

39:3-10 et al

LEGISLATIVE HISTORY CHECKLIST

(Drivers license from another state must be surrendered when applying for NJ license. Increases penalties for driving while on revoked list)

NJSA 39:3-10 et al

LAWS 1-82

CHAPTER 45

Bill No. S904

Sponsor(s) Graves, Rodgers and Bassano

Date Introduced Feb. 1, 1982

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes ~~XXX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 20, 1982

Senate Feb. 25, 1982

Date of approval June 29, 1982

Following statements are attached if available:

Sponsor statement Yes ~~NO~~

Committee Statement: Assembly Yes ~~NO~~

Senate Yes ~~NO~~

Fiscal Note ~~XXX~~ No

Veto Message ~~XXX~~ No

Message on signing Yes ~~NO~~

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

16/22/81 1800

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SENATE, No. 904

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Senators GRAVES, RODGERS and BASSANO

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning motor vehicles and amending R. S. 39:3-10,
R. S. 39:3-40, R. S. 39:4-96, R. S. 39:4-104 and R. S. 39:4-203.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

2 39:3-10. No person shall drive a motor vehicle on a public high-
3 way in this State unless licensed to do so in accordance with this
4 article. No person under 17 years of age shall be licensed to drive
5 motor vehicles, nor shall a person be licensed until he has passed
6 a satisfactory examination as to his ability as an operator. The
7 examination shall include a test of the applicant's vision, his ability
8 to understand traffic control devices, his knowledge of safe driving
9 practices, his knowledge of such portions of the mechanism of
10 motor vehicles as is necessary to insure the safe operation of a
11 vehicle of the kind or kinds indicated by the applicant and of the
12 laws and ordinary usages of the road and a demonstration of his
13 ability to operate a vehicle of the class designated.

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

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

22 a. Motorcycles;

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendment adopted May 13, 1982.

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

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

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

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

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

39 The director, upon payment of the lawful fee and after he or an
40 inspector of his has examined the applicant and is satisfied of the
41 applicant's ability as an operator, may, in his discretion, license
42 the applicant to drive a motor vehicle. The license shall authorize
43 him to drive any registered vehicle, of the kind or kinds indicated,
44 and shall expire, except as otherwise provided, on the last day of
45 the forty-eighth calendar month following the calendar month in
46 which such license was issued.

47 The director may issue a renewal of a basic driver's license which
48 does not bear a photograph, and which shall expire on the last day
49 of the twenty-fourth calendar month following the calendar month
50 in which such license was issued, to any person 60 years of age or
51 older who makes application for such a license.

52 The director may, at his discretion and for good cause shown,
53 issue licenses which shall expire on a date fixed by him. The fee for
54 such licenses shall be fixed by the director in amounts proportion-
55 ately less or greater than the fee herein established.

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

| | |
|--|---------|
| 58 Motorcycle license or endorsement | \$8.00 |
| 59 Omnibus or school bus endorsement | \$16.00 |
| 60 Articulated vehicle endorsement | \$8.00 |
| 61 Basic driver's license | \$16.00 |

62 The required fee for a basic driver's license for the 24 month
63 period shall be \$8.00.

64 The required fee for a license for the 36 month period shall be as
65 follows:

| | | |
|----|---|---------|
| 66 | Motorcycle license or endorsement | \$6.00 |
| 67 | Omnibus or school bus endorsement | \$12.00 |
| 68 | Articulated vehicle endorsement | \$6.00 |
| 69 | Basic driver's license | \$12.00 |

70 The director shall waive the payment of fees for issuance of
71 omnibus endorsements whenever an applicant establishes to the
72 director's satisfaction that said applicant will use the omnibus en-
73 dorsement exclusively for operating omnibuses owned by a non-
74 profit organization duly incorporated under Title 15 or 16 of the
75 Revised Statutes.

76 The driver's license shall have the legal name of the licensee
77 endorsed thereon in his own handwriting. For purposes of this
78 section, legal name shall mean the name recorded on a birth cer-
79 tificate unless otherwise changed by marriage, divorce or order of
80 court. The director may require that only the legal name be re-
81 corded on the driver's license. A licensee whose name is changed
82 due to marriage, divorce, or by judgment of the court, shall notify
83 the director of the change in name within 2 weeks after the change
84 is made. A person who violates this provision shall be subject to
85 a penalty of not more than \$10.00.

