

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: Yes

[Recommendation Report/New Jersey Teen Driver Study Commission.](#)

By New Jersey Teen Driver Study Commission.

Trenton, N.J.: New Jersey Division of Highway Traffic Safety, 2008.
974.90 A939, 2008

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"NJ tags new drivers with decal," Burlington County Times, 4-16-09, p. A1

"Young drivers will be forced to display identifying decals," The Press, 4-16-09, p. A4

"The carlet letter? N.J. tags newby drivers with decals," The Trentonian, 4-16-09, p. 4

"Corzine enacts N.J.'s latest effort at teen driving safety," Courier News, 4-16-09, p. A7

"Teen drivers to get decals," Asbury Park Press, 4-16-09, p. A1

"Corzine signs 'Kyleigh's Law,' requires decals for young drivers," Daily Record, 4-16-09, p. A1

"Law to help police ID probationary drivers," The Record, 4-16-09, p. A10

"Teenage drivers focus of 2 laws," The Times, 4-16-09, p.A1

"Tighter rules for teenage drivers enacted," The Star Ledger, 4-16-09, p. 018

"N.J. gets tougher on young drivers," The Philadelphia Enquirer, 4-16-09, p. A01

"Young drivers will be forced to display identifying decals," The Press, 4-16-09, p. A4

LAW/RWH

[First Reprint]
SENATE, No. 16

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 22, 2008

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator M. TERESA RUIZ

District 29 (Essex and Union)

Assemblywoman PAMELA R. LAMPITT

District 6 (Camden)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman ANTHONY CHIAPPONE

District 31 (Hudson)

Assemblyman MICHAEL J. DOHERTY

District 23 (Warren and Hunterdon)

Assemblywoman MARY PAT ANGELINI

District 11 (Monmouth)

Co-Sponsored by:

**Senators Madden, T.Kean, Beck, Assemblywoman Rodriguez,
Assemblyman Coutinho, Assemblywomen Wagner, Greenstein,
Assemblyman Diegnan, Assemblywomen Stender and Vainieri Huttle**

SYNOPSIS

Revises certain restrictions on permit holders and provisional driver's licenses; renames provisional license "probationary."

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on June 9, 2008, with amendments.

(Sponsorship Updated As Of: 3/6/2009)

1 AN ACT concerning ¹**[provisional]**¹ driver's permits and¹ licenses
2 and amending ¹and supplementing¹ various parts of the statutory
3 law.

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

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

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

15 No person under 18 years of age shall be issued a basic license to
16 drive motor vehicles, nor shall a person be issued a validated
17 permit, including a validated examination permit, until he has
18 passed a satisfactory examination and other requirements as to his
19 ability as an operator. The examination shall include a test of the
20 applicant's vision, his ability to understand traffic control devices,
21 his knowledge of safe driving practices and of the effects that
22 ingestion of alcohol or drugs has on a person's ability to operate a
23 motor vehicle, his knowledge of such portions of the mechanism of
24 motor vehicles as is necessary to insure the safe operation of a
25 vehicle of the kind or kinds indicated by the applicant and of the
26 laws and ordinary usages of the road. No person shall sit for an
27 examination for any permit without exhibiting photo identification
28 deemed acceptable by the commission, unless that person is a high
29 school student participating in a course of driving education
30 approved by the State Department of Education and conducted in a
31 public, parochial or private school of this State, pursuant to section
32 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the
33 written law knowledge examination for any person 18 years of age
34 or older possessing a valid driver's license issued by any other state,
35 the District of Columbia or the United States Territories of
36 American Samoa, Guam, Puerto Rico or the Virgin Islands. The
37 commission shall be required to provide that person with a booklet
38 that highlights those motor vehicle laws unique to New Jersey. A
39 road test shall be required for a **[provisional]** probationary license
40 and serve as a demonstration of the applicant's ability to operate a
41 vehicle of the class designated. No person shall sit for a road test
42 unless that person exhibits photo identification deemed acceptable
43 by the commission. A high school student who has completed a
44 course of behind-the-wheel automobile driving education approved

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:

¹Senate STR committee amendments adopted June 9, 2008.

1 by the State Department of Education and conducted in a public,
2 parochial or private school of this State, who has been issued a
3 special learner's permit pursuant to section 1 of P.L.1950, c.127
4 (C.39:3-13.1) prior to January 1, 2003, shall not be required to
5 exhibit photo identification in order to sit for a road test. The
6 commission may waive the road test for any person 18 years of age
7 or older possessing a valid driver's license issued by any other state,
8 the District of Columbia or the United States Territories of
9 American Samoa, Guam, Puerto Rico or the Virgin Islands. The
10 road test shall be given on public streets, where practicable and
11 feasible, but may be preceded by an off-street screening process to
12 assess basic skills. The commission shall approve locations for the
13 road test which pose no more than a minimal risk of injury to the
14 applicant, the examiner and other motorists. No new locations for
15 the road test shall be approved unless the test can be given on
16 public streets.

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

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

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

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

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

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

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

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

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

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

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

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

42 The commission, upon payment of the lawful fee and after it or a
43 person authorized by it has examined the applicant and is satisfied
44 of the applicant's ability as an operator, may, in its discretion, issue
45 a 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
47 indicated, and shall expire, except as otherwise provided, on the last

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

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

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

18 Motorcycle license or endorsement: \$18.

19

20 Omnibus or school bus endorsement: \$18.

21

22 Basic driver's license: \$18.

23

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

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

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

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

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

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

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

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

21 (cf: P.L.2003, c.13, s.37)

22

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

25 1. An applicant for a motorcycle license, but not for a
26 motorcycle endorsement to a basic license, who previously has
27 never been licensed to drive a motor vehicle in this, or any other
28 state, shall, during the permit period, be subject to the applicable
29 restrictions and penalties for examination permit holders as
30 provided under R.S.39:3-13. Until the provisions of P.L.1998,
31 c.108, as amended by P.L.2001, c.420, are fully implemented, all
32 holders of permits issued pursuant to R.S.39:3-13 and section 6 of
33 P.L.1977, c.25 (C.39:3-13.2a) shall be subject to a probationary
34 driver program for the two-year period immediately following the
35 issuance of the permits. This two-year period shall not be altered if
36 the permit holder obtains a **[provisional]** probationary driver's
37 license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4). All
38 holders of permits issued on or after the date of full implementation
39 of P.L.1998, c.108, as amended by P.L.2001, c.420, shall not be
40 subject to this section.

41 (cf: P.L.2001, c.420, s.4)

42

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

45 1. In addition to the requirements for the form and content of a
46 motor vehicle driver's license under R.S.39:3-10 and a
47 **[provisional]** probationary license issued under section 4 of
48 P.L.1950, c.127 (C.39:3-13.4), on and after the operative date of

1 P.L.2001, c.391 (C.39:3-10f4 et al.), each initial New Jersey
2 license, each renewal of a New Jersey driver's license, and each
3 **[provisional]** probationary license shall have a digitized color
4 picture of the licensee. All licenses issued on and after January 1,
5 2000 shall be valid for a period of 48 calendar months. However,
6 the chief administrator may, at his discretion, issue licenses and
7 endorsements which shall expire on a date fixed by him. The fee
8 for such licenses or endorsements shall be fixed in amounts
9 proportionately less or greater than the fee otherwise established.
10 Notwithstanding the provisions of this section to the contrary, a
11 person 70 years of age or older may elect to have a license issued
12 for a period of two or four years, which election may not be altered
13 by the **[director]** chief administrator. The fee for the two-year
14 license shall be \$9, in addition to the fee for a digitized picture
15 established in section 4 of P.L.2001, c.391 (C.39:3-10f4). The chief
16 administrator may, for good cause extend a license and any
17 endorsement thereon beyond their expiration dates for periods not
18 to exceed 12 additional months. The chief administrator may
19 extend the expiration date of a license and any endorsement thereon
20 without payment of a proportionate fee when the chief administrator
21 determines that such extension is necessary for good cause. If any
22 license and endorsements thereon are so extended, the licensee shall
23 pay upon renewal the full license fee for the period fixed by the
24 chief administrator as if no extension had been granted.

