,000 pounds**
29 **and one or more motor-drawn vehicles joined together by means of a**
30 **coupling device;]** (Deleted by amendment, P.L. , c.).

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

34 Every applicant for a license under classification b. **[or c.]** shall be
35 a holder of a basic driver's license. Any issuance of a license under
36 classification b. **[or c.]** shall be by endorsement on the basic driver's
37 license.

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

41 The director, upon payment of the lawful fee and after he or a
42 person authorized by him has examined the applicant and is satisfied
43 of the applicant's ability as an operator, may, in his discretion, issue a
44 license to the applicant to drive a motor vehicle. The license shall
45 authorize him to drive any registered vehicle, of the kind or kinds
46 indicated, and shall expire, except as otherwise provided, on the last

1 day of the **[48th]** 120th calendar month following the calendar month
2 in which such license was issued.

3 The director may, at his discretion and for good cause shown, issue
4 licenses which shall expire on a date fixed by him. The fee for licenses
5 with expiration dates fixed by the director shall be fixed by the director
6 in amounts proportionately less or greater than the fee herein
7 established.

8 The required fee for a license for the **[48-month]** 120-month
9 period shall be as follows:

10

11 Motorcycle license or endorsement **[\$13]** \$35

12 Omnibus or school bus endorsement **[\$16]** \$35

13 **[Articulated vehicle endorsement \$8]**

14 Basic driver's license **[\$16]** \$35

15

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

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

26 All applications for renewals of licenses shall be made **[on forms]**
27 in a manner prescribed by the director and in accordance with
28 procedures established by him.

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

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

41 A person violating this section shall be subject to a fine not
42 exceeding \$500 or imprisonment in the county jail for not more than
43 60 days, but if that person has never been licensed to drive in this
44 State or any other jurisdiction, he shall be subject to a fine of not less
45 than \$200 and, in addition, the court shall issue an order to the
46 Director of the Division of Motor Vehicles requiring the director to

1 refuse to issue a license to operate a motor vehicle to the person for
2 a period of not less than 180 days. The penalties provided for by this
3 paragraph shall not be applicable in cases where failure to have actual
4 possession of the operator's license is due to an administrative or
5 technical error by the Division of Motor Vehicles.

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

9 (cf: P.L.1998, c.108, s.1)

10

11 3. Section 1 of P.L.1979, c.261 (C.39:3-10f) is amended to read
12 as follows:

13 1. In addition to the requirements for the form and content of a
14 motor vehicle driver's license under R.S.39:3-10, on and after January
15 1, 2000, each initial New Jersey license **【issued to a person under the**
16 **age of 21 after the effective date of this act】** and each renewal of a
17 New Jersey driver's license shall have a color **【photograph】** picture
18 of the licensee. **【Each initial motor vehicle license issued to a person**
19 **21 years of age or older on or after May 1, 1982, shall have a color**
20 **photograph of the licensee. At the option of the licensee, a renewal of**
21 **any motor vehicle driver's license shall be either a photo-license or a**
22 **license that does not bear a photograph of the licensee.】** All licenses
23 bearing a color **【photograph】** picture of the licensee as provided in
24 this act shall be valid for a period of **【48】** 120 calendar months.
25 However, the director may, at his discretion, issue licenses and
26 endorsements which shall expire on a date fixed by him. The fee for
27 such licenses or endorsements shall be fixed in amounts
28 proportionately less or greater than the fee otherwise established.

29 Nothing in this section shall be construed to alter or change any
30 expiration date on any New Jersey driver's license issued prior to
31 January 1, 2000 and, unless a licensee's driving privileges are
32 otherwise suspended or revoked, that license shall remain valid until
33 that expiration date.

34 Specific use of the driver's license and any information stored in
35 relation thereto shall be in accordance with P.L.1997, c.188 (C.39:2-
36 3.3 et seq.) and the federal Driver's Privacy Protection Act of 1994,
37 Pub.L.103-322.

38 To replace a photo-license issued prior to the effective date of this
39 act for a licensee who is temporarily out of this State, the director may
40 issue a "valid without **【photo】** photo-license" picture" picture license
41 for the unexpired term of the license.

42 **【The provisions of this section shall not apply to driver licenses**
43 **issued pursuant to P.L.1990, c.103 (C.39:3-10.9 et al.).】**

44 (cf: P.L.1990, c.103, s.26)

1 4. Section 3 of P.L.1979, c.261 (C.39:3-10h) is amended to read
2 as follows:

3 3. The director shall provide for the use of a process or processes
4 in the issuance of licenses with **[photographs]** color pictures that
5 prevent, to the extent possible, the alteration, delamination,
6 duplication, counterfeiting, photographing, forging or other
7 modification of the license and prevent the superimposition of a
8 **[photograph]** color picture other than the authorized original on such
9 license. The material for the license shall not be commercially
10 available and shall be developed specifically for government
11 identification applications. The director may provide for the electronic
12 storage of the licensee's motor vehicle information, including the
13 licensee's color picture and signature, in a bar code, magnetic stripe or
14 database.

15 (cf: P.L.1979, c.261, s.3)

16

17 5. Section 22 of P.L.1990, c.22 (C.39:3-10.30) is amended to read
18 as follows:

19 22. Notwithstanding the provisions of R.S.39:3-14 or any other
20 sections of law which permit or require the issuance of driver's license
21 without charge, the required fee for a commercial driver license
22 examination or learner's permit shall be \$35. A permit issued before
23 April 1, 1992 shall be valid for a period of two years from the date of
24 issuance, unless another time period is established for such permits in
25 federal regulations promulgated by the Secretary of the United States
26 Department of Transportation. The permit holder shall have unlimited
27 testing opportunities consistent with the scheduling obligations of the
28 Division of Motor Vehicles and the need to provide testing
29 opportunities to all persons affected by this act. For an examination
30 or learner's permit issued on or after April 1, 1992, the director may
31 limit the permit's validity to a specific length of time or number of
32 testing opportunities.

33 After the issuance of a commercial driver license, the examination
34 or learner's permit fee for an additional endorsement or license class
35 shall be \$10 per endorsement or class.

36 In addition to fees for a basic driver license and any
37 non-commercial endorsement and renewals thereof, the required fee
38 for a **[48]** 120 month licensing period shall be **[\$16]** \$35 for each
39 commercial driver license and renewal thereof and **[\$2]** \$10 for each
40 endorsement and renewal thereof. **[In addition, the director shall**
41 **charge a fee for a photograph of the licensee and its affixation to the**
42 **commercial driver license which shall be based on the actual cost**
43 **incurred by the division for the photograph and the affixation.]**

44 The commercial driver license shall expire on the last day of the
45 **[48th]** 120th calendar month following the calendar month in which
46 the license was issued. However, the director may, at his discretion,

1 issue licenses and endorsements which shall expire on a date fixed by
2 him. The fee for such licenses or endorsements shall be fixed in
3 amounts proportionately less or greater than the fee otherwise
4 established.

5 Nothing in this section shall be construed to alter or change any
6 expiration date on any New Jersey commercial driver license issued
7 prior to January 1, 2000 and, unless a licensee's driving privileges are
8 otherwise suspended or revoked, the license shall remain valid until its
9 expiration date.

10 (cf: P.L.1990, c.103, s.22)

11

12 6. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read
13 as follows:

14 1. a. The Director of the Division of Motor Vehicles shall provide
15 with every new license **[or renewed]** , renewal license , identification
16 card or renewal identification card **[a card which can be attached to**
17 **the driver's license designating that he,]** the opportunity for each
18 person pursuant to the provisions of the "Uniform Anatomical Gift
19 Act," **[(P.L.1969, c.161 (C.26:6-65 et seq.))** **()** is a donor of **]** to
20 donate all or any body organs or parts for the purposes of
21 transplantation, therapy, medical research or education upon his death.

22 b. **[The designation upon the card completed pursuant to the**
23 **requirements of paragraph (b) of section 4 of P.L.1969, c.161**
24 **(C.26:6-60(b)),]** The designation indicating that a person is a donor
25 pursuant to subsection a. of this section shall be done in accordance
26 with procedures prescribed by the Director of the Division of Motor
27 Vehicles and shall constitute sufficient legal authority for the removal
28 of a body organ or part upon the [licensee's] death [and the] of the
29 licensee or identification cardholder. The designation shall be removed
30 **[by removing the card from the license, destroying said card, or by**
31 **drawing an "X" through the appropriate designation]** in accordance
32 with procedures prescribed by the Director of the Division of Motor
33 Vehicles.

34 c. **[At the time the prospective donor authorizes the designation to**
35 **appear on a separate card which shall be attached to his license, he**
36 **shall be notified on the card that the designation can be removed only**
37 **as set forth in subsection b.]** (Deleted by amendment, P.L. , c.).

38 d. For the purposes of this section, license shall not include any
39 temporary license or learner's permit.

40 (cf: P.L.1978, c.181, s.1)

41

42 7. Section 3 of P.L.1980, c.47 (C.39:3-29.4) is amended to read as
43 follows:

44 3. Every identification card authorized by section 2 of this act shall
45 bear a color **[photograph]** picture of the person to whom it is issued

1 and shall be issued upon the standard license form prescribed by the
2 Division of Motor Vehicles for color **[photograph]** picture drivers'
3 licenses, except that the card shall **[be blue, and shall]** prominently
4 contain the words "For Identification Only."

5 (cf: P.L.1989, c.52, s.3)

6
7 8. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read as
8 follows:

9 4. Each original identification card authorized by section 2 of this
10 act shall, unless canceled earlier, be valid for **[48]** 120 calendar
11 months from its date of issuance, and shall be renewable upon the
12 request of the bearer of the card, pursuant to terms of license renewal
13 established by the Division of Motor Vehicles, and upon payment of
14 a fee as required by section 6 of this act. An identification card issued
15 pursuant to this act to an applicant who is blind, disabled, or
16 handicapped shall be valid for the life of the holder unless canceled by
17 the holder. Cards issued prior to October 16, 1989 and valid upon the
18 effective date of this amendatory act shall be valid for the life of the
19 holder unless canceled by the holder. Cards issued to blind, disabled
20 or handicapped persons between October 16, 1989 and the effective
21 date of this amendatory act, and which are valid on the effective date
22 of this act, shall be made valid for the life of the holder unless canceled
23 by the holder, upon presentation of proof that the blindness, disability,
24 or handicap existed at the time of the original application. The
25 director is authorized to require periodic verification of information
26 included on any identification card issued for or valid for the life of the
27 holder. Nothing in this section shall be construed to alter or change
28 any expiration date on any New Jersey identification card issued prior
29 to January 1, 2000 and any such identification card shall remain valid
30 until its expiration date.

