

39:3-10

LEGISLATIVE HISTORY CHECKLIST
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(Organ donations--require
information in drivers manual)

NJSA: 39:3-10

LAWS OF: 1992 CHAPTER: 110

BILL NO: A377

SPONSOR(S) DeCroce and Martin

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Health & Human Services
SENATE: Health & Human Services

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: April 13, 1992
SENATE: September 14, 1992

DATE OF APPROVAL: September 25, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KEG:pp

[FIRST REPRINT]
ASSEMBLY, No. 377
STATE OF NEW JERSEY

LETTER OF INTENT
P.L. 1992-100

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblymen DeCROCE and MARTIN

1 AN ACT concerning information on organ donations, amending
2 R.S.39:3-10 and R.S.39:3-41.

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

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

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

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

30 The director shall expand the driver's license examination to
31 include ¹[one or more questions concerning] a question asking
32 whether the applicant is aware of¹ the provisions of the "Uniform
33 Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) ¹[, the
34 beneficial uses of donated body organs and tissues, or] and¹ the
35 procedure for indicating on the driver's license the intention to
36 make ¹[such]¹ a donation ¹of body organs or tissues¹ pursuant to
37 P.L.1978, c.181 (C.39:3-12.2).

38 Any person applying for a driver's license to operate a motor
39 vehicle or motorized bicycle in this State shall surrender to the
40 director any current driver's license issued to him by another
41 state upon his receipt of a driver's license for this State. The

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Assembly AHH committee amendments adopted February 3, 1992.

1 director shall refuse to issue a driver's license if the applicant
2 fails to comply with this provision.

3 The director shall create classified licensing of drivers
4 covering the following classifications:

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

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

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

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

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

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

26 The director, upon payment of the lawful fee and after he or a
27 person authorized by him has examined the applicant and is
28 satisfied of the applicant's ability as an operator, may, in his
29 discretion, license the applicant to drive a motor vehicle. The
30 license shall authorize him to drive any registered vehicle, of the
31 kind or kinds indicated, and shall expire, except as otherwise
32 provided, on the last day of the forty-eighth calendar month
33 following the calendar month in which such license was issued.

34 The director may, at his discretion and for good cause shown,
35 issue licenses which shall expire on a date fixed by him. The fee
36 for such licenses shall be fixed by the director in amounts
37 proportionately less or greater than the fee herein established.

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

40	Motorcycle license or endorsement	\$8.00
41	Omnibus or school bus endorsement	\$16.00
42	Articulated vehicle endorsement	\$8.00
43	Basic driver's license	\$16.00

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

50 The director shall issue licenses for the following license period
51 on and after the first day of the calendar month immediately
52 preceding the commencement of such period, such licenses to be
53 effective immediately.

54 All applications for renewals of licenses shall be made on forms

1 prescribed by the director and in accordance with procedures
2 established by him.

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

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

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

25 (cf: P.L.1988, c.8, s.2)

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

27 39:3-41. a. At the time of the issuance of an examination
28 permit or a special learner's permit to operate a motor vehicle,
29 the director shall make available to each applicant for the
30 examination permit or special learner's permit a driver's manual
31 containing information required to be known and followed by
32 licensed drivers relating to licensing requirements.

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

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

43 d. The director, following consultation with the New Jersey
44 Organ and Tissue Sharing Network, shall include in the driver's
45 manual information explaining the provisions of the "Uniform
46 Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.), the
47 beneficial uses of donated body organs and tissues, and the
48 procedure for indicating on the driver's license the intention to
49 make such a donation pursuant to P.L.1978, c.181 (C.39:3-12.2).

50 ¹The director may distribute all remaining copies of the existing
51 driver's manual before reprinting the manual with the
52 information required pursuant to this subsection.¹

53 (cf: P.L.1977, c.24, s.1)

54 3. This act shall take effect immediately.

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Requires driver manual to contain information on organ donation.

1 drive motor vehicles to a person who is, in his estimation, not a
2 proper person to be granted such a license, but no defect of the
3 applicant shall debar him from receiving a license unless it can be
4 shown by tests approved by the Director of the Division of Motor
5 Vehicles that the defect incapacitates him from safely operating
6 a motor vehicle.

7 A person violating this section shall be subject to a fine not
8 exceeding \$500.00 or imprisonment in the county jail for not
9 more than 60 days, but if that person has never been licensed to
10 drive in this State or any other jurisdiction, he shall be subject to
11 a fine of not less than \$200.00 and, in addition, the court shall
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13 requiring the director to refuse to issue a license to operate a
14 motor vehicle to the person for a period of not less than 180
15 days. The penalties provided for by this paragraph shall not be
16 applicable in cases where failure to have actual possession of the
17 operator's license is due to an administrative or technical error
18 by the Division of Motor Vehicles.

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27 examination permit or special learner's permit a driver's manual
28 containing information required to be known and followed by
29 licensed drivers relating to licensing requirements.

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

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

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41 Organ and Tissue Sharing Network, shall include in the driver's
42 manual information explaining the provisions of the "Uniform
43 Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.), the
44 beneficial uses of donated body organs and tissues, and the
45 procedure for indicating on the driver's license the intention to
46 make such a donation pursuant to P.L.1978, c.181 (C.39:3-12.2).