25 Each initial motor vehicle license issued to a person under the
26 age of 21 after the effective date of P.L.1999, c.28 shall be
27 conspicuously distinct, through the use of color and design, from
28 the driver's licenses issued to persons 21 years of age or older. The
29 chief administrator, in consultation with the Superintendent of State
30 Police, shall determine the color and the manner in which the
31 license is designed to achieve this result. The license shall also bear
32 the words "UNDER 21" in a conspicuous manner. The chief
33 administrator shall provide that upon attaining the age of 21, a
34 licensee shall be issued a replacement driver's license or a new
35 license, as appropriate. The fee for a replacement license shall be
36 \$5 in addition to the digitized picture fee.

37 As conditions for the renewal of a driver's license, the chief
38 administrator shall provide that the picture of a licensee be updated
39 except that the chief administrator may elect to use a stored picture
40 to renew a license for a period not exceeding four additional years
41 for \$18 in addition to the digitized picture fee.

42 Whenever a person has reconstructive or cosmetic surgery which
43 significantly alters the person's facial features, the person shall
44 notify the chief administrator who may require the picture of the
45 licensee to be updated, for \$5 in addition to the digitized picture
46 fee.

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

1 the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.) and,
2 unless a licensee's driving privileges are otherwise suspended or
3 revoked, except as provided in R.S.39:3-10, that license shall
4 remain valid until that expiration date.

5 Specific use of the driver's license and any information stored or
6 encoded, electronically or otherwise, in relation thereto shall be in
7 accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal
8 Driver's Privacy Protection Act of 1994, Pub. L.103-322.
9 Notwithstanding the provisions of any other law to the contrary, the
10 digitized picture or any access thereto or any use thereof shall not
11 be sold, leased or exchanged for value.

12 To replace a photo-license issued prior to the effective date of
13 this act for a licensee who is temporarily out of this State, the chief
14 administrator may issue a "valid without picture" picture license for
15 the unexpired term of the license.

16 (cf: P.L.2003, c.204, s.1)

17

18 4. Section 1 of P.L.1942, c.324 (C.39:3-11.1) is amended to read
19 as follows:

20 1. Any person, under seventeen years of age and not under
21 sixteen years of age, may be licensed to drive motor vehicles in
22 agricultural pursuits as herein limited; provided such person has
23 passed an examination satisfactory to the **[director]** chief
24 administrator as to his ability as an operator. The **[director]** chief
25 administrator, upon payment of the lawful fee and after he or a
26 person authorized by him has examined the applicant and is
27 satisfied of the applicant's ability as an operator, may, in his
28 discretion, license the applicant to drive any motor vehicle which is
29 registered under the provisions of R.S.39:3-24 and R.S.39:3-25.
30 The holder of an agricultural permit or license shall be subject to
31 the applicable requirements, restrictions and penalties for special
32 learner's permit holders provided under section 6 of P.L.1977, c.25
33 (C.39:3-13.2a). Such registration shall expire on March thirty-first
34 of each year terminating the period for which such license is issued.
35 The annual license fee for such license shall be one dollar (\$1.00),
36 and is for the limited use herein provided, and is not to be used in
37 the operation of any other vehicle and shall have the name of the
38 licensee endorsed thereon in his own handwriting. The holder of an
39 agricultural license shall be entitled to a **[provisional]** probationary
40 driver's license upon attaining the age of 17 years and shall be
41 subject to applicable restrictions and penalties in section 4 of
42 P.L.1950, c.127 (C.39:3-13.4) as they pertain to a **[provisional]**
43 probationary driver's license holder.

44 (cf: P.L.2001, c.420, s.5)

45

46 5. R.S.39:3-13 is amended to read as follows:

47 39:3-13. The chief administrator may, in his discretion, issue to
48 a person over 17 years of age an examination permit, under the

1 hand and seal of the chief administrator, allowing such person, for
2 the purpose of fitting himself to become a licensed driver, to
3 operate a designated class of motor vehicles other than passenger
4 automobiles and motorcycles of persons licensed to operate
5 motorcycles only for a specified period of not more than 90 days,
6 while in the company and under the supervision of a driver licensed
7 to operate such designated class of motor vehicles.

8 The chief administrator, in his discretion, may issue for a
9 specified period of not less than one year a passenger automobile or
10 motorcycle-only examination permit to a person over 17 years of
11 age regardless of whether a person has completed a course of
12 behind-the-wheel automobile driving education pursuant to section
13 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit
14 applicant who is under 18 years of age shall obtain the signature of
15 a parent or guardian for submission to the commission on a form
16 prescribed by the chief administrator. The chief administrator shall
17 postpone for six months the driving privileges of any person who
18 submits a fraudulent signature for a parent or guardian.

19 For six months immediately following the validation of an
20 examination permit, and until the holder passes the road test, the
21 holder who is less than 21 years of age shall operate the passenger
22 automobile or motorcycle only when accompanied by, and under
23 the supervision of, a New Jersey licensed driver who is at least 21
24 years of age and has been licensed to drive a passenger automobile
25 or motorcycle, as the case may be, for not less than three years.
26 The holder of an examination permit who is at least 21 years of age
27 shall operate the passenger automobile or motorcycle for the first
28 three months under such supervision and until the holder passes the
29 road test. The supervising driver of the passenger automobile shall
30 sit in the front seat of the vehicle. Whenever operating a vehicle
31 while in possession of an examination permit, the holder of the
32 permit shall operate the passenger automobile with only one
33 additional passenger in the vehicle excluding '[persons with whom
34 the holder resides] dependents of the permit holder', except that
35 this passenger restriction shall not apply when '[either]' the permit
36 holder '[or one other passenger]' is at least 21 years of age 'or
37 when the permit holder is accompanied by a parent or guardian'.
38 Further, the holder of the permit who is less than 21 years of age
39 shall not drive during the hours between '[12:01 a.m.] 11:01 p.m.'
40 and 5 a.m.; provided, however, that this condition may be waived
41 for an emergency which, in the judgment of local police, is of
42 sufficient severity and magnitude to substantially endanger the
43 health, safety, welfare or property of a person, or for any bona fide
44 employment or religion-related activity if the employer or
45 appropriate religious authority provides written verification of such
46 activity in a manner provided for by the [director] chief
47 administrator. The holder of the examination permit shall not use

1 any 'hand-held or hands-free' interactive wireless communication
2 device, except in an emergency, while operating a moving
3 passenger automobile on a public road or highway. "Use" shall
4 include, but not be limited to, talking or listening on any 'hand-held
5 or hands-free' interactive wireless communication device or
6 operating its keys, buttons or other controls. The passenger
7 automobile permit holder shall ensure that all occupants of the
8 vehicle are secured in a properly adjusted and fastened seat belt or
9 child restraint system.

10 When notified by a court of competent jurisdiction that an
11 examination permit holder has been convicted of a violation which
12 causes the permit holder to accumulate more than two motor vehicle
13 points or has been convicted of a violation of R.S.39:4-50; section 2
14 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
15 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
16 other motor vehicle-related law the chief administrator deems
17 significant and applicable pursuant to regulation, in addition to any
18 other penalty that may be imposed, the chief administrator shall,
19 without the exercise of discretion or a hearing, suspend the
20 examination permit holder's examination permit for 90 days. The
21 chief administrator shall restore the permit following the term of the
22 permit suspension if the permit holder satisfactorily completes a
23 remedial training course of not less than four hours which may be
24 given by the commission, a 'drivers' driving' school licensed by
25 the chief administrator pursuant to section 2 of P.L.1951, c.216
26 (C.39:12-2) or any Statewide safety organization approved by the
27 chief administrator. The course shall be subject to oversight by the
28 commission according to its guidelines. The permit holder shall
29 also remit a course fee prior to the commencement of the course.
30 The chief administrator also shall postpone without the exercise of
31 discretion or a hearing the issuance of a basic license for 90 days if
32 the chief administrator is notified by a court of competent
33 jurisdiction that the examination permit holder, after completion of
34 the remedial training course, has been convicted of any motor
35 vehicle violation which results in the imposition of any motor
36 vehicle points or has been convicted of a violation of R.S.39:4-50;
37 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182
38 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
39 N.J.S.2C:12-1 or any other motor vehicle-related law the chief
40 administrator deems significant and applicable pursuant to
41 regulation. When the chief administrator is notified by a court of
42 competent jurisdiction that an examination permit holder has been
43 convicted of any alcohol or drug-related offense unrelated to the
44 operation of a motor vehicle and is not otherwise subject to any
45 other suspension penalty therefor, the chief administrator shall,
46 without the exercise of discretion or a hearing, suspend the
47 examination permit for six months.