31 (cf: P.L.1993, c.34, s.6)

32
33 9. Section 6 of P.L.1980, c.47 (C.39:3-29.7) is amended to read as
34 follows:

35 6. The Division of Motor Vehicles shall charge fees as **[it deems**
36 appropriate for the issuance of original and duplicate identification
37 cards and for the renewal of identification cards.] as follows:

38

39 <u>Identification Card, Original</u>	<u>\$35</u>
40 <u>Identification Card, Duplicate</u>	<u>\$5 with stored color picture</u>
41 <u>(Due to loss, stolen or</u>	
42 <u>destroyed card)</u>	<u>\$10 with new color picture</u>
43 <u>Identification Card, Renewal</u>	<u>\$35</u>

44 (cf: P.L.1989, c.52, s.5)

1 10. R.S.39:3-31 is amended to read as follows:

2 39:3-31. The director, upon presentation of a statement duly sworn
3 to, stating that the original registration certificate or original
4 motorized bicycle registration certificate has been destroyed, lost or
5 stolen, may, if he is satisfied that the facts as set forth in the statement
6 are substantially true, issue a duplicate or amended registration
7 certificate or motorized bicycle registration certificate to the original
8 holder thereof, upon the payment to the director of a fee of \$5 for
9 each duplicate or amended registration certificate or motorized bicycle
10 registration certificate so issued. The director, upon presentation of
11 a statement, duly sworn to, stating that the original driver's license has
12 been destroyed, lost or stolen, or requesting a new color picture, may,
13 if he is satisfied that the facts as set forth in the statement are
14 substantially true, issue a duplicate driver's license to the original
15 holder thereof, upon payment to the director of a fee of ~~[\$3]~~ \$5 if the
16 color picture used is a stored color picture or \$10 if the color picture
17 used is a new color picture for each duplicate driver's license so
18 issued.

19 (cf: P.L.1994, c.60, s.18)

20

21 11. R.S.39:3-36 is amended to read as follows:

22 39:3-36. The registered owner of a motor vehicle or a motorized
23 bicycle and a licensed operator shall notify the director of a change in
24 his residence within one week after the change is made. Notice shall
25 be in such form and shall contain such information as the director may
26 require. A person who violates this section shall be subject to a
27 penalty of not more than \$10. Upon notification, and payment of a fee
28 of \$5 if it involves a stored color picture or \$10 if it involves a new
29 color picture, the director shall provide the registered owner or
30 licensed operator either with a new license or change the license
31 currently held by that owner or operator pursuant to terms established
32 by the Division of Motor Vehicles.

33 (cf: P.L.1990, c.103, s.31)

34

35 12. Section 1 of P.L.1941, c.343 (C.39:3-86) is amended to read
36 as follows:

37 1. For a violation of a provision of chapter three of Title 39 of the
38 Revised Statutes for which no specific penalty is provided, the
39 offender shall be liable to a penalty of ~~[not more than fifty dollars~~
40 ~~(\$50.00)]~~ not less than \$25 or more than \$500 or imprisonment for
41 a term of not exceeding fifteen days or both.

42 (cf: P.L.1941, c.343, s.1).

43

44 13. Section 4 of P.L.1995, c.401 (C.12:7-73) is amended to read
45 as follows:

46 4. a. The fee for a ~~[48-month]~~ 120-month power vessel operator's

1 license required pursuant to section 3 of P.L.1995, c.401 (C.12:7-72)
2 shall be ~~【\$16】~~ \$35 and shall be paid to the director for deposit into
3 the State General Fund.

4 b. Each New Jersey power vessel operator's license issued
5 pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a
6 color ~~【photograph】~~ picture of the licensee. ~~【In addition to the fee~~
7 ~~required pursuant to subsection a. of this section, the fee for the~~
8 ~~photograph shall be \$2 for each license.】~~

9 (cf: P.L.1995, c.401, s.4)

10
11 14. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to read
12 as follows:

13 1. ~~a. A person who knowingly sells, offers or exposes for sale ,or~~
14 ~~otherwise transfers, or possesses with the intent to sell, offer or~~
15 ~~expose for sale, or otherwise transfer, a document, printed form or~~
16 ~~other writing which 【simulates】 falsely purports to be a drivers' license~~
17 ~~or other document issued by a governmental agency and which could~~
18 ~~be used as a means of verifying a person's identity or age is guilty of~~
19 ~~a 【disorderly persons offense】 crime of the third degree.~~

20 ~~b. A person who knowingly makes, or possesses devices or~~
21 ~~materials to make, a document or other writing which falsely purports~~
22 ~~to be a driver's license or other document issued by a governmental~~
23 ~~agency and which could be used as a means of verifying a person's~~
24 ~~identity or age is guilty of a crime of the third degree.~~

25 ~~c. A person who knowingly exhibits, displays or utters a document~~
26 ~~or other writing which falsely purports to be a driver's license or other~~
27 ~~document issued by a governmental agency and which could be used~~
28 ~~as a means of verifying a person's identity or age is guilty of a crime~~
29 ~~of the fourth degree.~~

30 ~~d. A person who knowingly possesses a document or other writing~~
31 ~~which falsely purports to be a driver's license or other document issued~~
32 ~~by a governmental agency and which could be used as a means of~~
33 ~~verifying a person's identity or age is guilty of a disorderly persons~~
34 ~~offense.~~

35 ~~e. In addition to any other disposition authorized by this Title, the~~
36 ~~provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other~~
37 ~~statute indicating the dispositions that may be ordered for an~~
38 ~~adjudication of delinquency, and, notwithstanding the provisions of~~
39 ~~subsection c. of N.J.S.2C:43-2, every person convicted of or~~
40 ~~adjudicated delinquent for a violation of any offense defined in this~~
41 ~~section shall forthwith forfeit his right to operate a motor vehicle over~~
42 ~~the highways of this State for a period to be fixed by the court at not~~
43 ~~less than six months or more than two years which shall commence on~~
44 ~~the day the sentence is imposed. In the case of any person who at the~~
45 ~~time of the imposition of the sentence is less than 17 years of age, the~~
46 ~~period of the suspension of driving privileges authorized herein,~~

1 including a suspension of the privilege of operating a motorized
2 bicycle, shall commence on the day the sentence is imposed and shall
3 run for a period as fixed by the court of not less than six months or
4 more than two years after the day the person reaches the age of 17
5 years. If the driving privilege of any person is under revocation,
6 suspension, or postponement for a violation of any provision of this
7 Title or Title 39 of the Revised Statutes at the time of any conviction
8 or adjudication of delinquency for a violation of any offense defined
9 in this chapter or chapter 36 of this Title, the revocation, suspension,
10 or postponement period imposed herein shall commence as of the date
11 of termination of the existing revocation, suspension or postponement.

12 The court before whom any person is convicted of or adjudicated
13 delinquent for a violation of any offense defined in this section shall
14 collect forthwith the New Jersey driver's license or licenses of that
15 person and forward the license or licenses to the Director of the
16 Division of Motor Vehicles along with a report indicating the first and
17 last day of the suspension or postponement period imposed by the
18 court pursuant to this section. If the court is for any reason unable to
19 collect the license or licenses of the person, the court shall cause a
20 report of the conviction or adjudication of delinquency to be filed with
21 the director. The report shall include the complete name, address,
22 date of birth, eye color and sex of the person and shall indicate the
23 first and last day of the suspension or postponement period imposed
24 by the court pursuant to this section. The court shall inform the
25 person orally and in writing that if the person is convicted of
26 personally operating a motor vehicle during the period of license
27 suspension or postponement imposed pursuant to this section, the
28 person shall, upon conviction, be subject to the penalties set forth in
29 R.S.39:3-40. A person shall be required to acknowledge receipt of the
30 written notice in writing. Failure to receive a written notice or failure
31 to acknowledge in writing the receipt of a written notice shall not be
32 a defense to a subsequent charge of a violation of R.S.39:3-40. If the
33 person is the holder of a driver's license from another jurisdiction, the
34 court shall not collect the license, but shall notify forthwith the
35 director who shall notify the appropriate officials in that licensing
36 jurisdiction. The court shall, however, in accordance with the
37 provisions of this section, revoke the person's non-resident driving
38 privileges in this State.

39 In addition to any other condition imposed, a court, in its
40 discretion, may suspend, revoke or postpone the driving privileges of
41 a person admitted to supervisory treatment under N.J.S.2C:36A-1 or
42 N.J.S.2C:43-12 without a plea of guilty or finding of guilt.
43 (cf: P.L.1983, c.565, s.1)
44

45 15. (New section) The Director of the Division of Motor Vehicles,
46 in accordance with the provisions of the "Administrative Procedure

1 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may promulgate rules and
2 regulations to effectuate the purposes of this act.

3
4 16. R.S. 39:3-39, section 2 of P.L.1979, c.261 (C.39:3-10g) and
5 section 1 of P.L.1964, c.172 (C.39:3-38.1) and section 2 of P.L.1975,
6 c.268 (C.39:3-38.2) are repealed.

7
8 17. This act shall take effect January 1, 2000, but the Division of
9 Motor Vehicles in the Department of Transportation may take such
10 anticipatory administrative and regulatory action in advance as shall be
11 necessary to implement the provisions of this act; provided, however,
12 that section 14 of this act shall take effect immediately and, further
13 provided, that for good cause, the Director of the Division of Motor
14 Vehicles may on January 1, 2000 delay implementation of the
15 provisions of this act, other than those set forth in section 14, for a
16 period not to extend beyond January 1, 2001.

17
18
19 STATEMENT
20

21 The purpose of this bill is to establish a 10-year driver's license with
22 a high degree of security against fraud. The license would contain
23 only motor vehicle information and display a tamper-proof color
24 photograph of the licensee. In order to deter fraud, the information
25 would be stored electronically in a bar code, magnetic stripe, or
26 database. To address public concerns about privacy, the bill specifies
27 that the information stored on the license would be subject to State
28 and federal driver's privacy protection laws.

29 The fee for the basic 10-year driver's licensee would be \$35, which
30 decreases the annual picture driver's license cost from \$4 to \$3.50. In
31 addition to driver's licenses, the bill's provisions apply to identification
32 cards and specific driver's license endorsements, such as boat licenses,
33 motorcycle licenses and commercial driver licenses. The bill would
34 not alter current expiration dates, nor invalidate current licenses. The
35 provisions of the bill would be implemented over a four-year period
36 beginning on January 1, 2000, as licenses are renewed.

37 In addition, the bill establishes enhanced penalties for those who
38 sell, provide, manufacture, supply or possess a document which
39 falsely purports to be a driver's license.

40 Finally, the bill may change the manner in which an individual
41 designates organ donor status. The Director of the Division of Motor
42 Vehicles is afforded authority under the bill to change the way in
43 which license holders designate or indicate their wish to donate all or
44 any specific body organs or parts for the purpose of transplantation,
45 therapy, medical research or education upon their death.

SENATE, No. 1505

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED NOVEMBER 16, 1998

Sponsored by:

Senator ANDREW R. CIESLA
District 10 (Monmouth and Ocean)
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Authorizes a ten year driver's license.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/11/1998)

S1505 CIESLA, TURNER

2

1 AN ACT concerning 10 year driver's licenses, amending various parts
2 of the statutory law, supplementing chapter 3 of Title 39 of the
3 Revised Statutes, and repealing various parts of the statutory law.

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

7
8 1. Section 2 of P.L.1987, c.20 (C.39:3-9a) is amended to read as
9 follows:

10 2. Each driver's license issued pursuant to R.S. 39:3-10 shall have
11 the legal name of the licensee endorsed thereon in his own
12 handwriting. For purposes of this section, legal name shall mean the
13 name recorded on a birth certificate unless otherwise changed by
14 marriage, divorce or order of court. The director may require that only
15 the legal name be recorded on the driver's license. A person who has
16 been issued a driver's license pursuant to R.S. 39:3-10 whose name is
17 changed due to marriage, divorce or by order of court shall notify the
18 director of the change in name within two weeks after the change is
19 made.