47 (cf: P.L.1977, c.24, s.1)

48 3. This act shall take effect immediately.

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51 STATEMENT

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53 This bill seeks to make drivers more fully aware of the
54 scientific and medical benefits derived from the donation of body

1 organs and of the procedure for indicating on their drivers'
2 licenses their wish to make such a donation.

3 Existing law permits drivers to indicate on their licenses their
4 intention to donate their eyes and other organs upon death.
5 However, beyond stating that this notation may be made on a
6 driver's license, the New Jersey Driver Manual contains no
7 further information on organ donation.

8 This bill requires the Director of the Division of Motor
9 Vehicles, following consultation with the New Jersey Organ and
10 Tissue Sharing Network, to include in the driver's manual
11 information explaining the provisions of the "Uniform Anatomical
12 Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) and the beneficial
13 uses of donated body organs and tissues. The manual would also
14 be required to describe the procedure for noting on a driver's
15 license the intention to donate an organ pursuant to P.L.1978,
16 c.181 (C.39:3-12.2). The bill further requires that at least one
17 question pertaining to organ donation be included in the written
18 examination for a driver's license.

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23 _____
Requires driver manual to contain information on organ donation.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 377

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 1992

The Assembly Health and Human Services Committee favorably reports Assembly Bill No. 377 with committee amendments.

As amended by the committee, this bill seeks to make drivers more fully aware of the scientific and medical benefits derived from the donation of body organs and of the procedure for indicating on their drivers' licenses their wish to make such a donation.

Existing law permits drivers to indicate on their licenses their intention to donate their eyes and other organs upon death. However, beyond stating that this notation may be made on a driver's license, the New Jersey Driver Manual contains no further information on organ donation.

The amended bill requires the Director of the Division of Motor Vehicles, following consultation with the New Jersey Organ and Tissue Sharing Network, to include in the driver's manual information explaining the provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) and the beneficial uses of donated body organs and tissues. The manual would also be required to describe the procedure for noting on a driver's license the intention to donate an organ pursuant to P.L.1978, c.181 (C.39:3-12.2). The amended bill further requires that a question be included in the written examination for a driver's license asking whether a driver's license applicant is aware of the "Uniform Anatomical Gift Act," and the procedure for indicating on the driver's license the intention to make an organ donation.

The committee amended the bill to require that a question be included in the written examination for a driver's license asking whether a driver's license applicant is aware of the "Uniform Anatomical Gift Act," and the procedure for indicating on the driver's license the intention to make an organ donation. This amendment replaces the original language of the bill which would have required that the written examination include one or more questions about organ donation procedures. The amendment is intended to address a concern raised by the Division of Motor Vehicles about including questions on the written examination which do not measure the ability of a driver's license applicant to drive a motor vehicle.

The committee also amended the bill to permit the Director of the Division of Motor Vehicles to distribute all remaining copies of the existing manual before reprinting it with the additional information required under this bill. This amendment is intended to reduce the costs to the division of implementing this provision.

This bill was pre-filed for introduction in the 1992-93 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 377

STATE OF NEW JERSEY

DATED: JULY 23, 1992

The Senate Health and Human Services Committee favorably reports Assembly Bill No. 377 [1R].

This bill requires the Director of the Division of Motor Vehicles, following consultation with the New Jersey Organ and Tissue Sharing Network, to include in the driver's manual information explaining the provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) and the beneficial uses of donated body organs and tissues. The manual would also be required to describe the procedure for noting on a driver's license the intention to donate an organ pursuant to P.L.1978, c.181 (C.39:3-12.2). In order to reduce the costs to the division of implementing this change in the manual, the bill permits the Director of the Division of Motor Vehicles to distribute all remaining copies of the existing manual before reprinting it with the additional information.

The bill also requires that a question be included in the written examination for a driver's license asking whether a driver's license applicant is aware of the "Uniform Anatomical Gift Act," and the procedure for indicating on the driver's license the intention to make an organ donation.

Existing law permits drivers to indicate on their licenses their intention to donate their eyes and other organs upon death; however, beyond stating that this notation may be made on a driver's license, the New Jersey Driver Manual contains no further information on organ donation.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

ASSEMBLY, No. 377

STATE OF NEW JERSEY

DATED: September 18, 1992

Assembly Bill No. 377 (1R) of 1992 requires the Director of the Division of Motor Vehicles (DMV) in the Department of Law and Public Safety, in consultation with the New Jersey Organ and Tissue Sharing Network, to include in the driver's manual information explaining the provisions of the "Uniform Anatomical Gift Act" and the beneficial uses of donated body organs and tissues. The bill also requires that one question pertaining to organ donation be included in the written examination for a driver's license.

The bill also permits DMV to distribute all remaining copies of the existing driver's manual before reprinting the manual in conformance with this bill's requirements.

The Office of Legislative Services estimates that enactment of this bill will have no fiscal impact, assuming that DMV uses its current supply of driver's manuals before new manuals, which conform with this bill, are printed.

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.