1 An examination permit for a motorcycle or a commercial motor
2 vehicle issued to a handicapped person, as determined by the New
3 Jersey Motor Vehicle Commission after consultation with the
4 Department of Education, shall be valid for nine months or until the
5 completion of the road test portion of his license examination,
6 whichever period is shorter.

7 Each permit shall be sufficient license for the person to operate
8 such designated class of motor vehicles in this State during the
9 period specified, while in the company of and under the control of a
10 driver licensed by this State to operate such designated class of
11 motor vehicles, or, in the case of a commercial driver license
12 permit, while in the company of and under the control of a holder of
13 a valid commercial driver license for the appropriate license class
14 and with the appropriate endorsements issued by this or any other
15 state. Such person, as well as the licensed driver, except for a motor
16 vehicle examiner administering a driving skills test, shall be held
17 accountable for all violations of this subtitle committed by such
18 person while in the presence of the licensed driver. In addition to
19 requiring an applicant for an examination permit to submit
20 satisfactory proof of identity and age, the chief administrator also
21 shall require the applicant to provide, as a condition for obtaining
22 the permit, satisfactory proof that the applicant's presence in the
23 United States is authorized under federal law. If the chief
24 administrator has reasonable cause to suspect that any document
25 presented by an applicant as proof of identity, age or legal residency
26 is altered, false or otherwise invalid, the chief administrator shall
27 refuse to grant the permit until such time as the document may be
28 verified by the issuing agency to the chief administrator's
29 satisfaction.

30 The holder of an examination permit shall be required to take a
31 road test in order to obtain a **[provisional]** probationary license. No
32 road test for any person who has been issued an examination permit
33 to operate a passenger vehicle shall be given unless the person has
34 met the requirements of this section. No road test for a
35 **[provisional]** probationary license shall be given unless the
36 applicant has first secured an examination permit and no such road
37 test shall be scheduled for an applicant who has secured an
38 examination permit for a passenger vehicle or a motorcycle for
39 which an endorsement is not required until at least six months for
40 an applicant under 21 years of age or three months for an applicant
41 21 years of age or older shall have elapsed following the validation
42 of the examination permit for practice driving or, in the case of an
43 examination permit for other vehicles, until 20 days have elapsed.
44 In the case of an omnibus endorsement or school bus, no road test
45 shall be scheduled until at least 10 days shall have elapsed. Every
46 applicant for an examination permit to qualify for an omnibus
47 endorsement or an articulated vehicle endorsement shall be a holder
48 of a valid basic driver's license.

1 The required fees for special learners' permits and examination
2 permits shall be as follows:

- 3
4 Basic driver's license.....up to \$10
5
6 Motorcycle license or endorsement.....\$ 5
7
8 Omnibus or school bus endorsement.....\$25

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

16 The specified period for which a permit is issued may be
17 extended for not more than an additional 60 days, without payment
18 of added fee, upon application made by the holder thereof, where
19 the holder has applied to take the examination for a driver's license
20 prior to the expiration of the original period for which the permit
21 was issued and the chief administrator was unable to schedule an
22 examination during said period.

23 As a condition for the issuance of an examination permit under
24 this section, the chief administrator shall secure a digitized picture
25 of the applicant. The picture shall be stored in a manner prescribed
26 by the chief administrator and may be displayed on the examination
27 permit.

28 The chief administrator may require that whenever a person to
29 whom an examination permit has been issued has reconstructive or
30 cosmetic surgery which significantly alters the person's facial
31 features, the person shall notify the chief administrator who may
32 require the picture of the person to be updated.

33 Specific use of the examination permit and any information
34 stored or encoded, electronically or otherwise, in relation thereto
35 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
36 the federal Driver's Privacy Protection Act of 1994, Pub. L.103-
37 322. Notwithstanding the provisions of any other law to the
38 contrary, the digitized picture or any access thereto or any use
39 thereof shall not be sold, leased or exchanged for value.

40 (cf: P.L.2003, c.204, s.4)

41

42 6. Section 1 of P.L.2007, c.285 (C.39:3-13b) is amended to read
43 as follows:

44 1. Upon request, the Motor Vehicle Commission shall provide
45 the parent or guardian of a special learner's permit holder, an
46 examination permit holder, or a **【provisional】** probationary license
47 holder under 18 years of age with information pertaining to the
48 driving privilege status and any vehicular accident or violation

1 information on the minor's driving record. When requesting this
2 information about the minor's driving record, the parent or guardian
3 shall be required to provide the parent or guardian's name, date of
4 birth, address, and driver's license number as well as the name, date
5 of birth, address, and driver's license number of the permit or
6 **【provisional】** probationary license holder.
7 (cf: P.L.2007, c.285, s.1)
8

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

11 1. The Chief Administrator of the New Jersey Motor Vehicle
12 Commission may issue to a person over 16 years of age a special
13 learner's permit, under the hand and seal of the chief administrator,
14 allowing such person, for the purpose of preparing himself to
15 qualify for a **【provisional】** probationary license for a passenger
16 automobile by operating a dual pedal controlled motor vehicle
17 while taking a required course of behind-the-wheel automobile
18 driving education approved by the State Department of Education
19 and conducted in a public, parochial or private school of this State
20 or a course of behind-the-wheel automobile driving instruction
21 conducted by a drivers' school duly licensed pursuant to the
22 provisions of P.L.1951, c.216 (C.39:12-1 et seq.). The special
23 learner's permit shall be issued in lieu of the examination permit
24 provided for in R.S.39:3-13. In addition to requiring an applicant
25 for a permit to submit satisfactory proof of identity and age, the
26 chief administrator also shall require the applicant to provide, as a
27 condition for obtaining a permit, satisfactory proof that the
28 applicant's presence in the United States is authorized under federal
29 law. If the chief administrator has reasonable cause to suspect that
30 any document presented by an applicant as proof of identity, age or
31 legal residency is altered, false or otherwise invalid, the chief
32 administrator shall refuse to grant the permit until such time as the
33 document may be verified by the issuing agency to the chief
34 administrator's satisfaction.

35 The special learner's permit described above, when issued to a
36 person taking a course of behind-the-wheel driving education
37 conducted in a public, parochial or private school, shall be retained
38 in the office of the school principal at all times except during such
39 time as the person to whom the permit is issued is undergoing
40 behind-the-wheel automobile driving instruction. The chief
41 administrator may make such rules and regulations as he may deem
42 necessary to carry out the provisions of this section.
43 (cf: P.L.2003, c.204, s.2)
44

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

47 6. a. Any person to whom a special learner's permit has been
48 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon

1 successful completion of a State approved written examination, eye
2 examination and an approved minimum six-hour behind-the-wheel
3 driving course, shall be entitled to retain the special learner's permit
4 in his own possession. The special learner's permit shall be
5 validated by the **[division]** commission for the purpose of driving a
6 motor vehicle on a public highway in this State after the holder has
7 successfully met the necessary examination requirements, and upon
8 the successful completion of a behind-the-wheel driving course.
9 Such person may operate a motor vehicle of the class for which a
10 basic driver's license is required except during the hours between
11 11:01 p.m. and 5:00 a.m. while in the company and under the
12 supervision, from the front passenger seat, of a licensed motor
13 vehicle driver of this State who is over 21 years of age and has been
14 licensed to drive a passenger automobile for at least three years.
15 Such special permit shall be valid until such person's seventeenth
16 birthday or until he qualifies for a **[provisional]** probationary
17 license. Except during an instructional period of a behind-the-
18 wheel driving course, the holder of a special permit shall operate a
19 passenger automobile with only the following passengers: (1) the
20 supervising passenger; (2) ¹**[persons who share the permit holder's**
21 **residence]** any parent, guardian, or dependent of the special permit
22 holder¹; and (3) one additional passenger ¹**[who does not reside**
23 **with the permit holder]**¹. The holder of the special learner's permit
24 shall not use any ¹hand-held or hands-free¹ interactive wireless
25 communication device, except in an emergency, while operating a
26 moving passenger automobile on a public road or highway. "Use"
27 shall include, but not be limited to, talking or listening on any
28 ¹hand-held or hands-free¹ interactive wireless communication
29 device or operating its keys, buttons or other controls. All occupants
30 of the automobile shall be secured in a properly adjusted and
31 fastened seat belt or child restraint system.