86 The director shall issue licenses for the following license period
87 on and after the first day of the calendar month immediately pre-
88 ceding the commencement of such period, such licenses to be effec-
89 tive immediately.

90 All applications for renewals of licenses shall be made on forms
91 prescribed by the director and in accordance with procedures
92 established by him.

93 The director in his discretion may refuse to grant a license to
94 drive motor vehicles to a person who is, in his estimation, not a
95 proper person to be granted such a license, but no defect of the
96 applicant shall debar him from receiving a license unless it can be
97 shown by tests approved by the Director of the Division of Motor
98 Vehicles that the defect incapacitates him from safely operating
99 a motor vehicle.

100 A person violating this section shall be subject to a fine not ex-
101 ceeding \$500.00 or imprisonment in the county jail for not more than
102 60 days, *but if that person has never been licensed to drive in this*
103 *State or any other jurisdiction, he shall be subject to a fine of not*
104 *less than \$200.00 and, in addition, the court shall issue an order to*
105 *the Director of the Division of Motor Vehicles requiring the*
106 *director to refuse to issue a license to operate a motor vehicle to the*
107 *person for a period of not less than 180 days. The penalties pro-*
108 *vided for by this paragraph shall not be applicable in cases where*

109 *failure to have actual possession of the operator's license is due to*
 110 *an administrative or technical error by the Division of Motor*
 111 *Vehicles.*

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

1 2. R. S. 39:3-40 is amended to read as follows:

2 39:3-40. No person to whom a driver's license has been refused
 3 or whose driver's license or reciprocity privilege has been suspended,
 4 or revoked, or who has been prohibited from obtaining a driver's
 5 license, shall personally operate a motor vehicle during the period
 6 of refusal, suspension, revocation, or prohibition.

7 No person whose motor vehicle registration has been revoked
 8 shall operate or permit the operation of such motor vehicle during
 9 the period of such revocation.

10 A person violating [any provision of] this section shall be [fined
 11 not less than \$200.00 nor more than \$1,000.00, or be imprisoned in
 12 the county jail for not more than 6 months, or both provided, that
 13 if while operating a vehicle in violation of this section, such person
 14 is involved in an accident resulting in personal injury, the punish-
 15 ment shall include imprisonment for not less than 45 days. A period
 16 of suspension or revocation during which a person was prohibited
 17 from operating a motor vehicle may be extended or imposed for an
 18 additional period not to exceed 6 months.] *subject to the following*
 19 *penalties:*

20 a. *Upon conviction for a first offense, a fine of \$500.00;*

21 b. *Upon conviction for a second offense, a fine of \$750.00 and im-*
 22 *prisonment in the county jail for not more than 5 days;*

23 c. *Upon conviction for a third offense, a fine of \$1,000.00 and im-*
 24 *prisonment in the county jail for 10 days;*

25 d. *Upon conviction, the court shall impose or extend a period of*
 26 *suspension not to exceed 6 months;*

27 e. *Upon conviction, the court shall impose a period of imprison-*
 28 *ment for not less than 45 days if while operating a vehicle in viola-*
 29 *tion of this section a person is involved in an accident resulting in*
 30 *personal injury.*

31 *Notwithstanding paragraphs a. through e., any person violating*
 32 *this section while under a suspension issued pursuant to R. S.*
 33 *39:4-50 shall be subject upon conviction to a fine of \$500.00, im-*
 34 *prisonment in the county jail for 90 days, and an additional sus-*
 35 *pension of the license to operate a motor vehicle for a period of 5*
 36 *years.*

1 3. R. S. 39:4-96 is amended to read as follows:

2 39:4-96. A person who drives a vehicle on a highway heedlessly,
 3 in willful or wanton disregard of the rights or safety of others, in a
 4 manner so as to endanger, or be likely to endanger, a person or
 5 property, shall be guilty of reckless driving and be punished by
 6 imprisonment in the county or municipal jail for a period of not
 7 more than 60 days, or by a fine of not *less than \$50.00* or more than
 8 \$200.00, or both.

9 On a second or subsequent conviction he shall be punished by
 10 imprisonment for not more than 3 months, or by a fine of not *less*
 11 *than \$100.00* or more than \$500.00, or both.

1 4. R. S. 39:4-104 is amended to read as follows:

2 39:4-104. A person violating a section of this article shall, for
 3 each violation, be subject to a fine of not **less than \$50.00 or** more
 4 than \$200.00, or imprisonment for a period not exceeding **[10]** 15
 5 days, or both, except as herein otherwise provided.