20 A person who fails to notify the Director of the Division of Motor
21 Vehicles of a change in name as required in this section shall be subject
22 to a fine [of \$10.00. A person who fails to endorse a driver's license
23 in his own handwriting as required in this section shall be subject to a
24 fine of \$20.00]. A person who is fined under this section for a
25 violation of this section shall not be subject to a surcharge under the
26 New Jersey Merit Rating Plan as provided in section 6 of P.L.1983,
27 c.65 (C.17:29A-35).

28 For the purposes of this section, a digitized signature image shall
29 constitute a licensee's signature in his own handwriting. A digitized
30 signature image is an electronic representation of a person's written
31 signature.

32 (cf: P.L.1988, c.8, s.1)

33
34 2. R.S.39:3-10 is amended to read as follows:

35 39:3-10. No person shall drive a motor vehicle on a public highway
36 in this State unless in possession of a validated permit, or a provisional
37 or basic driver's license issued to him in accordance with this article.

38 No person under 18 years of age shall be issued a basic license to
39 drive motor vehicles, nor shall a person be issued a validated permit,
40 including a validated examination permit, until he has passed a
41 satisfactory examination and other requirements as to his ability as an
42 operator. The examination shall include a test of the applicant's vision,
43 his ability to understand traffic control devices, his knowledge of safe

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

Matter underlined thus is new matter.

1 driving practices and of the effects that ingestion of alcohol or drugs
2 has on a person's ability to operate a motor vehicle, his knowledge of
3 such portions of the mechanism of motor vehicles as is necessary to
4 insure the safe operation of a vehicle of the kind or kinds indicated by
5 the applicant and of the laws and ordinary usages of the road. A road
6 test shall be required for a provisional license and serve as a
7 demonstration of the applicant's ability to operate a vehicle of the class
8 designated. The road test shall be given on public streets, where
9 practicable and feasible, but may be preceded by an off-street
10 screening process to assess basic skills. The director shall approve
11 locations for the road test which pose no more than a minimal risk of
12 injury to the applicant, the examiner and other motorists. No new
13 locations for the road test shall be approved unless the test can be
14 given on public streets.

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

31 The director shall expand the driver's license examination by 20%.
32 The additional questions to be added shall consist solely of questions
33 developed in conjunction with the State Department of Health and
34 Senior Services concerning the use of alcohol or drugs as related to
35 highway safety. The director shall develop in conjunction with the
36 State Department of Health and Senior Services supplements to the
37 driver's manual which shall include information necessary to answer
38 any question on the driver's license examination concerning alcohol or
39 drugs as related to highway safety.

40 Up to 20 questions may be added to the examination on subjects to
41 be determined by the director that are of particular relevance to
42 youthful drivers, after consultation with the Director of the Office of
43 Highway Traffic Safety.

44 The director shall expand the driver's license examination to include
45 a question asking whether the applicant is aware of the provisions of
46 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et

1 seq.) and the procedure for indicating on the driver's license the
2 intention to make a donation of body organs or tissues pursuant to
3 P.L.1978, c.181 (C.39:3-12.2).

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

18 The director shall create classified licensing of drivers covering the
19 following classifications:

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

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

27 c. [Articulated vehicles means a combination of a commercial
28 motor vehicle registered at a gross weight in excess of 18,000 pounds
29 and one or more motor-drawn vehicles joined together by means of a
30 coupling device;] (Deleted by amendment, P.L. , c.)(now before
31 the Legislature as this bill).

32 d. All motor vehicles not included in classifications a.[,] and b.
33 [and c.] A license issued pursuant to this classification d. shall be
34 referred to as the "basic driver's license."

35 Every applicant for a license under classification b. [or c.] shall be
36 a holder of a basic driver's license. Any issuance of a license under
37 classification b. [or c.] shall be by endorsement on the basic driver's
38 license.

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

42 The director, upon payment of the lawful fee and after he or a
43 person authorized by him has examined the applicant and is satisfied
44 of the applicant's ability as an operator, may, in his discretion, issue a
45 license to the applicant to drive a motor vehicle. The license shall
46 authorize him to drive any registered vehicle, of the kind or kinds

1 indicated, and shall expire, except as otherwise provided, on the last
2 day of the [48th] 120th calendar month following the calendar month
3 in which such license was issued.

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

9 The required fee for a license for the [48-month] 120-month
10 period shall be as follows:

11

12 Motorcycle license or endorsement [\$13] \$35

13 Omnibus or school bus endorsement [\$16] \$35

14 [Articulated vehicle endorsement \$8]

15 Basic driver's license [\$16] \$35

16

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

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

27 All applications for renewals of licenses shall be made [on forms]
28 in a manner prescribed by the director and in accordance with
29 procedures established by him.

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

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

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

1 Director of the Division of Motor Vehicles requiring the director to
2 refuse to issue a license to operate a motor vehicle to the person for
3 a period of not less than 180 days. The penalties provided for by this
4 paragraph shall not be applicable in cases where failure to have actual
5 possession of the operator's license is due to an administrative or
6 technical error by the Division of Motor Vehicles.

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

10 (cf: P.L.1998, c.108, s.1)

11
12 3. Section 1 of P.L.1979, c.261 (C.39:3-10f) is amended to read
13 as follows:

14 1. In addition to the requirements for the form and content of a
15 motor vehicle driver's license under R.S.39:3-10, on and after
16 January 1, 2000, each initial New Jersey license [issued to a person
17 under the age of 21 after the effective date of this act] and each
18 renewal of a New Jersey driver's license shall have a color
19 [photograph] picture of the licensee. [Each initial motor vehicle
20 license issued to a person 21 years of age or older on or after May 1,
21 1982, shall have a color photograph of the licensee. At the option of
22 the licensee, a renewal of any motor vehicle driver's license shall be
23 either a photo-license or a license that does not bear a photograph of
24 the licensee.] All licenses bearing a color [photograph] picture of the
25 licensee as provided in this act shall be valid for a period of [48] 120
26 calendar months. However, the director may, at his discretion, issue
27 licenses and endorsements which shall expire on a date fixed by him.
28 The fee for such licenses or endorsements shall be fixed in amounts
29 proportionately less or greater than the fee otherwise established.

30 Each initial motor vehicle license issued to a person under the age
31 of 21 after the effective date of P.L.19 , c. (now before the
32 Legislature as this bill) shall be conspicuously distinct, through the use
33 of color, from the driver's licenses issued to persons 21 years of age
34 or older. The director, in consultation with the Superintendent of
35 State Police, shall determine the color and the manner in which that
36 color shall be used to achieve this result. Following the name of the
37 licensee, this license shall read in conspicuous letters:", who will be 21
38 on (insert date of licensee's 21st birthday)."

39 As condition for the renewal of a driver's license, the director shall
40 provide that the picture of a licensee be updated.

41 Whenever a person has reconstructive or cosmetic surgery which
42 significantly alters the person's facial features, the person shall notify
43 the division and the director may require the picture of the licensee to
44 be updated.

45 Nothing in this section shall be construed to alter or change any
46 expiration date on any New Jersey driver's license issued prior to

1 January 1, 2000 and, unless a licensee's driving privileges are
2 otherwise suspended or revoked, that license shall remain valid until
3 that expiration date.

4 Specific use of the driver's license and any information stored in
5 relation thereto shall be in accordance with P.L.1997, c.188 (C.39:2-
6 3.3 et seq.) and the federal Driver's Privacy Protection Act of 1994,
7 Pub. L.103-322.

8 To replace a photo-license issued prior to the effective date of this
9 act for a licensee who is temporarily out of this State, the director may
10 issue a "valid without ~~[photo]~~ photo-license] picture" picture license
11 for the unexpired term of the license.

12 [The provisions of this section shall not apply to driver licenses
13 issued pursuant to P.L.1990, c.103 (C.39:3-10.9 et al.).]
14 (cf: P.L.1990, c.103, s.26)

15
16 4. Section 3 of P.L.1979, c.261 (C.39:3-10h) is amended to read
17 as follows:

18 3. The director shall provide for the use of a process or processes
19 in the issuance of licenses with ~~[photographs]~~ color pictures that
20 prevent, to the extent possible, the alteration, delamination,
21 duplication, counterfeiting, photographing, forging or other
22 modification of the license and prevent the superimposition of a
23 ~~[photograph]~~ color picture other than the authorized original on such
24 license. The director shall provide that material used for, and the
25 manufacturing process of, the license shall prevent, to the greatest
26 extent possible, any alteration, delamination, duplication,
27 counterfeiting, photographing, forging or other modification of the
28 license. The director may provide for the electronic storage of the
29 licensee's motor vehicle information, including the licensee's color
30 picture and signature, in a bar code, magnetic stripe or database.

31 (cf: P.L.1979, c.261, s.3)

32
33 5. Section 22 of P.L.1990, c.22 (C.39:3-10.30) is amended to read
34 as follows:

35 22. Notwithstanding the provisions of R.S.39:3-14 or any other
36 sections of law which permit or require the issuance of driver's license
37 without charge, the required fee for a commercial driver license
38 examination or learner's permit shall be \$35. A permit issued before
39 April 1, 1992 shall be valid for a period of two years from the date of
40 issuance, unless another time period is established for such permits in
41 federal regulations promulgated by the Secretary of the United States
42 Department of Transportation. The permit holder shall have unlimited
43 testing opportunities consistent with the scheduling obligations of the
44 Division of Motor Vehicles and the need to provide testing
45 opportunities to all persons affected by this act. For an examination
46 or learner's permit issued on or after April 1, 1992, the director may

1 limit the permit's validity to a specific length of time or number of
2 testing opportunities.

3 After the issuance of a commercial driver license, the examination
4 or learner's permit fee for an additional endorsement or license class
5 shall be \$10 per endorsement or class.

6 In addition to fees for a basic driver license and any
7 non-commercial endorsement and renewals thereof, the required fee
8 for a [48] 120 month licensing period shall be [\$16] \$35 for each
9 commercial driver license and renewal thereof and [\$2] \$10 for each
10 endorsement and renewal thereof. [In addition, the director shall
11 charge a fee for a photograph of the licensee and its affixation to the
12 commercial driver license which shall be based on the actual cost
13 incurred by the division for the photograph and the affixation.]

14 The commercial driver license shall expire on the last day of the
15 [48th] 120th calendar month following the calendar month in which
16 the license was issued. However, the director may, at his discretion,
17 issue licenses and endorsements which shall expire on a date fixed by
18 him. The fee for such licenses or endorsements shall be fixed in
19 amounts proportionately less or greater than the fee otherwise
20 established.

21 Nothing in this section shall be construed to alter or change any
22 expiration date on any New Jersey commercial driver license issued
23 prior to January 1, 2000 and, unless a licensee's driving privileges are
24 otherwise suspended or revoked, the license shall remain valid until its
25 expiration date.