32 b. When notified by a court of competent jurisdiction that a
33 special learner's permit holder has been convicted of a violation
34 which causes the permit holder to accumulate more than two motor
35 vehicle points or has been convicted of a violation of R.S.39:4-50;
36 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189
37 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
38 N.J.S.2C:12-1 or any other motor vehicle-related law the **[director]**
39 chief administrator determines to be significant and applicable
40 pursuant to regulation, and in addition to any other penalty that may
41 be imposed, the **[director]** chief administrator shall, without the
42 exercise of discretion or a hearing, suspend the holder's special
43 learner's permit for 90 days. The **[director]** chief administrator
44 shall restore the permit following the term of the permit suspension
45 if the permit holder, regardless of age, satisfactorily completes a
46 remedial training course of not less than four hours which may be
47 given by the **[division]** commission, a ¹**[drivers']** driving¹ school

1 licensed by the **[director]** chief administrator pursuant to section 2
2 of P.L.1951, c.216 (C.39:12-2) or any statewide safety organization
3 approved by the **[director]** chief administrator. The course shall be
4 administered pursuant to rules and regulations promulgated by the
5 **[director]** chief administrator and subject to oversight by the
6 **[division]** commission. The authority of the **[director]** chief
7 administrator to suspend, revoke or deny issuance of an initial or
8 renewal license to operate a '**[drivers']** driving' school or an
9 instructor's license, and to assess fines, pursuant to P.L.1951, c.216
10 (C.39:12-1 et seq.) shall apply to any violations related to the
11 administration of a remedial training course. The permit holder
12 shall also remit a course fee prior to the commencement of the
13 course. If, after completion of the remedial training course, the
14 **[director]** chief administrator is notified by a court of competent
15 jurisdiction that the special learner's permit holder has been
16 convicted of any motor vehicle violation which results in the
17 imposition of any motor vehicle points or has been convicted of a
18 violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-
19 50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-
20 5; subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related
21 law the **[director]** chief administrator deems significant and
22 applicable pursuant to regulation, the **[director]** chief administrator,
23 without the exercise of discretion or a hearing, shall also postpone
24 the issuance of a basic license for 90 days. When the **[director]**
25 chief administrator is notified by a court of competent jurisdiction
26 that a special learner's permit holder has been convicted of any
27 alcohol or drug-related offense unrelated to the operation of a motor
28 vehicle and he is not otherwise subject to any other suspension
29 penalty therefor, the **[director]** chief administrator shall, without
30 the exercise of discretion or a hearing, suspend the special learner's
31 permit for six months.
32 (cf: P.L.2001, c.420, s.7)

33
34 9. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to read
35 as follows:

36 4. a. The holder of a special learner's permit shall be entitled to
37 a **[provisional]** probationary driver's license (1) upon attaining the
38 age of 17 years, (2) upon the satisfactory completion of an approved
39 behind-the-wheel '**[automobile driving education]** driver training'
40 course as indicated upon the face of the special permit over the
41 signature of the principal of the school or the person operating the
42 '**[drivers']** driving' school in which the course was conducted, (3)
43 upon the completion of six months' driving experience with a
44 validated special learner's permit in compliance with the provisions
45 of section 6 of P.L.1977, c.25 (C.39:3-13.2a) and (4) upon passing
46 the road test pursuant to R.S.39:3-10.

1 **b.** The holder of a **[provisional]** probationary license shall be
2 permitted to operate the passenger automobile with only one
3 additional passenger in the vehicle **[besides persons with whom the**
4 **holder resides]** 'besides any dependent of the probationary license
5 holder', except that this passenger restriction shall not apply when
6 **[either]** the holder of the **[provisional]** probationary license **[or**
7 **one other passenger]** is at least 21 years of age 'or the probationary
8 license holder is accompanied by a parent or guardian'. Further,
9 the holder of the **[provisional]** probationary license who is under
10 21 years of age shall not drive during the hours between **[12:01**
11 **a.m.]** 11:01 p.m. and 5 a.m.; provided however, that this condition
12 may be waived for an emergency which, in the judgment of local
13 police, is of sufficient severity and magnitude to substantially
14 endanger the health, safety, welfare or property of a person or for
15 any bona fide employment or religion-related activity if the
16 employer or appropriate religious authority provides written
17 verification of such activity in a manner provided for by the
18 **[director]** chief administrator.

19 **c.** The holder of the **[provisional]** probationary license shall not
20 use any 'hand-held or hands-free' interactive wireless
21 communication device, except in an emergency, while operating a
22 moving passenger automobile on a public road or highway. "Use"
23 shall include, but not be limited to, talking or listening on any
24 'hand-held or hands-free' interactive wireless communication
25 device or operating its keys, buttons or other controls. In addition,
26 the holder of the **[provisional]** probationary license shall ensure
27 that all occupants of the vehicle are secured in a properly adjusted
28 and fastened seat belt or child restraint system.

29 **d.** In addition to any other penalties provided under law, the
30 holder of a **[provisional]** probationary license who accumulates
31 more than two motor vehicle points or is convicted of a violation of
32 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
33 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c.
34 of N.J.S.2C:12-1 or any other motor vehicle law the **[director]**
35 chief administrator deems to be significant and applicable pursuant
36 to regulation shall, for the first violation, be required to
37 satisfactorily complete a remedial training course of not less than
38 four hours which may be given by the **[division]** commission, a
39 '[drivers'] driving' school licensed by the **[director]** chief
40 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2)
41 or any Statewide safety organization approved by the **[director]**
42 chief administrator. The course shall be administered pursuant to
43 rules and regulations promulgated by the **[director]** chief
44 administrator and subject to oversight by the **[division]**
45 '[commisssion] commission'. The authority of the **[director]**
46 chief administrator to suspend, revoke or deny issuance of an initial

1 or renewal license to operate a ¹['drivers'] driving¹ school or an
2 instructor's license, and to assess fines, pursuant to P.L.1951, c.216
3 (C.39:12-1 et seq.) shall apply to any violations related to the
4 administration of a remedial training course. The permit holder
5 shall also remit a course fee prior to the commencement of the
6 course.

7 e. When notified by a court of competent jurisdiction that a
8 **['provisional']** probationary license holder has been convicted of a
9 second or subsequent violation, in addition to any other penalties
10 provided under law, the **['director']** chief administrator shall,
11 without the exercise of discretion or a hearing, suspend the
12 **['provisional']** probationary license for three months and shall
13 postpone eligibility for a basic license for an equivalent period. In
14 addition, when the **['director']** chief administrator is notified by a
15 court of competent jurisdiction that a **['provisional']** probationary
16 license holder has been convicted of any alcohol or drug-related
17 offense unrelated to the operation of a motor vehicle, and he is not
18 otherwise subject to any other suspension penalty therefor, the
19 **['director']** chief administrator shall, without the exercise of
20 discretion or a hearing, suspend the **['provisional']** probationary
21 license for six months.

22 f. A **['provisional']** probationary license may be sent by mail and
23 shall be clearly identifiable and distinguishable in appearance from
24 a basic license by any name, mark, color or device deemed
25 appropriate by the **['director']** chief administrator.