1 5. R. S. 39:4-203 is amended to read as follows:

2 39:4-203. For a violation of a provision of this chapter or any
 3 supplement thereto for which no specific penalty is provided, the
 4 offender shall be liable to a penalty of not more than \$50.00 or
 5 imprisonment for a term not exceeding 15 days or both; *except*
 6 *that for a violation of a section of article 11, 13, 14 or 17 of this*
 7 *chapter or any supplement thereto for which no specific penalty is*
 8 *provided, the offender shall be liable to a penalty of not less than*
 9 *\$50.00 or more than \$200.00 or imprisonment for a term not exceed-*
 10 *ing 15 days or both.*

1 6. This act shall take effect on the first day of the third month
 2 following enactment.

6 imprisonment in the county or municipal jail for a period of not
7 more than 60 days, or by a fine of not *less than \$50.00* or more than
8 \$200.00, or both.

9 On a second or subsequent conviction he shall be punished by
10 imprisonment for not more than 3 months, or by a fine of not *less*
11 *than \$100.00* or more than \$500.00, or both.

1 4. R. S. 39:4-104 is amended to read as follows:

2 39:4-104. A person violating a section of this article shall, for
3 each violation, be subject to a fine of not more than \$200.00, or
4 imprisonment for a period not exceeding **[10]** 15 days, or both,
5 except as herein otherwise provided.

1 5. R. S. 39:4-203 is amended to read as follows:

2 39:4-203. For a violation of a provision of this chapter or any
3 supplement thereto for which no specific penalty is provided, the
4 offender shall be liable to a penalty of not more than \$50.00 or
5 imprisonment for a term not exceeding 15 days or both; *except*
6 *that for a violation of a section of article 11, 13, 14 or 17 of this*
7 *chapter or any supplement thereto for which no specific penalty is*
8 *provided, the offender shall be liable to a penalty of not less than*
9 *\$50.00 or more than \$200.00 or imprisonment for a term not exceed-*
10 *ing 15 days or both.*

1 6. This act shall take effect on the first day of the third month
2 following enactment.

STATEMENT

This bill would require an applicant for a New Jersey driver's license to surrender a driver's license issued to him by another jurisdiction. The bill establishes a \$200.00 minimum fine and a provision for a court order to the director delaying the issuance of a license for 6 months to anyone who drives and who has never obtained a license. It also increases the general penalties for the offense of driving when refused a license or driving on the revoked list. The penalties would be as follows:

a. First offense—\$500.00 fine and a suspension not to exceed 6 months;

b. Second offense—\$750.00 fine, up to a 5-day jail sentence and a mandatory suspension not to exceed 6 months;

c. Third offense—\$1,000.00 fine, up to a 10-day jail sentence and a mandatory suspension not to exceed 6 months.

In addition if the person is involved in an accident where personal injury occurs, he shall be imprisoned for not less than 45 days.

Anyone who is convicted of driving on the revoked list who is

S 904(1982)

revoked for drunken driving would be fined \$500.00, imprisoned for 90 days and be suspended for 5 years.

This bill also sets minimum fines of \$50.00 for a first conviction and \$100.00 for a second conviction of reckless driving. Presently there is no minimum fine. It would, in addition, establish a minimum fine for the general penalty section for moving violations where there is no specific penalty provided. It would also increase the allowable jail term under the general penalty provision from 10 to 15 days.

The Division of Motor Vehicles estimates that this bill will result in raising additional revenues by approximately \$30 million per year.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 904

STATE OF NEW JERSEY

DATED: MAY 3, 1982

This bill, as amended, requires an applicant for a New Jersey driver's license to surrender a driver's license issued to him by another jurisdiction. It also increases the general penalties for the offense of driving when refused a license or driving on the revoked list.

This bill was before the committee last session in both its Assembly and Senate form. This session, Assembly Bill No. 760, sponsored by Assemblyman Karcher is the Assembly Bill on this subject. The bill was not referenced and passed by the Assembly. Senate Bill No. 904 is substantially the same as Assembly Bill No. 760, but without the several technical errors contained in Assembly Bill No. 760.

In addition, the bill provides that if the person is involved in an accident where personal injury occurs, he shall be imprisoned for not less than 45 days.