26 (cf: P.L.1990, c.103, s.22)

27

28 6. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read
29 as follows:

30 1. a. The Director of the Division of Motor Vehicles shall provide
31 with every new license [or renewed], renewal license [a card which
32 can be attached to the driver's license designating that he,],
33 identification card or renewal identification card the opportunity for
34 each person pursuant to the provisions of the "Uniform Anatomical
35 Gift Act," [(P.L.1969, c.161 (C.26:6-65 et seq.),)] is a donor of] to
36 designate that the person shall donate all or any body organs or parts
37 for the purposes of transplantation, therapy, medical research or
38 education upon his death.

39 b. [The designation upon the card completed pursuant to the
40 requirements of paragraph (b) of section 4 of P.L.1969, c.161
41 (C.26:6-60(b)),] The designation indicating that a person is a donor
42 pursuant to subsection a. of this section shall be done in accordance
43 with procedures prescribed by the director. The designation shall be
44 displayed in print in a conspicuous form and manner on the license or
45 identification card, and electronically, by substantially the following

1 statement: "ORGAN DONOR" and shall constitute sufficient legal
2 authority for the removal of a body organ or part upon the [licensee's]
3 death [and the] of the licensee or identification cardholder. The
4 designation shall be removed [by removing the card from the license,
5 destroying said card, or by drawing an "X" through the appropriate
6 designation] in accordance with procedures prescribed by the director.

7 c. [At the time the prospective donor authorizes the designation to
8 appear on a separate card which shall be attached to his license, he
9 shall be notified on the card that the designation can be removed only
10 as set forth in subsection b.] (Deleted by amendment, P.L. _____,
11 c. _____) (now before the Legislature as this bill).

12 d. For the purposes of this section, license shall not include any
13 temporary license or learner's permit.
14 (cf: P.L.1978, c.181, s.1)

15

16 7. Section 3 of P.L.1980, c.47 (C.39:3-29.4) is amended to read as
17 follows:

18 3. Every identification card authorized by section 2 of this act shall
19 bear a color [photograph] picture of the person to whom it is issued
20 and shall be issued upon the standard license form prescribed by the
21 Division of Motor Vehicles for color [photograph] picture drivers'
22 licenses, except that the card shall [be blue, and shall] prominently
23 contain the words "For Identification Only."

24 (cf: P.L.1989, c.52, s.3)

25

26 8. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read as
27 follows:

28 4. Each original identification card authorized by section 2 of this
29 act shall, unless canceled earlier, be valid for [48] 120 calendar
30 months from its date of issuance, and shall be renewable upon the
31 request of the bearer of the card, pursuant to terms of license renewal
32 established by the Division of Motor Vehicles, and upon payment of
33 a fee as required by section 6 of this act. An identification card issued
34 pursuant to this act to an applicant who is blind, disabled, or
35 handicapped shall be valid for the life of the holder unless canceled by
36 the holder. Cards issued prior to October 16, 1989 and valid upon the
37 effective date of this amendatory act shall be valid for the life of the
38 holder unless canceled by the holder. Cards issued to blind, disabled
39 or handicapped persons between October 16, 1989 and the effective
40 date of this amendatory act, and which are valid on the effective date
41 of this act, shall be made valid for the life of the holder unless canceled
42 by the holder, upon presentation of proof that the blindness, disability,
43 or handicap existed at the time of the original application. The
44 director is authorized to require periodic verification of information
45 included on any identification card issued for or valid for the life of the

1 holder. Nothing in this section shall be construed to alter or change
2 any expiration date on any New Jersey identification card issued prior
3 to January 1, 2000 and any such identification card shall remain valid
4 until its expiration date.

5 (cf: P.L.1993, c.34, s.6)

6
7 9. Section 6 of P.L.1980, c.47 (C.39:3-29.7) is amended to read as
8 follows:

9 6. The Division of Motor Vehicles shall charge fees as [it deems
10 appropriate for the issuance of original and duplicate identification
11 cards and for the renewal of identification cards.] follows:

12		
13	<u>Identification Card, Original</u>	<u>\$35</u>
14	<u>Identification Card, Duplicate</u>	<u>\$5 with stored color picture</u>
15	<u>(Due to loss, stolen or</u>	
16	<u>destroyed card)</u>	<u>\$10 with new color picture</u>
17	<u>Identification Card, Renewal</u>	<u>\$35</u>
18		

19 (cf: P.L.1989, c.52, s.5)

20
21 10. R.S.39:3-31 is amended to read as follows:

22 39:3-31. The director, upon presentation of a statement duly sworn
23 to, stating that the original registration certificate or original
24 motorized bicycle registration certificate has been destroyed, lost or
25 stolen, may, if he is satisfied that the facts as set forth in the statement
26 are substantially true, issue a duplicate or amended registration
27 certificate or motorized bicycle registration certificate to the original
28 holder thereof, upon the payment to the director of a fee of \$5 for
29 each duplicate or amended registration certificate or motorized bicycle
30 registration certificate so issued. The director, upon presentation of
31 a statement, duly sworn to, stating that the original driver's license has
32 been destroyed, lost or stolen, or requesting a new color picture, may,
33 if he is satisfied that the facts as set forth in the statement are
34 substantially true, issue a duplicate driver's license to the original
35 holder thereof, upon payment to the director of a fee of [~~\$3~~] \$5 if the
36 color picture used is a stored color picture or \$10 if the color picture
37 used is a new color picture for each duplicate driver's license so
38 issued.

39 (cf: P.L.1994, c.60, s.18)

40
41 11. R.S.39:3-36 is amended to read as follows:

42 39:3-36. The registered owner of a motor vehicle or a motorized
43 bicycle and a licensed operator shall notify the director of a change in
44 his residence within one week after the change is made. Notice shall
45 be in such form and shall contain such information as the director may
46 require. A person who violates this section shall be subject to a

1 penalty of not more than \$10. Upon notification, and payment of a fee
2 of \$5 if it involves a stored color picture or \$10 if it involves a new
3 color picture, the director shall provide the registered owner or
4 licensed operator either with a new license or change the license
5 currently held by that owner or operator pursuant to terms established
6 by the Division of Motor Vehicles.

7 (cf: P.L.1990, c.103, s.31)

8

9 12. Section 1 of P.L.1941, c.343 (C.39:3-86) is amended to read
10 as follows:

11 1. For a violation of a provision of chapter three of Title 39 of the
12 Revised Statutes for which no specific penalty is provided, the
13 offender shall be liable to a penalty of ~~not more than fifty dollars~~
14 ~~(\$50.00)]~~ not less than \$25 or more than \$500 or imprisonment for
15 a term of not exceeding fifteen days or both.

16 (cf: P.L.1941, c.343, s.1).

17

18 13. Section 4 of P.L.1995, c.401 (C.12:7-73) is amended to read
19 as follows:

20 4. a. The fee for a ~~[48-month]~~ 120-month power vessel operator's
21 license required pursuant to section 3 of P.L.1995, c.401 (C.12:7-72)
22 shall be ~~[\$16]~~ \$35 and shall be paid to the director for deposit into
23 the State General Fund.

24 b. Each New Jersey power vessel operator's license issued pursuant
25 to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a color
26 ~~[photograph]~~ picture of the licensee. ~~[In addition to the fee required~~
27 ~~pursuant to subsection a. of this section, the fee for the photograph~~
28 ~~shall be \$2 for each license.]~~

29 (cf: P.L.1995, c.401, s.4)

30

31 14. Section 1 of P.L. 1983, c.565 (C.2C:21-2.1) is amended to
32 read as follows:

33 1. ~~a.~~ A person who knowingly sells, offers or exposes for sale ~~, or~~
34 ~~otherwise transfers, or possesses with the intent to sell, offer or~~
35 ~~expose for sale, or otherwise transfer,~~ a document, printed form or
36 other writing which ~~[simulates]~~ falsely purports to be a drivers' license
37 or other document issued by a governmental agency and which could
38 be used as a means of verifying a person's identity or age is guilty of
39 a ~~[disorderly persons offense]~~ crime of the third degree.

40 ~~b.~~ A person who knowingly makes, or possesses devices or
41 materials to make, a document or other writing which falsely purports
42 to be a driver's license or other document issued by a governmental
43 agency and which could be used as a means of verifying a person's
44 identity or age is guilty of a crime of the third degree.

45 ~~c.~~ A person who knowingly exhibits, displays or utters a document
46 or other writing which falsely purports to be a driver's license or other

1 document issued by a governmental agency and which could be used
2 as a means of verifying a person's identity or age is guilty of a crime
3 of the fourth degree.

4 d. A person who knowingly possesses a document or other writing
5 which falsely purports to be a driver's license or other document issued
6 by a governmental agency and which could be used as a means of
7 verifying a person's identity or age is guilty of a disorderly persons
8 offense.

9 e. In addition to any other disposition authorized by this Title, the
10 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other
11 statute indicating the dispositions that may be ordered for an
12 adjudication of delinquency, and, notwithstanding the provisions of
13 subsection c. of N.J.S.2C:43-2, every person convicted of or
14 adjudicated delinquent for a violation of any offense defined in this
15 section shall forthwith forfeit his right to operate a motor vehicle over
16 the highways of this State for a period to be fixed by the court at not
17 less than six months or more than two years which shall commence on
18 the day the sentence is imposed. In the case of any person who at the
19 time of the imposition of the sentence is less than 17 years of age, the
20 period of the suspension of driving privileges authorized herein,
21 including a suspension of the privilege of operating a motorized
22 bicycle, shall commence on the day the sentence is imposed and shall
23 run for a period as fixed by the court of not less than six months or
24 more than two years after the day the person reaches the age of
25 17 years. If the driving privilege of any person is under revocation,
26 suspension, or postponement for a violation of any provision of this
27 Title or Title 39 of the Revised Statutes at the time of any conviction
28 or adjudication of delinquency for a violation of any offense defined
29 in this chapter or chapter 36 of this Title, the revocation, suspension,
30 or postponement period imposed herein shall commence as of the date
31 of termination of the existing revocation, suspension or postponement.

32 The court before whom any person is convicted of or adjudicated
33 delinquent for a violation of any offense defined in this section shall
34 collect forthwith the New Jersey driver's license or licenses of that
35 person and forward the license or licenses to the Director of the
36 Division of Motor Vehicles along with a report indicating the first and
37 last day of the suspension or postponement period imposed by the
38 court pursuant to this section. If the court is for any reason unable to
39 collect the license or licenses of the person, the court shall cause a
40 report of the conviction or adjudication of delinquency to be filed with
41 the director. The report shall include the complete name, address,
42 date of birth, eye color and sex of the person and shall indicate the
43 first and last day of the suspension or postponement period imposed
44 by the court pursuant to this section. The court shall inform the
45 person orally and in writing that if the person is convicted of
46 personally operating a motor vehicle during the period of license

1 suspension or postponement imposed pursuant to this section, the
2 person shall, upon conviction, be subject to the penalties set forth in
3 R.S.39:3-40. A person shall be required to acknowledge receipt of the
4 written notice in writing. Failure to receive a written notice or failure
5 to acknowledge in writing the receipt of a written notice shall not be
6 a defense to a subsequent charge of a violation of R.S.39:3-40. If the
7 person is the holder of a driver's license from another jurisdiction, the
8 court shall not collect the license, but shall notify forthwith the
9 director who shall notify the appropriate officials in that licensing
10 jurisdiction. The court shall, however, in accordance with the
11 provisions of this section, revoke the person's non-resident driving
12 privileges in this State.