26 (cf: P.L.2001, c.420, s.8)

27

28 10. Section 11 of P.L.2001, c.420 (C.39:3-13.8) is amended to
29 read as follows:

30 11. A fine of \$100 shall be imposed for violating the following
31 conditions of a special learners permit, an examination permit or a
32 **['provisional']** probationary driver's license:

33 a. supervision requirements for permit holders;

34 b. passenger restrictions;

35 c. hours of operation;

36 d. seat belt requirements;

37 e. ¹hand-held or hands-free¹ interactive wireless
38 communication device use restrictions; or

39 f. any other violation of the conditions of a permit or
40 **['provisional']** probationary license as the **['director']** chief
41 administrator may designate.

42 (cf: P.L.2001, c.420, s.11)

43

44 ¹11. (New section) The Division of Highway Traffic Safety in
45 the Department of Law and Public Safety shall develop and

S16 [1R] CODEY, RUIZ

18

1 undertake a public education campaign to inform the public about
2 the provisions of this act.¹

3

4 ¹~~[11.]~~ 12.¹ This act shall take effect on the first day of the 13th
5 month after enactment, but the Chief Administrator of the New
6 Jersey Motor Vehicle Commission may take such anticipatory
7 action necessary to implement the provisions of this act.

SENATE, No. 16

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 22, 2008

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator M. TERESA RUIZ

District 29 (Essex and Union)

Co-Sponsored by:

Senators Madden and T.Kean

SYNOPSIS

Expands restrictions on provisional driver's licensees and renames license "probationary."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning provisional driver's licenses and amending
2 various parts of the statutory law.

3

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

6

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

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

14 No person under 18 years of age shall be issued a basic license to
15 drive motor vehicles, nor shall a person be issued a validated
16 permit, including a validated examination permit, until he has
17 passed a satisfactory examination and other requirements as to his
18 ability as an operator. The examination shall include a test of the
19 applicant's vision, his ability to understand traffic control devices,
20 his knowledge of safe driving practices and of the effects that
21 ingestion of alcohol or drugs has on a person's ability to operate a
22 motor vehicle, his knowledge of such portions of the mechanism of
23 motor vehicles as is necessary to insure the safe operation of a
24 vehicle of the kind or kinds indicated by the applicant and of the
25 laws and ordinary usages of the road. No person shall sit for an
26 examination for any permit without exhibiting photo identification
27 deemed acceptable by the commission, unless that person is a high
28 school student participating in a course of driving education
29 approved by the State Department of Education and conducted in a
30 public, parochial or private school of this State, pursuant to section
31 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the
32 written law knowledge examination for any person 18 years of age
33 or older possessing a valid driver's license issued by any other state,
34 the District of Columbia or the United States Territories of
35 American Samoa, Guam, Puerto Rico or the Virgin Islands. The
36 commission shall be required to provide that person with a booklet
37 that highlights those motor vehicle laws unique to New Jersey. A
38 road test shall be required for a **[provisional]** probationary license
39 and serve as a demonstration of the applicant's ability to operate a
40 vehicle of the class designated. No person shall sit for a road test
41 unless that person exhibits photo identification deemed acceptable
42 by the commission. A high school student who has completed a
43 course of behind-the-wheel automobile driving education approved
44 by the State Department of Education and conducted in a public,
45 parochial or private school of this State, who has been issued a

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 special learner's permit pursuant to section 1 of P.L.1950, c.127
2 (C.39:3-13.1) prior to January 1, 2003, shall not be required to
3 exhibit photo identification in order to sit for a road test. The
4 commission may waive the road test for any person 18 years of age
5 or older possessing a valid driver's license issued by any other state,
6 the District of Columbia or the United States Territories of
7 American Samoa, Guam, Puerto Rico or the Virgin Islands. The
8 road test shall be given on public streets, where practicable and
9 feasible, but may be preceded by an off-street screening process to
10 assess basic skills. The commission shall approve locations for the
11 road test which pose no more than a minimal risk of injury to the
12 applicant, the examiner and other motorists. No new locations for
13 the road test shall be approved unless the test can be given on
14 public streets.

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

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

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

46 The commission shall expand the driver's license examination to
47 include a question asking whether the applicant is aware of the
48 provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161

1 (C.26:6-57 et seq.) and the procedure for indicating on the driver's
2 license the intention to make a donation of body organs or tissues
3 pursuant to 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
6 commission any current driver's license issued to him by another
7 state or jurisdiction upon his receipt of a driver's license for this
8 State. The commission shall refuse to issue a driver's license if the
9 applicant fails to comply with this provision. An applicant for a
10 permit or license who is less than 18 years of age, and who holds a
11 permit or license for a passenger automobile issued by another state
12 or country that is valid or has expired within a time period
13 designated by the commission, shall be subject to the permit and
14 license requirements and penalties applicable to State permit and
15 license applicants who are of the same age; except that if the other
16 state or country has permit or license standards substantially similar
17 to those of this State, the credentials of the other state or country
18 shall be acceptable.

19 The commission shall create classified licensing of drivers
20 covering the following classifications:

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

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

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

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

32 Every applicant for a license under classification b. shall be a
33 holder of a basic driver's license. Any issuance of a license under
34 classification b. shall be by endorsement on the basic driver's
35 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 commission, upon payment of the lawful fee and after it or a
40 person authorized by it has examined the applicant and is satisfied
41 of the applicant's ability as an operator, may, in its discretion, issue
42 a license to the applicant to drive a motor vehicle. The license shall
43 authorize him to drive any registered vehicle, of the kind or kinds
44 indicated, and shall expire, except as otherwise provided, on the last
45 day of the 48th calendar month following the calendar month in
46 which such license was issued.

47 The commission may, at its discretion and for good cause shown,
48 issue licenses which shall expire on a date fixed by it. If the

1 commission issues a license to a person who has demonstrated
2 authorization to be present in the United States for a period of time
3 shorter than the standard period of the license, the commission shall
4 fix the expiration date of the license at a date based on the period in
5 which the person is authorized to be present in the United States
6 under federal immigration laws. The commission may renew such a
7 license only if it is demonstrated that the person's continued
8 presence in the United States is authorized under federal law. The
9 fee for licenses with expiration dates fixed by the commission shall
10 be fixed by the commission in amounts proportionately less or
11 greater than the fee herein established.

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

14 Motorcycle license or endorsement: \$18.

15

16 Omnibus or school bus endorsement: \$18.

17

18 Basic driver's license: \$18.

19

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

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

30 All applications for renewals of licenses shall be made in a
31 manner prescribed by the commission and in accordance with
32 procedures established by it.

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

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

45 If the commission has reasonable cause to suspect that any
46 document presented by an applicant as proof of identity, age or
47 legal residency is altered, false or otherwise invalid, the
48 commission shall refuse to grant the permit or license until such

1 time as the document may be verified by the issuing agency to the
2 commission's satisfaction.

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

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

17 (cf: P.L.2003, c.13, s.37)

18

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

21 1. An applicant for a motorcycle license, but not for a
22 motorcycle endorsement to a basic license, who previously has
23 never been licensed to drive a motor vehicle in this, or any other
24 state, shall, during the permit period, be subject to the applicable
25 restrictions and penalties for examination permit holders as
26 provided under R.S.39:3-13. Until the provisions of P.L.1998,
27 c.108, as amended by P.L.2001, c.420, are fully implemented, all
28 holders of permits issued pursuant to R.S.39:3-13 and section 6 of
29 P.L.1977, c.25 (C.39:3-13.2a) shall be subject to a probationary
30 driver program for the two-year period immediately following the
31 issuance of the permits. This two-year period shall not be altered if
32 the permit holder obtains a **【provisional】** probationary driver's
33 license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4). All
34 holders of permits issued on or after the date of full implementation
35 of P.L.1998, c.108, as amended by P.L.2001, c.420, shall not be
36 subject to this section.