Anyone who is convicted of driving on the revoked list who is revoked for drunken driving would be fined \$500.00, imprisoned for 90 days and be suspended for 5 years.

A minimum fine of \$50.00 is provided for a first conviction and \$100.00 for a second conviction of reckless driving. Presently there is no minimum fine. A minimum fine for the general penalty section for moving violations where there is no specific penalty provided and an increase in the allowable jail term under the general penalty provision from 10 to 15 days is provided.

The committee amendment adds language concerning minimum fines.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 904

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1982

This bill would require an applicant for a New Jersey driver's license to surrender a driver's license issued to him by another jurisdiction upon receipt of a New Jersey driver's license.

The bill provides that a person who drives without ever having obtained a driver's license, will be fined a minimum of \$200.00. Moreover, a court order will be issued requiring the Director of the Division of Motor Vehicles to refuse to issue a driver's license to the person for at least 180 days.

It also increases the general penalties for the offense of driving when refused a license or driving on the revoked list. For a first offense, the penalty would be a \$500.00 fine and a suspension of license for up to 6 months; for a second offense, a \$750.00 fine, a jail sentence of up to 5 days, and a mandatory suspension of license for up to 6 months; for a third offense, a \$1,000.00 fine, a jail sentence of up to 10 days, and a mandatory suspension of license for up to 6 months.

In addition if the person is involved in an accident in which personal injury occurs, he would be imprisoned for not less than 45 days.

Anyone whose license has been revoked for drunken driving and who is convicted of driving on the revoked list would be fined \$500.00, imprisoned for 90 days and suspended for 5 years.

This bill also sets minimum fines of \$50.00 for a first conviction and \$100.00 for a second conviction of reckless driving. Presently there is no minimum fine. The bill would, in addition, establish a minimum fine for the general penalty section for moving violations where there is no specific penalty provided. It would also increase the allowable jail term under the general penalty provision from 10 to 15 days.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: DAVID DE MAIO

JUNE 30, 1982

Governor Thomas H. Kean today signed four bills, including a new law increasing motor vehicle fines and requiring New Jersey drivers to surrender licenses to drive from other states.

S-904, sponsored by Senator Frank X. Graves (D-Passaic), requires an applicant for a New Jersey driver's license to surrender any license the applicant holds from another state or country. The provision is intended to prevent people suspended from driving in New Jersey from driving on the authority of another license and vice versa.

The bill also increases penalties for unlicensed driving, driving on the revoked list, reckless driving, speeding and other moving violations according to the following schedule:

| <u>VIOLATION</u> | <u>PRESENT PENALTY</u> | <u>NEW PENALTY</u> |
|--|---|--|
| Driving w/o license | \$500 or 60 days | \$200 if never licensed |
| Driving on revoked list | \$200 - \$1,000 | \$500 on first offense \$750 and 5 days on second \$1,000 and 10 days on third |
| Reckless driving | Up to \$200 on first offense Up to \$500 on second offense | Minimum of \$50 Minimum of \$100 on second offense |
| Speeding | Up to \$200 and/or 10 days | Minimum of \$50 and/or 15 days |
| Miscellaneous moving violations (failure to yield, etc.) | Up to \$50 and/or 15 days | \$50 to \$200 |

(more)

S-915, sponsored by Senator Matthew Feldman (D-Bergen), establishes an Office of Deputy Superintendent of Elections in counties with more than 600,000 registered voters --- currently Bergen, Essex and Hudson counties --- in order to relieve the administrative burden now placed on the superintendent in large counties.

The bill provides that the Deputy Superintendent will be nominated by the Governor with the advice and consent of the Senate, and must not be from the same political party as the superintendent.

A-1599, sponsored by Assemblyman Jimmy Zangari (D-Essex), permits the city council under the Faulkner Act's Mayor Council Plan D to create a "housing counselor" position. The bill is limited to cities with a population in excess of 60,000 --- in this case, only Irvington and Paterson.

The bill is intended to help Irvington combat its problems with blockbusting, and the rapid turnover of residential property there.

A-1659, sponsored by Assemblywoman Catherine A. Costa (D-Burlington), validates the bond referendum proceedings of the Edgewater Park school district. The bond referendum was approved by the Township's voters on April 6, 1982, but was not ratified because of a technical violation of the absentee voting law.

The referendum results have not been contested and this bill validates the election. The school district is currently entering into a contract which will remove asbestos from school facilities, and that project is contingent upon release of the bond monies.

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