13 In addition to any other condition imposed, a court, in its
14 discretion, may suspend, revoke or postpone the driving privileges of
15 a person admitted to supervisory treatment under N.J.S.2C:36A-1 or
16 N.J.S.2C:43-12 without a plea of guilty or finding of guilt.

17 (cf: P.L.1983, c.565, s.1)

18

19 15. (New section) The Director of the Division of Motor Vehicles,
20 in accordance with the provisions of the "Administrative Procedure
21 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may promulgate rules and
22 regulations to effectuate the purposes of this act.

23

24 16. R.S.39:3-39, section 2 of P.L.1979, c.261 (C.39:3-10g) and
25 section 1 of P.L.1964, c.172 (C.39:3-38.1) and section 2 of P.L.1975,
26 c.268 (C.39:3-38.2) are repealed.

27

28 17. This act shall take effect January 1, 2000, but the Division of
29 Motor Vehicles in the Department of Transportation may take such
30 anticipatory administrative and regulatory action in advance as shall be
31 necessary to implement the provisions of this act; provided, however,
32 that section 14 of this act shall take effect immediately and, further
33 provided, that for good cause, the Director of the Division of Motor
34 Vehicles may on January 1, 2000 delay implementation of the
35 provisions of this act, other than those set forth in section 14, for a
36 period not to extend beyond January 1, 2001.

37

38

39

STATEMENT

40

41 This bill would establish a 10-year driver's license with a high
42 degree of security against fraud. The license would contain only
43 motor vehicle information and display a tamper-proof color picture of
44 the licensee. In order to deter fraud, the information would be stored
45 electronically in a bar code, magnetic stripe, or database. To address
46 public concerns about privacy, the bill specifies that the information

1 stored on the license would be subject to State and federal driver's
2 privacy protection laws. The bill provides that material used for, and
3 the manufacturing process of, the license shall prevent, to the greatest
4 extent possible, any alteration, delamination, duplication,
5 counterfeiting, photographing, forging or other modification of the
6 license.

7 The fee for the basic 10-year driver's license would be \$35, which
8 decreases the annual picture driver's license cost from \$4.50 to \$3.50.
9 In addition to driver's licenses, the bill's provisions apply to
10 identification cards and specific driver's license endorsements, such as
11 boat licenses, motorcycle licenses and commercial driver licenses. The
12 bill would not alter current expiration dates, nor invalidate current
13 licenses. The provisions of the bill would be implemented over a four-
14 year period beginning on January 1, 2000, as licenses are renewed.

15 The bill also provides that, after the effective date of the bill, the
16 initial motor vehicle license issued to a person under the age of 21 will
17 be conspicuously distinct, through the use of color, from the driver's
18 licenses issued to persons 21 years of age or older. The director will
19 consult with the Superintendent of State Police to determine the color
20 and manner in which that color shall be used to achieve an easily
21 discernible license for licensees under the age of 21.

22 The bill provides that the designation indicating that a person is an
23 organ donor shall be displayed in print in a conspicuous form and
24 manner on a license or identification card, and electronically, by
25 substantially the following statement: "ORGAN DONOR."

26 Finally, the bill establishes enhanced penalties, which would take
27 effect immediately, for those who sell, provide, manufacture, supply
28 or possess a document which falsely purports to be a driver's license.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1505

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1998

The Senate Transportation Committee reports without recommendation and with committee amendments Senate Bill No. 1505.

This amended bill would establish a 10-year driver's license bearing a color picture of the licensee and having a high degree of security against fraud. Persons born before January 1, 1939 or handicapped persons may elect to have a license issued or renewed without the color picture. Persons age 62 or older or handicapped persons may elect to have a license issued for five or 10 years. To address public concerns about privacy, the amended bill specifies that specific use of the driver's license and any information stored or encoded, electronically or otherwise, in relation thereto would be subject to State and federal driver's privacy protection laws. However, a licensee's picture shall not be released or otherwise disclosed except, subject to approval by the Director of the Division of Motor Vehicles, for use by a governmental agency, including any court or law enforcement agency in carrying out its functions, or, subject to the approval of the director, for use by any private person or entity acting on behalf of a federal, State or local agency in carrying out its functions. The amended bill provides that material used for, and the manufacturing process of, the license shall prevent, to the greatest extent possible, any alteration, delamination, duplication, counterfeiting, photographing, forging or other modification of the license. In addition the director may provide that the license include features to ensure the security and integrity of the license. Information encoded in a bar code or magnetic stripe on the license shall be limited to the following: name, address, municipality of residence, state, zip code, date of birth, under 21 until date of licensee's 21st birthday, gender, color of eyes, height, driver's license number, date of issuance, expiration date, document type, class, endorsements and restrictions, organ donor status, identification of issuer, license fee, transaction number and the licensee's digitized signature. Any information encoded in a bar code or magnetic stripe on the license shall be displayed on the driver's license, which may be in abbreviated form.

The fee for the basic 10-year driver's license would be \$35, which decreases the annual picture driver's license cost from \$4.50 to \$3.50. In addition to driver's licenses, the bill's provisions apply to identification cards and specific driver's license endorsements, such as boat licenses, motorcycle licenses and commercial driver licenses. The bill would not alter current expiration dates, nor invalidate current licenses. The provisions of the bill would be implemented over a four-year period beginning on January 1, 2000, as licenses are renewed.

The amended bill also provides that, after the effective date of the bill, the initial motor vehicle license issued to a person under the age of 21 will be conspicuously distinct, through the use of color, from the driver's licenses issued to persons 21 years of age or older. The director will consult with the Superintendent of State Police to determine the color and manner in which that color shall be used to achieve an easily discernible license for licensees under the age of 21. The license shall bear the words "UNDER 21" in a conspicuous manner. The director shall provide that upon attaining the age of 21, a licensee shall be issued a replacement driver's license.

The bill provides that the designation indicating that a person is an organ donor shall be displayed in print in a conspicuous form and manner on a license or identification card, and electronically, by substantially the following statement: "ORGAN DONOR."

Finally, the bill establishes enhanced penalties, which would take effect immediately, for those who sell, provide, manufacture, supply or possess a document which falsely purports to be a driver's license or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age.

Nothing in the bill is to be construed as requiring any county or municipal law enforcement agency to acquire or use any electronic reader or other device in order to verify the authenticity of the driver's licenses issued pursuant to this bill unless the cost of acquiring and using the devices is paid for by the State of New Jersey.

The bill repeals certain parts of Title 39 of the Revised Statutes pertaining to driver's licenses.

The committee amended the bill to give discretion to senior citizens age 62 or older in the year 2000 and the handicapped to elect the choice of a color picture on their licenses, to provide that the license include security features, and to specify an exclusive list of items which may be encoded in a bar code and magnetic stripe on the license. Any information encoded must be displayed on the license. Restrictions were placed on the disclosure of the licensee's picture by prohibiting disclosures except for use by a governmental agency or a private person or entity acting on behalf of an agency. The license shall bear the words "UNDER 21" in a conspicuous manner. Persons age 62 or older on or after the year 2000 and the handicapped may elect to have a license issued for five or 10 years. Finally, the amendments address the "State mandate - State pay issue."

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1505

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1998

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1505 (1R).

This bill would establish a 10-year driver's license bearing a color picture of the licensee and having a high degree of security against fraud. Persons born before January 1, 1939 or handicapped persons may elect to have a license issued or renewed without the color picture. Persons age 62 or older or handicapped person may elect to have a license issued for five or 10 years. To address public concerns about privacy, the bill specifies that specific use of the driver's license and any information stored or encoded, electronically or otherwise, in relation thereto would be subject to State and federal driver's privacy protection laws. However, a licensee's picture shall not be released or otherwise disclosed except, subject to approval by the Director of the Division of Motor Vehicles, for use by a governmental agency, including any court or law enforcement agency in carrying out its functions, or, subject to the approval of the director, for use by any private person or entity acting on behalf of a federal, State or local agency in carrying out its functions. The bill provides that material used for, and the manufacturing process of, the license shall prevent, to the greatest extent possible, any alteration, delamination, duplication, counterfeiting, photographing, forging or other modification of the license. In addition the director may provide that the license include features to ensure the security and integrity of the license. Information encoded in a bar code or magnetic stripe on the license shall be limited to the following: name, address, municipality of residence, state, zip code, date of birth, under 21 until date of licensee's 21st birthday, gender, color of eyes, height, driver's license number, date of issuance, expiration date, document type, class, endorsements and restrictions, organ donor status, identification of issuer, license fee, transaction number and the licensee's digitized signature. Any information encoded in a bar code or magnetic stripe on the license shall be displayed on the driver's license, which may be in abbreviated form.

The fee for the basic 10-year driver's license would be \$35, which decreases the annual picture driver's license cost from \$4.50 to \$3.50.

In addition to driver's licenses, the bill's provisions apply to identification cards and specific driver's license endorsements, such as boat licenses, motorcycle licenses and commercial driver licenses. The bill would not alter current expiration dates, nor invalidate current licenses. The provisions of the bill would be implemented over a four-year period beginning on January 1, 2000, as licenses are renewed.

The bill also provides that, after the effective date of the bill, the initial motor vehicle license issued to a person under the age of 21 will be conspicuously distinct, through the use of color, from the driver's licenses issued to persons 21 years of age or older. The director will consult with the Superintendent of State Police to determine the color and manner in which that color shall be used to achieve an easily discernible license for licensees under the age of 21. The license shall bear the words "UNDER 21" in a conspicuous manner. The director shall provide that upon attaining the age of 21, a licensee shall be issued a replacement driver's license.

The bill provides that the designation indicating that a person is an organ donor shall be displayed in print in a conspicuous form and manner on a license or identification card, and electronically, by substantially the following statement: "ORGAN DONOR."

Finally, the bill establishes enhanced penalties, which would take effect immediately, for those who sell, provide, manufacture, supply or possess a document which falsely purports to be a driver's license or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age.

Nothing in the bill is to be construed as requiring any county or municipal law enforcement agency to acquire or use any electronic reader or other device in order to verify the authenticity of the driver's licenses issued pursuant to this bill unless the cost of acquiring and using the devices is paid for by the State of New Jersey.

The bill repeals certain parts of Title 39 of the Revised Statutes pertaining to driver's licenses.

FISCAL IMPACT

The Division of Motor Vehicles (DMV) informed the Office of Legislative Services (OLS) that DMV has not yet completed its fiscal analysis on the cost that the division would incur to implement the 10-year license. A preliminary estimate ranges between \$5 and \$7 million for first year start-up costs, but this is still an unofficial estimate. OLS would note that since the State recognizes driver license fees over the term of the license, \$3.50 per year in new license fees would be recognized and available for appropriation under the proposed 10-year license versus \$4.00 per year under current driver license terms.

[First Reprint]

SENATE, No. 1505

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED NOVEMBER 16, 1998

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Senator SHIRLEY K. TURNER

District 15 (Mercer)

SYNOPSIS

Authorizes a ten year driver's license.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on December 10, 1998, with amendments.