37 (cf: P.L.2001, c.420, s.4)

38

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

41 1. In addition to the requirements for the form and content of a
42 motor vehicle driver's license under R.S.39:3-10 and a
43 **【provisional】** probationary license issued under section 4 of
44 P.L.1950, c.127 (C.39:3-13.4), on and after the operative date of
45 P.L.2001, c.391 (C.39:3-10f4 et al.), each initial New Jersey
46 license, each renewal of a New Jersey driver's license, and each
47 **【provisional】** probationary license shall have a digitized color
48 picture of the licensee. All licenses issued on and after January 1,

1 2000 shall be valid for a period of 48 calendar months. However,
2 the chief administrator may, at his discretion, issue licenses and
3 endorsements which shall expire on a date fixed by him. The fee
4 for such licenses or endorsements shall be fixed in amounts
5 proportionately less or greater than the fee otherwise established.
6 Notwithstanding the provisions of this section to the contrary, a
7 person 70 years of age or older may elect to have a license issued
8 for a period of two or four years, which election may not be altered
9 by the ~~【director】~~ chief administrator. The fee for the two-year
10 license shall be \$9, in addition to the fee for a digitized picture
11 established in section 4 of P.L.2001, c.391 (C.39:3-10f4). The chief
12 administrator may, for good cause extend a license and any
13 endorsement thereon beyond their expiration dates for periods not
14 to exceed 12 additional months. The chief administrator may
15 extend the expiration date of a license and any endorsement thereon
16 without payment of a proportionate fee when the chief administrator
17 determines that such extension is necessary for good cause. If any
18 license and endorsements thereon are so extended, the licensee shall
19 pay upon renewal the full license fee for the period fixed by the
20 chief administrator as if no extension had been granted.

21 Each initial motor vehicle license issued to a person under the
22 age of 21 after the effective date of P.L.1999, c.28 shall be
23 conspicuously distinct, through the use of color and design, from
24 the driver's licenses issued to persons 21 years of age or older. The
25 chief administrator, in consultation with the Superintendent of State
26 Police, shall determine the color and the manner in which the
27 license is designed to achieve this result. The license shall also bear
28 the words "UNDER 21" in a conspicuous manner. The chief
29 administrator shall provide that upon attaining the age of 21, a
30 licensee shall be issued a replacement driver's license or a new
31 license, as appropriate. The fee for a replacement license shall be
32 \$5 in addition to the digitized picture fee.

33 As conditions for the renewal of a driver's license, the chief
34 administrator shall provide that the picture of a licensee be updated
35 except that the chief administrator may elect to use a stored picture
36 to renew a license for a period not exceeding four additional years
37 for \$18 in addition to the digitized picture fee.

38 Whenever a person has reconstructive or cosmetic surgery which
39 significantly alters the person's facial features, the person shall
40 notify the chief administrator who may require the picture of the
41 licensee to be updated, for \$5 in addition to the digitized picture
42 fee.

43 Nothing in this section shall be construed to alter or change any
44 expiration date on any New Jersey driver's license issued prior to
45 the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.) and,
46 unless a licensee's driving privileges are otherwise suspended or
47 revoked, except as provided in R.S.39:3-10, that license shall
48 remain valid until that expiration date.

1 Specific use of the driver's license and any information stored or
2 encoded, electronically or otherwise, in relation thereto shall be in
3 accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal
4 Driver's Privacy Protection Act of 1994, Pub. L.103-322.
5 Notwithstanding the provisions of any other law to the contrary, the
6 digitized picture or any access thereto or any use thereof shall not
7 be sold, leased or exchanged for value.

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

12 (cf: P.L.2003, c.204, s.1)

13

14 4. Section 1 of P.L.1942, c.324 (C.39:3-11.1) is amended to read
15 as follows:

16 1. Any person, under seventeen years of age and not under
17 sixteen years of age, may be licensed to drive motor vehicles in
18 agricultural pursuits as herein limited; provided such person has
19 passed an examination satisfactory to the **[director]** chief
20 administrator as to his ability as an operator. The **[director]** chief
21 administrator, upon payment of the lawful fee and after he or a
22 person authorized by him has examined the applicant and is
23 satisfied of the applicant's ability as an operator, may, in his
24 discretion, license the applicant to drive any motor vehicle which is
25 registered under the provisions of R.S.39:3-24 and R.S.39:3-25.
26 The holder of an agricultural permit or license shall be subject to
27 the applicable requirements, restrictions and penalties for special
28 learner's permit holders provided under section 6 of P.L.1977, c.25
29 (C.39:3-13.2a). Such registration shall expire on March thirty-first
30 of each year terminating the period for which such license is issued.
31 The annual license fee for such license shall be one dollar (\$1.00),
32 and is for the limited use herein provided, and is not to be used in
33 the operation of any other vehicle and shall have the name of the
34 licensee endorsed thereon in his own handwriting. The holder of an
35 agricultural license shall be entitled to a **[provisional]** probationary
36 driver's license upon attaining the age of 17 years and shall be
37 subject to applicable restrictions and penalties in section 4 of
38 P.L.1950, c.127 (C.39:3-13.4) as they pertain to a **[provisional]**
39 probationary driver's license holder.

40 (cf: P.L.2001, c.420, s.5)

41

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

43 39:3-13. The chief administrator may, in his discretion, issue to
44 a person over 17 years of age an examination permit, under the
45 hand and seal of the chief administrator, allowing such person, for
46 the purpose of fitting himself to become a licensed driver, to
47 operate a designated class of motor vehicles other than passenger
48 automobiles and motorcycles of persons licensed to operate

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

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

15 For six months immediately following the validation of an
16 examination permit, and until the holder passes the road test, the
17 holder who is less than 21 years of age shall operate the passenger
18 automobile or motorcycle only when accompanied by, and under
19 the supervision of, a New Jersey licensed driver who is at least 21
20 years of age and has been licensed to drive a passenger automobile
21 or motorcycle, as the case may be, for not less than three years.
22 The holder of an examination permit who is at least 21 years of age
23 shall operate the passenger automobile or motorcycle for the first
24 three months under such supervision and until the holder passes the
25 road test. The supervising driver of the passenger automobile shall
26 sit in the front seat of the vehicle. Whenever operating a vehicle
27 while in possession of an examination permit, the holder of the
28 permit shall operate the passenger automobile with only one
29 additional passenger in the vehicle excluding persons with whom
30 the holder resides, except that this passenger restriction shall not
31 apply when either the permit holder or one other passenger is at
32 least 21 years of age. Further, the holder of the permit who is less
33 than 21 years of age shall not drive during the hours between 12:01
34 a.m. and 5 a.m.; provided, however, that this condition may be
35 waived for an emergency which, in the judgment of local police, is
36 of sufficient severity and magnitude to substantially endanger the
37 health, safety, welfare or property of a person, or for any bona fide
38 employment or religion-related activity if the employer or
39 appropriate religious authority provides written verification of such
40 activity in a manner provided for by the **[director]** chief
41 administrator. The holder of the examination permit shall not use
42 any interactive wireless communication device, except in an
43 emergency, while operating a moving passenger automobile on a
44 public road or highway. "Use" shall include, but not be limited to,
45 talking or listening on any interactive wireless communication
46 device or operating its keys, buttons or other controls. The
47 passenger automobile permit holder shall ensure that all occupants

1 of the vehicle are secured in a properly adjusted and fastened seat
2 belt or child restraint system.

3 When notified by a court of competent jurisdiction that an
4 examination permit holder has been convicted of a violation which
5 causes the permit holder to accumulate more than two motor vehicle
6 points or has been convicted of a violation of R.S.39:4-50; section 2
7 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
8 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
9 other motor vehicle-related law the chief administrator deems
10 significant and applicable pursuant to regulation, in addition to any
11 other penalty that may be imposed, the chief administrator shall,
12 without the exercise of discretion or a hearing, suspend the
13 examination permit holder's examination permit for 90 days. The
14 chief administrator shall restore the permit following the term of the
15 permit suspension if the permit holder satisfactorily completes a
16 remedial training course of not less than four hours which may be
17 given by the commission, a drivers' school licensed by the chief
18 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2)
19 or any Statewide safety organization approved by the chief
20 administrator. The course shall be subject to oversight by the
21 commission according to its guidelines. The permit holder shall
22 also remit a course fee prior to the commencement of the course.
23 The chief administrator also shall postpone without the exercise of
24 discretion or a hearing the issuance of a basic license for 90 days if
25 the chief administrator is notified by a court of competent
26 jurisdiction that the examination permit holder, after completion of
27 the remedial training course, has been convicted of any motor
28 vehicle violation which results in the imposition of any motor
29 vehicle points or has been convicted of a violation of R.S.39:4-50;
30 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182
31 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
32 N.J.S.2C:12-1 or any other motor vehicle-related law the chief
33 administrator deems significant and applicable pursuant to
34 regulation. When the chief administrator is notified by a court of
35 competent jurisdiction that an examination permit holder has been
36 convicted of any alcohol or drug-related offense unrelated to the
37 operation of a motor vehicle and is not otherwise subject to any
38 other suspension penalty therefor, the chief administrator shall,
39 without the exercise of discretion or a hearing, suspend the
40 examination permit for six months.