(Sponsorship Updated As Of: 12/11/1998)

1 AN ACT concerning 10 year driver's licenses, amending various parts
2 of the statutory law, supplementing chapter 3 of Title 39 of the
3 Revised Statutes, and repealing various parts of the statutory law.
4

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

7
8 1. Section 2 of P.L.1987, c.20 (C.39:3-9a) is amended to read as
9 follows:

10 2. Each driver's license issued pursuant to R.S.39:3-10 shall have
11 the legal name of the licensee endorsed thereon in his own
12 handwriting. For purposes of this section, legal name shall mean the
13 name recorded on a birth certificate unless otherwise changed by
14 marriage, divorce or order of court. The director may require that only
15 the legal name be recorded on the driver's license. A person who has
16 been issued a driver's license pursuant to R.S. 39:3-10 whose name is
17 changed due to marriage, divorce or by order of court shall notify the
18 director of the change in name within two weeks after the change is
19 made.

20 A person who fails to notify the Director of the Division of Motor
21 Vehicles of a change in name as required in this section shall be subject
22 to a fine [of \$10.00. A person who fails to endorse a driver's license
23 in his own handwriting as required in this section shall be subject to a
24 fine of \$20.00]. A person who is fined under this section for a
25 violation of this section shall not be subject to a surcharge under the
26 New Jersey Merit Rating Plan as provided in section 6 of P.L.1983,
27 c.65 (C.17:29A-35).

28 For the purposes of this section, a digitized signature image shall
29 constitute a licensee's signature in his own handwriting. A digitized
30 signature image is an electronic representation of a person's written
31 signature.

32 (cf: P.L.1988, c.8, s.1)
33

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

35 39:3-10. No person shall drive a motor vehicle on a public highway
36 in this State unless in possession of a validated permit, or a provisional
37 or basic driver's license issued to him in accordance with this article.

38 No person under 18 years of age shall be issued a basic license to
39 drive motor vehicles, nor shall a person be issued a validated permit,
40 including a validated examination permit, until he has passed a
41 satisfactory examination and other requirements as to his ability as an

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 STR committee amendments adopted December 10, 1998.

1 operator. The examination shall include a test of the applicant's vision,
2 his ability to understand traffic control devices, his knowledge of safe
3 driving practices and of the effects that ingestion of alcohol or drugs
4 has on a person's ability to operate a motor vehicle, his knowledge of
5 such portions of the mechanism of motor vehicles as is necessary to
6 insure the safe operation of a vehicle of the kind or kinds indicated by
7 the applicant and of the laws and ordinary usages of the road. A road
8 test shall be required for a provisional license and serve as a
9 demonstration of the applicant's ability to operate a vehicle of the class
10 designated. The road test shall be given on public streets, where
11 practicable and feasible, but may be preceded by an off-street
12 screening process to assess basic skills. The director shall approve
13 locations for the road test which pose no more than a minimal risk of
14 injury to the applicant, the examiner and other motorists. No new
15 locations for the road test shall be approved unless the test can be
16 given on public streets.

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

33 The director shall expand the driver's license examination by 20%.
34 The additional questions to be added shall consist solely of questions
35 developed in conjunction with the State Department of Health and
36 Senior Services concerning the use of alcohol or drugs as related to
37 highway safety. The director shall develop in conjunction with the
38 State Department of Health and Senior Services supplements to the
39 driver's manual which shall include information necessary to answer
40 any question on the driver's license examination concerning alcohol or
41 drugs as related to highway safety.

42 Up to 20 questions may be added to the examination on subjects to
43 be determined by the director that are of particular relevance to
44 youthful drivers, after consultation with the Director of the Office of
45 Highway Traffic Safety.

46 The director shall expand the driver's license examination to include

1 a question asking whether the applicant is aware of the provisions of
2 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et
3 seq.) and the procedure for indicating on the driver's license the
4 intention to make a donation of body organs or tissues pursuant to
5 P.L.1978, c.181 (C.39:3-12.2).

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

20 The director shall create classified licensing of drivers covering the
21 following classifications:

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

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

29 c. **[Articulated vehicles means a combination of a commercial**
30 **motor vehicle registered at a gross weight in excess of 18,000 pounds**
31 **and one or more motor-drawn vehicles joined together by means of a**
32 **coupling device;]** (Deleted by amendment, P.L. __, c. __)(now before
33 the Legislature as this bill).

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

37 Every applicant for a license under classification b. **[or c.]** shall be
38 a holder of a basic driver's license. Any issuance of a license under
39 classification b. **[or c.]** shall be by endorsement on the basic driver's
40 license.

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

44 The director, upon payment of the lawful fee and after he or a
45 person authorized by him has examined the applicant and is satisfied
46 of the applicant's ability as an operator, may, in his discretion, issue a

1 license to the applicant to drive a motor vehicle. The license shall
2 authorize him to drive any registered vehicle, of the kind or kinds
3 indicated, and shall expire, except as otherwise provided, on the last
4 day of the ~~48th~~ 120th calendar month following the calendar month
5 in which such license was issued.

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

11 The required fee for a license for the ~~48-month~~ 120-month
12 period shall be as follows:

13

14	Motorcycle license or endorsement [\$13]	<u>\$35</u>
15	Omnibus or school bus endorsement [\$16]	<u>\$35</u>
16	[Articulated vehicle endorsement \$8]	
17	Basic driver's license [\$16]	<u>\$35</u>

18

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 in a manner prescribed by the director and in accordance with
31 procedures 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 or imprisonment in the county jail for not more than
46 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 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.1998, c.108, s.1)

13
14 3. Section 1 of P.L.1979, c.261 (C.39:3-10f) is amended to read
15 as follows:

16 1. In addition to the requirements for the form and content of a
17 motor vehicle driver's license under R.S.39:3-10, on and after
18 January 1, 2000, each initial New Jersey license **【issued to a person**
19 **under the age of 21 after the effective date of this act】** and each
20 renewal of a New Jersey driver's license shall have a color
21 **【photograph】** picture of the licensee¹ except that a person born before
22 January 1, 1939 or a handicapped person may elect to have a license
23 issued that does not bear a color picture of the licensee¹. **【Each initial**
24 **motor vehicle license issued to a person 21 years of age or older on or**
25 **after May 1, 1982, shall have a color photograph of the licensee. At**
26 **the option of the licensee, a renewal of any motor vehicle driver's**
27 **license shall be either a photo-license or a license that does not bear a**
28 **photograph of the licensee.】** All licenses ¹**【bearing a color】** issued on
29 and after January 1, 2000¹ **【photograph】**¹ **【picture of the licensee as**
30 **provided in this act】**¹ shall be valid for a period of **【48】** 120 calendar
31 months. However, the director may, at his discretion, issue licenses
32 and endorsements which shall expire on a date fixed by him. The fee
33 for such licenses or endorsements shall be fixed in amounts
34 proportionately less or greater than the fee otherwise established.
35 ¹Notwithstanding the provisions of this section to the contrary, a
36 person 62 years of age or older or a handicapped person may elect to
37 have a license issued for a period of five or 10 years, which election
38 may not be altered by the director. The fee for the five year license
39 shall be proportionately less than the fee otherwise established.¹

40 Each initial motor vehicle license issued to a person under the age
41 of 21 after the effective date of P.L.19 , c. (now before the
42 Legislature as this bill) shall be conspicuously distinct, through the use
43 of color, from the driver's licenses issued to persons 21 years of age
44 or older. The director, in consultation with the Superintendent of
45 State Police, shall determine the color and the manner in which that
46 color shall be used to achieve this result. ¹ **【Following the name of the**

1 licensee, this license shall read in conspicuous letters:", who will be 21
2 on (insert date of licensee's 21st birthday)."] The license shall also
3 bear the words "UNDER 21" in a conspicuous manner. The director
4 shall provide that upon attaining the age of 21, a licensee shall be
5 issued a replacement driver's license.¹

6 As condition for the renewal of a driver's license, the director shall
7 provide that the picture of a licensee be updated¹ except that in the
8 case of a person born before January 1, 1939 or a handicapped person,
9 the licensee may elect to have a license issued that does not bear a
10 color picture of the licensee¹.

11 Whenever a person has reconstructive or cosmetic surgery which
12 significantly alters the person's facial features, the person shall notify
13 the division and the director may require the picture of the licensee to
14 be updated.

15 Nothing in this section shall be construed to alter or change any
16 expiration date on any New Jersey driver's license issued prior to
17 January 1, 2000 and, unless a licensee's driving privileges are
18 otherwise suspended or revoked, that license shall remain valid until
19 that expiration date.

20 Specific use of the driver's license and any information stored¹ or
21 encoded, electronically or otherwise,¹ in relation thereto shall be in
22 accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal
23 Driver's Privacy Protection Act of 1994, Pub. L.103-322.

24 To replace a photo-license issued prior to the effective date of this
25 act for a licensee who is temporarily out of this State, the director may
26 issue a "valid without [photo" photo-license] picture" picture license
27 for the unexpired term of the license.

28 [The provisions of this section shall not apply to driver licenses
29 issued pursuant to P.L.1990, c.103 (C.39:3-10.9 et al.).]

30 ¹As used in this section, a "handicapped person" means any
31 individual who has been issued a handicapped person identification
32 card pursuant to section 2 of P.L.1949, c.280 (C.39:4-205).¹

33 (cf: P.L.1990, c.103, s.26)

34

35 4. Section 3 of P.L.1979, c.261 (C.39:3-10h) is amended to read
36 as follows:

37 3. The director shall provide for the use of a process or processes
38 in the issuance of licenses with [photographs] color pictures that
39 prevent, to the extent possible, the alteration, delamination,
40 duplication, counterfeiting, photographing, forging or other
41 modification of the license and prevent the superimposition of a
42 [photograph] color picture other than the authorized original on such
43 license. The director shall provide that material used for, and the
44 manufacturing process of, the license shall prevent, to the greatest
45 extent possible, any alteration, delamination, duplication,
46 counterfeiting, photographing, forging or other modification of the

1 license. ¹ **【The director may provide for the electronic storage of the**
2 **licensee's motor vehicle information, including the licensee's color**
3 **picture and signature, in a bar code, magnetic stripe or database.】** In
4 **addition, the director may provide that the license include features to**
5 **ensure the security and integrity of the license. Any information**
6 **encoded in a bar code or magnetic stripe on the license shall be limited**
7 **to the following: name, address, municipality of residence, state, zip**
8 **code of residence, date of birth, under 21 until xx/xx/xx (date of**
9 **licensee's 21st birthday), gender, color of eyes, height, driver's license**
10 **number, date of issuance, expiration date, document type, class,**
11 **endorsements and restrictions, organ donor status, identification of**
12 **issuer, license fee, transaction number, and the licensee's digitized**
13 **signature. Any information encoded in a bar code or magnetic stripe**
14 **on the license shall be displayed on the driver's license, which may be**
15 **done in abbreviated form.**¹

16 (cf: P.L.1979, c.261, s.3)

17

18 5. Section 22 of P.L.1990, c.22 (C.39:3-10.30) is amended to read
19 as follows:

20 22. Notwithstanding the provisions of R.S.39:3-14 or any other
21 sections of law which permit or require the issuance of driver's license
22 without charge, the required fee for a commercial driver license
23 examination or learner's permit shall be \$35. A permit issued before
24 April 1, 1992 shall be valid for a period of two years from the date of
25 issuance, unless another time period is established for such permits in
26 federal regulations promulgated by the Secretary of the United States
27 Department of Transportation. The permit holder shall have unlimited
28 testing opportunities consistent with the scheduling obligations of the
29 Division of Motor Vehicles and the need to provide testing
30 opportunities to all persons affected by this act. For an examination
31 or learner's permit issued on or after April 1, 1992, the director may
32 limit the permit's validity to a specific length of time or number of
33 testing opportunities.

34 After the issuance of a commercial driver license, the examination
35 or learner's permit fee for an additional endorsement or license class
36 shall be \$10 per endorsement or class.

37 In addition to fees for a basic driver license and any
38 non-commercial endorsement and renewals thereof, the required fee
39 for a **【48】** 120 month licensing period shall be **【\$16】** \$35 for each
40 commercial driver license and renewal thereof and **【\$2】** \$10 for each
41 endorsement and renewal thereof. **【In addition, the director shall**
42 **charge a fee for a photograph of the licensee and its affixation to the**
43 **commercial driver license which shall be based on the actual cost**
44 **incurred by the division for the photograph and the affixation.】**

45 The commercial driver license shall expire on the last day of the
46 **【48th】** 120th calendar month following the calendar month in which

1 the license was issued. However, the director may, at his discretion,
2 issue licenses and endorsements which shall expire on a date fixed by
3 him. The fee for such licenses or endorsements shall be fixed in
4 amounts proportionately less or greater than the fee otherwise
5 established.

6 Nothing in this section shall be construed to alter or change any
7 expiration date on any New Jersey commercial driver license issued
8 prior to January 1, 2000 and, unless a licensee's driving privileges are
9 otherwise suspended or revoked, the license shall remain valid until its
10 expiration date.

11 (cf: P.L.1990, c.103, s.22)

12

13 6. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read
14 as follows:

15 1. a. The Director of the Division of Motor Vehicles shall provide
16 with every new license **[or renewed], renewal** license **[a card which**
17 **can be attached to the driver's license designating that he,],**
18 identification card or renewal identification card the opportunity for
19 each person pursuant to the provisions of the "Uniform Anatomical
20 Gift Act," [(P.L.1969, c.161 (C.26:6-65 et seq.),)] is a donor of] to
21 designate that the person shall donate all or any body organs or parts
22 for the purposes of transplantation, therapy, medical research or
23 education upon his death.

24 b. **[The designation upon the card completed pursuant to the**
25 **requirements of paragraph (b) of section 4 of P.L.1969, c.161**
26 **(C.26:6-60(b)),] The designation indicating that a person is a donor**
27 pursuant to subsection a. of this section shall be done in accordance
28 with procedures prescribed by the director. The designation shall be
29 displayed in print in a conspicuous form and manner on the license or
30 identification card, and electronically, by substantially the following
31 statement: "ORGAN DONOR" and shall constitute sufficient legal
32 authority for the removal of a body organ or part upon the [licensee's]
33 death [and the] of the licensee or identification cardholder. The
34 designation shall be removed [by removing the card from the license,
35 destroying said card, or by drawing an "X" through the appropriate
36 designation] in accordance with procedures prescribed by the director.

37 c. **[At the time the prospective donor authorizes the designation to**
38 **appear on a separate card which shall be attached to his license, he**
39 **shall be notified on the card that the designation can be removed only**
40 **as set forth in subsection b.] (Deleted by amendment, P.L. _____,**
41 **c. _____) (now before the Legislature as this bill).**

42 d. For the purposes of this section, license shall not include any
43 temporary license or learner's permit.

44 (cf: P.L.1978, c.181, s.1)

1 7. Section 3 of P.L.1980, c.47 (C.39:3-29.4) is amended to read as
2 follows:

3 3. Every identification card authorized by section 2 of this act shall
4 bear a color **[photograph]** picture of the person to whom it is issued
5 and shall be issued upon the standard license form prescribed by the
6 Division of Motor Vehicles for color **[photograph]** picture drivers'
7 licenses, except that the card shall **[be blue, and shall]** prominently
8 contain the words "For Identification Only."
9 (cf: P.L.1989, c.52, s.3)

10

11 8. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read as
12 follows:

13 4. Each original identification card authorized by section 2 of this
14 act shall, unless canceled earlier, be valid for **[48]** 120 calendar
15 months from its date of issuance, and shall be renewable upon the
16 request of the bearer of the card, pursuant to terms of license renewal
17 established by the Division of Motor Vehicles, and upon payment of
18 a fee as required by section 6 of this act. An identification card issued
19 pursuant to this act to an applicant who is blind, disabled, or
20 handicapped shall be valid for the life of the holder unless canceled by
21 the holder. Cards issued prior to October 16, 1989 and valid upon the
22 effective date of this amendatory act shall be valid for the life of the
23 holder unless canceled by the holder. Cards issued to blind, disabled
24 or handicapped persons between October 16, 1989 and the effective
25 date of this amendatory act, and which are valid on the effective date
26 of this act, shall be made valid for the life of the holder unless canceled
27 by the holder, upon presentation of proof that the blindness, disability,
28 or handicap existed at the time of the original application. The
29 director is authorized to require periodic verification of information
30 included on any identification card issued for or valid for the life of the
31 holder. Nothing in this section shall be construed to alter or change
32 any expiration date on any New Jersey identification card issued prior
33 to January 1, 2000 and any such identification card shall remain valid
34 until its expiration date.

35 (cf: P.L.1993, c.34, s.6)

36

37 9. Section 6 of P.L.1980, c.47 (C.39:3-29.7) is amended to read as
38 follows:

39 6. The Division of Motor Vehicles shall charge fees as **[it deems**
40 appropriate for the issuance of original and duplicate identification
41 cards and for the renewal of identification cards.] follows:

42

43 <u>Identification Card, Original</u>	<u>\$35</u>
44 <u>Identification Card, Duplicate</u>	<u>\$5 with stored color picture</u>

1 (Due to loss, stolen or
2 destroyed card) \$10 with new color picture
3 Identification Card, Renewal \$35

4
5 (cf: P.L.1989, c.52, s.5)

6
7 10. R.S.39:3-31 is amended to read as follows:

8 39:3-31. The director, upon presentation of a statement duly sworn
9 to, stating that the original registration certificate or original
10 motorized bicycle registration certificate has been destroyed, lost or
11 stolen, may, if he is satisfied that the facts as set forth in the statement
12 are substantially true, issue a duplicate or amended registration
13 certificate or motorized bicycle registration certificate to the original
14 holder thereof, upon the payment to the director of a fee of \$5 for
15 each duplicate or amended registration certificate or motorized bicycle
16 registration certificate so issued. The director, upon presentation of
17 a statement, duly sworn to, stating that the original driver's license has
18 been destroyed, lost or stolen, or requesting a new color picture, may,
19 if he is satisfied that the facts as set forth in the statement are
20 substantially true, issue a duplicate driver's license to the original
21 holder thereof, upon payment to the director of a fee of ~~[\$3]~~ \$5 if the
22 color picture used is a stored color picture or \$10 if the color picture
23 used is a new color picture for each duplicate driver's license so
24 issued.

25 (cf: P.L.1994, c.60, s.18)

26
27 11. R.S.39:3-36 is amended to read as follows:

28 39:3-36. The registered owner of a motor vehicle or a motorized
29 bicycle and a licensed operator shall notify the director of a change in
30 his residence within one week after the change is made. Notice shall
31 be in such form and shall contain such information as the director may
32 require. A person who violates this section shall be subject to a
33 penalty of not more than \$10. Upon notification, and payment of a fee
34 of \$5 if it involves a stored color picture or \$10 if it involves a new
35 color picture, the director shall provide the registered owner or
36 licensed operator either with a new license or change the license
37 currently held by that owner or operator pursuant to terms established
38 by the Division of Motor Vehicles.

39 (cf: P.L.1990, c.103, s.31)

40
41 12. Section 1 of P.L.1941, c.343 (C.39:3-86) is amended to read
42 as follows:

43 1. For a violation of a provision of chapter three of Title 39 of the
44 Revised Statutes for which no specific penalty is provided, the
45 offender shall be liable to a penalty of ~~[not more than fifty dollars~~
46 ~~(\$50.00)]~~ not less than \$25 or more than \$500 or imprisonment for

1 a term of not exceeding fifteen days or both.
2 (cf: P.L.1941, c.343, s.1).

3
4 13. Section 4 of P.L.1995, c.401 (C.12:7-73) is amended to read
5 as follows:

6 4. a. The fee for a ~~48-month~~ 120-month power vessel operator's
7 license required pursuant to section 3 of P.L.1995, c.401 (C.12:7-72)
8 shall be ~~16~~ 35 and shall be paid to the director for deposit into
9 the State General Fund.

10 b. Each New Jersey power vessel operator's license issued pursuant
11 to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a color
12 ~~photograph~~ picture of the licensee. ~~In addition to the fee required~~
13 ~~pursuant to subsection a. of this section, the fee for the photograph~~
14 ~~shall be \$2 for each license.~~

15 (cf: P.L.1995, c.401, s.4)

16

17 14. Section 1 of P.L. 1983, c.565 (C.2C:21-2.1) is amended to
18 read as follows:

19 1. ~~a. A person who knowingly sells, offers or exposes for sale, or~~
20 ~~otherwise transfers, or possesses with the intent to sell, offer or~~
21 ~~expose for sale, or otherwise transfer, a document, printed form or~~
22 ~~other writing which simulates falsely purports to be a drivers' license~~
23 ~~or other document issued by a governmental agency and which could~~
24 ~~be used as a means of verifying a person's identity or age is guilty of~~
25 ~~a disorderly persons offense crime of the third degree.~~

26 ~~b. A person who knowingly makes, or possesses devices or~~
27 ~~materials to make, a document or other writing which falsely purports~~
28 ~~to be a driver's license or other document issued by a governmental~~
29 ~~agency and which could be used as a means of verifying a person's~~
30 ~~identity or age is guilty of a crime of the third degree.~~

31 ~~c. A person who knowingly exhibits, displays or utters a document~~
32 ~~or other writing which falsely purports to be a driver's license or other~~
33 ~~document issued by a governmental agency and which could be used~~
34 ~~as a means of verifying a person's identity or age is guilty of a crime~~
35 ~~of the fourth degree.~~

36 ~~d. A person who knowingly possesses a document or other writing~~
37 ~~which falsely purports to be a driver's license or other document issued~~
38 ~~by a governmental agency and which could be used as a means of~~
39 ~~verifying a person's identity or age is guilty of a disorderly persons~~
40 ~~offense.~~

41 ~~e. In addition to any other disposition authorized by this Title, the~~
42 ~~provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other~~
43 ~~statute indicating the dispositions that may be ordered for an~~
44 ~~adjudication of delinquency, and, notwithstanding the provisions of~~
45 ~~subsection c. of N.J.S.2C:43-2, every person convicted of or~~
46 ~~adjudicated delinquent for a violation of any offense defined in this~~

1 section shall forthwith forfeit his right to operate a motor vehicle over
2 the highways of this State for a period to be fixed by the court at not
3 less than six months or more than two years which shall commence on
4 the day the sentence is imposed. In the case of any person who at the
5 time of the imposition of the sentence is less than 17 years of age, the
6 period of the suspension of driving privileges authorized herein,
7 including a suspension of the privilege of operating a motorized
8 bicycle, shall commence on the day the sentence is imposed and shall
9 run for a period as fixed by the court of not less than six months or
10 more than two years after the day the person reaches the age of
11 17 years. If the driving privilege of any person is under revocation,
12 suspension, or postponement for a violation of any provision of this
13 Title or Title 39 of the Revised Statutes at the time of any conviction
14 or adjudication of delinquency for a violation of any offense defined
15 in this chapter or chapter 36 of this Title, the revocation, suspension,
16 or postponement period imposed herein shall commence as of the date
17 of termination of the existing revocation, suspension or postponement.