41 An examination permit for a motorcycle or a commercial motor
42 vehicle issued to a handicapped person, as determined by the New
43 Jersey Motor Vehicle Commission after consultation with the
44 Department of Education, shall be valid for nine months or until the
45 completion of the road test portion of his license examination,
46 whichever period is shorter.

47 Each permit shall be sufficient license for the person to operate
48 such designated class of motor vehicles in this State during the

1 period specified, while in the company of and under the control of a
2 driver licensed by this State to operate such designated class of
3 motor vehicles, or, in the case of a commercial driver license
4 permit, while in the company of and under the control of a holder of
5 a valid commercial driver license for the appropriate license class
6 and with the appropriate endorsements issued by this or any other
7 state. Such person, as well as the licensed driver, except for a motor
8 vehicle examiner administering a driving skills test, shall be held
9 accountable for all violations of this subtitle committed by such
10 person while in the presence of the licensed driver. In addition to
11 requiring an applicant for an examination permit to submit
12 satisfactory proof of identity and age, the chief administrator also
13 shall require the applicant to provide, as a condition for obtaining
14 the permit, satisfactory proof that the applicant's presence in the
15 United States is authorized under federal law. If the chief
16 administrator has reasonable cause to suspect that any document
17 presented by an applicant as proof of identity, age or legal residency
18 is altered, false or otherwise invalid, the chief administrator shall
19 refuse to grant the permit until such time as the document may be
20 verified by the issuing agency to the chief administrator's
21 satisfaction.

22 The holder of an examination permit shall be required to take a
23 road test in order to obtain a **[provisional]** probationary license. No
24 road test for any person who has been issued an examination permit
25 to operate a passenger vehicle shall be given unless the person has
26 met the requirements of this section. No road test for a
27 **[provisional]** probationary license shall be given unless the
28 applicant has first secured an examination permit and no such road
29 test shall be scheduled for an applicant who has secured an
30 examination permit for a passenger vehicle or a motorcycle for
31 which an endorsement is not required until at least six months for
32 an applicant under 21 years of age or three months for an applicant
33 21 years of age or older shall have elapsed following the validation
34 of the examination permit for practice driving or, in the case of an
35 examination permit for other vehicles, until 20 days have elapsed.
36 In the case of an omnibus endorsement or school bus, no road test
37 shall be scheduled until at least 10 days shall have elapsed. Every
38 applicant for an examination permit to qualify for an omnibus
39 endorsement or an articulated vehicle endorsement shall be a holder
40 of a valid basic driver's license.

41 The required fees for special learners' permits and examination
42 permits shall be as follows:

- 43
- 44 Basic driver's license.....up to \$10
- 45
- 46 Motorcycle license or endorsement.....\$ 5
- 47
- 48 Omnibus or school bus endorsement.....\$25

1 The chief administrator shall waive the payment of fees for
2 issuance of examination permits for omnibus endorsements
3 whenever the applicant establishes to the chief administrator's
4 satisfaction that said applicant will use the omnibus endorsement
5 exclusively for operating omnibuses owned by a nonprofit
6 organization duly incorporated under Title 15 or 16 of the Revised
7 Statutes or Title 15A of the New Jersey Statutes.

8 The specified period for which a permit is issued may be
9 extended for not more than an additional 60 days, without payment
10 of added fee, upon application made by the holder thereof, where
11 the holder has applied to take the examination for a driver's license
12 prior to the expiration of the original period for which the permit
13 was issued and the chief administrator was unable to schedule an
14 examination during said period.

15 As a condition for the issuance of an examination permit under
16 this section, the chief administrator shall secure a digitized picture
17 of the applicant. The picture shall be stored in a manner prescribed
18 by the chief administrator and may be displayed on the examination
19 permit.

20 The chief administrator may require that whenever a person to
21 whom an examination permit has been issued has reconstructive or
22 cosmetic surgery which significantly alters the person's facial
23 features, the person shall notify the chief administrator who may
24 require the picture of the person to be updated.

25 Specific use of the examination permit and any information
26 stored or encoded, electronically or otherwise, in relation thereto
27 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
28 the federal Driver's Privacy Protection Act of 1994, Pub. L.103-
29 322. Notwithstanding the provisions of any other law to the
30 contrary, the digitized picture or any access thereto or any use
31 thereof shall not be sold, leased or exchanged for value.

32 (cf: P.L.2003, c.204, s.4)

33

34 6. Section 1 of P.L.2007, c.285 (C.39:3-13b) is amended to read
35 as follows:

36 1. Upon request, the Motor Vehicle Commission shall provide
37 the parent or guardian of a special learner's permit holder, an
38 examination permit holder, or a **【provisional】** probationary license
39 holder under 18 years of age with information pertaining to the
40 driving privilege status and any vehicular accident or violation
41 information on the minor's driving record. When requesting this
42 information about the minor's driving record, the parent or guardian
43 shall be required to provide the parent or guardian's name, date of
44 birth, address, and driver's license number as well as the name, date
45 of birth, address, and driver's license number of the permit or
46 **【provisional】** probationary license holder.

47 (cf: P.L.2007, c.285, s.1)

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

3 1. The Chief Administrator of the New Jersey Motor Vehicle
4 Commission may issue to a person over 16 years of age a special
5 learner's permit, under the hand and seal of the chief administrator,
6 allowing such person, for the purpose of preparing himself to
7 qualify for a **[provisional]** probationary license for a passenger
8 automobile by operating a dual pedal controlled motor vehicle
9 while taking a required course of behind-the-wheel automobile
10 driving education approved by the State Department of Education
11 and conducted in a public, parochial or private school of this State
12 or a course of behind-the-wheel automobile driving instruction
13 conducted by a drivers' school duly licensed pursuant to the
14 provisions of P.L.1951, c.216 (C.39:12-1 et seq.). The special
15 learner's permit shall be issued in lieu of the examination permit
16 provided for in R.S.39:3-13. In addition to requiring an applicant
17 for a permit to submit satisfactory proof of identity and age, the
18 chief administrator also shall require the applicant to provide, as a
19 condition for obtaining a permit, satisfactory proof that the
20 applicant's presence in the United States is authorized under federal
21 law. If the chief administrator has reasonable cause to suspect that
22 any document presented by an applicant as proof of identity, age or
23 legal residency is altered, false or otherwise invalid, the chief
24 administrator shall refuse to grant the permit until such time as the
25 document may be verified by the issuing agency to the chief
26 administrator's satisfaction.

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

35 (cf: P.L.2003, c.204, s.2)

36

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

39 6. a. Any person to whom a special learner's permit has been
40 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
41 successful completion of a State approved written examination, eye
42 examination and an approved minimum six-hour behind-the-wheel
43 driving course, shall be entitled to retain the special learner's permit
44 in his own possession. The special learner's permit shall be
45 validated by the **[division]** commission for the purpose of driving a
46 motor vehicle on a public highway in this State after the holder has
47 successfully met the necessary examination requirements, and upon
48 the successful completion of a behind-the-wheel driving course.