18 The court before whom any person is convicted of or adjudicated
19 delinquent for a violation of any offense defined in this section shall
20 collect forthwith the New Jersey driver's license or licenses of that
21 person and forward the license or licenses to the Director of the
22 Division of Motor Vehicles along with a report indicating the first and
23 last day of the suspension or postponement period imposed by the
24 court pursuant to this section. If the court is for any reason unable to
25 collect the license or licenses of the person, the court shall cause a
26 report of the conviction or adjudication of delinquency to be filed with
27 the director. The report shall include the complete name, address,
28 date of birth, eye color and sex of the person and shall indicate the
29 first and last day of the suspension or postponement period imposed
30 by the court pursuant to this section. The court shall inform the
31 person orally and in writing that if the person is convicted of
32 personally operating a motor vehicle during the period of license
33 suspension or postponement imposed pursuant to this section, the
34 person shall, upon conviction, be subject to the penalties set forth in
35 R.S.39:3-40. A person shall be required to acknowledge receipt of the
36 written notice in writing. Failure to receive a written notice or failure
37 to acknowledge in writing the receipt of a written notice shall not be
38 a defense to a subsequent charge of a violation of R.S.39:3-40. If the
39 person is the holder of a driver's license from another jurisdiction, the
40 court shall not collect the license, but shall notify forthwith the
41 director who shall notify the appropriate officials in that licensing
42 jurisdiction. The court shall, however, in accordance with the
43 provisions of this section, revoke the person's non-resident driving
44 privileges in this State.

45 In addition to any other condition imposed, a court, in its
46 discretion, may suspend, revoke or postpone the driving privileges of

1 a person admitted to supervisory treatment under N.J.S.2C:36A-1 or
2 N.J.S.2C:43-12 without a plea of guilty or finding of guilt.

3 (cf: P.L.1983, c.565, s.1)

4

5 ¹ 15. (New section) Nothing in this act shall be construed as
6 requiring any county or municipal law enforcement agency to acquire
7 or use any electronic reader or other device in order to verify the
8 authenticity of a driver's license issued pursuant to the provisions of
9 this act, unless the cost of acquiring and using such devices is paid for
10 by the State of New Jersey.¹

11

12 ¹ 16. (New section) Notwithstanding the provisions of P.L.1963,
13 c.73 (C.47:1A-1 et seq.) or any other law to the contrary, a licensee's
14 picture shall not be released or otherwise disclosed by the director,
15 except, subject to the approval of the director, for use by a
16 governmental agency, including any court or law enforcement agency
17 in carrying out its functions, or, subject to the approval of the director,
18 for use by any private person or entity acting on behalf of a federal,
19 State or local agency in carrying out its functions.¹

20

21 ¹ [15.] 17.¹ (New section) The Director of the Division of Motor
22 Vehicles, in accordance with the provisions of the "Administrative
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may
24 promulgate rules and regulations to effectuate the purposes of this act.

25

26 ¹ [16.] 18.¹ R.S.39:3-39, section 2 of P.L.1979, c.261 (C.39:3-
27 10g) and section 1 of P.L.1964, c.172 (C.39:3-38.1) and section 2 of
28 P.L.1975, c.268 (C.39:3-38.2) are repealed.

29

30 ¹ [17.] 19.¹ This act shall take effect January 1, 2000, but the
31 Division of Motor Vehicles in the Department of Transportation may
32 take such anticipatory administrative and regulatory action in advance
33 as shall be necessary to implement the provisions of this act; provided,
34 however, that section 14 of this act shall take effect immediately and,
35 further provided, that for good cause, the Director of the Division of
36 Motor Vehicles may on January 1, 2000 delay implementation of the
37 provisions of this act, other than those set forth in section 14, for a
38 period not to extend beyond January 1, 2001.

ASSEMBLY, No. 1800

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 9, 1998

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Authorizes issuance of digitized driver's licenses.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning driver's licenses and supplementing chapter 3 of
2 Title 39 of the Revised Statutes.

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

6
7 1. a. As used in this act, "digitized driver's license" means a
8 digitized version of the basic driver's license issued by the Director of
9 the Division of Motor Vehicles pursuant to R.S.39:3-10. A digitized
10 driver's license: (1) shall display a tamper-proof digitized photo and
11 signature of the person to whom the license was issued and (2) may
12 be embedded with a microchip, affixed with a magnetic stripe, or both
13 to store information relating exclusively to the licensee's identity and
14 driving record.

15 b. On and after July 1, 1999, the director shall issue only digitized
16 driver's licenses to persons who submit applications for (1) their initial
17 New Jersey driver's license and (2) a renewal of a New Jersey driver's
18 license.

19 Nothing in this subsection shall be construed to alter or change any
20 expiration date on any New Jersey driver's license issued prior to
21 January 1, 1999 and, unless a licensee's driving privileges are
22 otherwise suspended or revoked by the director, that license shall
23 remain valid until that expiration date.

24 c. The information stored on a digitized driver's license shall be
25 accessible only to the division and the law enforcement agencies of this
26 State and shall not be accessible or otherwise made available to any
27 other public or private entity.

28 Without specific statutory authority, no public or private entity shall
29 be permitted to purchase or otherwise acquire information storage
30 space on any digitized driver's license.

31 d. The director shall develop and implement a program designed to
32 enable the holder of a digitized driver's license annually to review,
33 without charge, the information stored on that license. In addition, the
34 program shall include a method for reporting and correcting
35 informational errors.

36 e. The provisions of this act shall not apply to driver licenses issued
37 pursuant to P.L.1990, c.103 (C.39:3-10.9 et seq.).

38 f. The director, in accordance with the provisions of the
39 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
40 seq.), may promulgate rules and regulations to effectuate the purposes
41 of this act.

42
43 2. This act shall take effect immediately.

STATEMENT

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This bill authorizes the Director of the Division of Motor Vehicles (DMV) in the Department of Transportation to issue digitized driver's licenses as replacements for the current basic licenses.

Beginning July 1, 1999, the director is to issue digitized driver's licenses to all persons applying either for their initial New Jersey driver's license or to renew an existing license. The issuance procedure outlined in the bill is designed to facilitate an orderly transition to digitized licenses.

A "digitized driver's license," as described in the bill, would be a modernized version of the basic driver's license issued by the Director of the Division of Motor Vehicles pursuant to R.S.39:3-10. The digitized license would (1) display a tamper-proof digitized photo and signature of the person to whom the license was issued and (2) be embedded with a microchip, affixed with a magnetic stripe, or both to store information relating exclusively to the licensee's identity and driving record.

To address public concerns about privacy, the bill specifies that the information stored on a digitized driver's license would be accessible only to DMV and law enforcement agencies. Furthermore, the bill provides that no other private or public entity may purchase or otherwise acquire information storage space on any digitized driver's license unless specific statutory authority is first obtained. Finally, the bill directs the director to establish a program designed to enable the holder of a digitized driver's license annually to review, without charge, the information stored on that license and, if informational errors are found by the licensee, a method of reporting and correcting them.

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Office of the Governor
NEWS RELEASE

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Governor Christie Whitman today signed legislation authorizing a 10-year digitized driver's license that will cost less, cut back on fraud and help law enforcement verify driver identities.

"New Jersey citizens deserve a state government that is efficient, a state government that treats each tax dollar with care, and a state government that protects against fraud and abuse. This bill does all of the above," said Gov. Whitman.

A-2623, sponsored by Assembly Members Guy R. Gregg (R- Sussex/Hunterdon/Morris), Joseph J. Roberts, Jr. (D- Camden/Gloucester) and Alex DeCroce (R-Essex/Morris/Passaic) and Senators Andrew R. Ciesla (R-Monmouth/Ocean) and Shirley K. Turner (D-Mercer), will be implemented over a four-year period beginning next year. Current licenses will still be valid until a driver is due to renew the license.

Under the new provisions, New Jersey licenses will have a digitized picture and signature. The new license will also allow driver's license information to be encoded on either a bar code or a magnetic stripe. Information that will be encoded on the new license and contained in a centralized database will be protected by State and federal driver's privacy protection laws, and will only include information that appears on the face of licenses.

The Governor said the new license will allow New Jersey to become more proactive in protecting colleges, bars, restaurants and citizens against fraud, while recognizing the privacy rights of drivers. The new license will protect against counterfeit licenses and will make it much more difficult for people to use fraudulent identities.

Driver pictures will be stored in a centralized database, making it easier for law enforcement to verify a driver's identity. Pictures will only be accessible to government agencies and private agencies working on behalf of them, including privatized Department of Motor Vehicle agencies, who have gotten the approval of the Director of the Division of Motor Vehicles.

"The new driver's license does more than allow someone to drive a car," said NJ Department of Transportation Commissioner James Weinstein. "The digitized license provides law enforcement, bar owners, and liquor stores with the secure document they need to deter underage drinking."

Weinstein said the digitized license provides convenience to New Jersey's 5.8 million licensed drivers by reducing the trips they need to make to a DMV office and by reducing the cost of the license.

Driver's will save money once they get the new picture license. The 10-year license will cost \$35. The annual cost of a driver's picture license will decrease from \$4.50 to \$3.50. In addition, drivers will be able to replace lost or stolen licenses by calling for a new one.

The bill aims to deter the fraudulent use of New Jersey licenses for things like underage drinking. Licensed drivers under the age of 21 will have a different color license and will have an under 21 identifier on the face of the license.

The legislation also cracks down on fraud by increasing the penalties for those who make, sell, intend to sell, possess or use fake licenses. Anyone convicted of any of these offenses will face a mandatory suspension of their driver's license for up to 2 years. In addition, anyone making, distributing, intending to sell or transferring a fake license will be guilty of a third degree crime. These offenses were previously considered fourth degree crimes. In addition, anyone who uses a fraudulent license will be guilty of a fourth degree crime instead of the previous disorderly person offense.

The legislation provides senior citizens and handicapped persons the option of either a 5 or a 10-year license. Additionally, seniors born prior to 1939 and the handicapped are not required to have a picture license.

Organ donation designations will now be electronically stored in a centralized database, in addition to being printed on driver's licenses. The Governor encouraged drivers to seriously consider donating an organ if they are in the position to do so.

The legislation also applies to identification cards, and license endorsements, including boat, motorcycle, and commercial driver's licenses.