1 Such person may operate a motor vehicle of the class for which a
2 basic driver's license is required except during the hours between
3 11:01 p.m. and 5:00 a.m. while in the company and under the
4 supervision, from the front passenger seat, of a licensed motor
5 vehicle driver of this State who is over 21 years of age and has been
6 licensed to drive a passenger automobile for at least three years.
7 Such special permit shall be valid until such person's seventeenth
8 birthday or until he qualifies for a **【provisional】** probationary
9 license. Except during an instructional period of a behind-the-
10 wheel driving course, the holder of a special permit shall operate a
11 passenger automobile with only the following passengers: (1) the
12 supervising passenger; (2) persons who share the permit holder's
13 residence; and (3) one additional passenger who does not reside
14 with the permit holder. The holder of the special learner's permit
15 shall not use any interactive wireless communication device, except
16 in an emergency, while operating a moving passenger automobile
17 on a public road or highway. "Use" shall include, but not be limited
18 to, talking or listening on any interactive wireless communication
19 device or operating its keys, buttons or other controls. All occupants
20 of the automobile shall be secured in a properly adjusted and
21 fastened seat belt or child restraint system.

22 b. When notified by a court of competent jurisdiction that a
23 special learner's permit holder has been convicted of a violation
24 which causes the permit holder to accumulate more than two motor
25 vehicle points or has been convicted of a violation of R.S.39:4-50;
26 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189
27 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
28 N.J.S.2C:12-1 or any other motor vehicle-related law the **【director】**
29 chief administrator determines to be significant and applicable
30 pursuant to regulation, and in addition to any other penalty that may
31 be imposed, the **【director】** chief administrator shall, without the
32 exercise of discretion or a hearing, suspend the holder's special
33 learner's permit for 90 days. The **【director】** chief administrator
34 shall restore the permit following the term of the permit suspension
35 if the permit holder, regardless of age, satisfactorily completes a
36 remedial training course of not less than four hours which may be
37 given by the **【division】** commission, a drivers' school licensed by
38 the **【director】** chief administrator pursuant to section 2 of
39 P.L.1951, c.216 (C.39:12-2) or any statewide safety organization
40 approved by the **【director】** chief administrator. The course shall be
41 administered pursuant to rules and regulations promulgated by the
42 **【director】** chief administrator and subject to oversight by the
43 **【division】** commission . The authority of the **【director】** chief
44 administrator to suspend, revoke or deny issuance of an initial or
45 renewal license to operate a drivers' school or an instructor's
46 license, and to assess fines, pursuant to P.L.1951, c.216 (C.39:12-1
47 et seq.) shall apply to any violations related to the administration of

1 a remedial training course. The permit holder shall also remit a
2 course fee prior to the commencement of the course. If, after
3 completion of the remedial training course, the **[director]** chief
4 administrator is notified by a court of competent jurisdiction that
5 the special learner's permit holder has been convicted of any motor
6 vehicle violation which results in the imposition of any motor
7 vehicle points or has been convicted of a violation of R.S.39:4-50;
8 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189
9 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
10 N.J.S.2C:12-1 or any other motor vehicle-related law the **[director]**
11 chief administrator deems significant and applicable pursuant to
12 regulation, the **[director]** chief administrator, without the exercise
13 of discretion or a hearing, shall also postpone the issuance of a
14 basic license for 90 days. When the **[director]** chief administrator
15 is notified by a court of competent jurisdiction that a special
16 learner's permit holder has been convicted of any alcohol or drug-
17 related offense unrelated to the operation of a motor vehicle and he
18 is not otherwise subject to any other suspension penalty therefor,
19 the **[director]** chief administrator shall, without the exercise of
20 discretion or a hearing, suspend the special learner's permit for six
21 months.

22 (cf: P.L.2001, c.420, s.7)

23

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

26 4. a. The holder of a special learner's permit shall be entitled to
27 a **[provisional]** probationary driver's license (1) upon attaining the
28 age of 17 years, (2) upon the satisfactory completion of an approved
29 behind-the-wheel automobile driving education course as indicated
30 upon the face of the special permit over the signature of the
31 principal of the school or the person operating the drivers' school in
32 which the course was conducted,(3) upon the completion of six
33 months' driving experience with a validated special learner's permit
34 in compliance with the provisions of section 6 of P.L.1977, c.25
35 (C.39:3-13.2a) and (4) upon passing the road test pursuant to
36 R.S.39:3-10.

37 b. The holder of a **[provisional]** probationary license shall be
38 permitted to operate the passenger automobile with only one
39 additional passenger in the vehicle **[besides persons with whom the**
40 **holder resides]**, except that this passenger restriction shall not apply
41 when **[either]** the holder of the **[provisional]** probationary license
42 **[or one other passenger]** is at least 21 years of age. Further, the
43 holder of the **[provisional]** probationary license who is under 21
44 years of age shall not drive during the hours between **[12:01 a.m.]**
45 11:01 p.m. and 5 a.m.; provided however, that this condition may
46 be waived for an emergency which, in the judgment of local police,
47 is of sufficient severity and magnitude to substantially endanger the

1 health, safety, welfare or property of a person or for any bona fide
2 employment or religion-related activity if the employer or
3 appropriate religious authority provides written verification of such
4 activity in a manner provided for by the **[director]** chief
5 administrator.

6 c. The holder of the **[provisional]** probationary license shall not
7 use any interactive wireless communication device, except in an
8 emergency, while operating a moving passenger automobile on a
9 public road or highway. "Use" shall include, but not be limited to,
10 talking or listening on any interactive wireless communication
11 device or operating its keys, buttons or other controls. In addition,
12 the holder of the **[provisional]** probationary license shall ensure
13 that all occupants of the vehicle are secured in a properly adjusted
14 and fastened seat belt or child restraint system.

15 d. In addition to any other penalties provided under law, the
16 holder of a **[provisional]** probationary license who accumulates
17 more than two motor vehicle points or is convicted of a violation of
18 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
19 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c.
20 of N.J.S.2C:12-1 or any other motor vehicle law the **[director]**
21 chief administrator deems to be significant and applicable pursuant
22 to regulation shall, for the first violation, be required to
23 satisfactorily complete a remedial training course of not less than
24 four hours which may be given by the **[division]** commission, a
25 drivers' school licensed by the **[director]** chief administrator
26 pursuant to section 2 of P.L.1951, c.216 (C.39:12-2) or any
27 Statewide safety organization approved by the **[director]** chief
28 administrator. The course shall be administered pursuant to rules
29 and regulations promulgated by the **[director]** chief administrator
30 and subject to oversight by the **[division]** commission. The
31 authority of the **[director]** chief administrator to suspend, revoke or
32 deny issuance of an initial or renewal license to operate a drivers'
33 school or an instructor's license, and to assess fines, pursuant to
34 P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to any violations
35 related to the administration of a remedial training course. The
36 permit holder shall also remit a course fee prior to the
37 commencement of the course.

38 e. When notified by a court of competent jurisdiction that a
39 **[provisional]** probationary license holder has been convicted of a
40 second or subsequent violation, in addition to any other penalties
41 provided under law, the **[director]** chief administrator shall,
42 without the exercise of discretion or a hearing, suspend the
43 **[provisional]** probationary license for three months and shall
44 postpone eligibility for a basic license for an equivalent period. In
45 addition, when the **[director]** chief administrator is notified by a
46 court of competent jurisdiction that a **[provisional]** probationary

1 license holder has been convicted of any alcohol or drug-related
2 offense unrelated to the operation of a motor vehicle, and he is not
3 otherwise subject to any other suspension penalty therefor, the
4 **【director】** chief administrator shall, without the exercise of
5 discretion or a hearing, suspend the **【provisional】** probationary
6 license for six months.

7 f. A **【provisional】** probationary license may be sent by mail and
8 shall be clearly identifiable and distinguishable in appearance from
9 a basic license by any name, mark, color or device deemed
10 appropriate by the **【director】** chief administrator.

11 (cf: P.L.2001, c.420, s.8)

12

13 10. Section 11 of P.L.2001, c.420 (C.39:3-13.8) is amended to
14 read as follows:

15 11. A fine of \$100 shall be imposed for violating the following
16 conditions of a special learners permit, an examination permit or a
17 **【provisional】** probationary driver's license:

- 18 a. supervision requirements for permit holders;
- 19 b. passenger restrictions;
- 20 c. hours of operation;
- 21 d. seat belt requirements;
- 22 e. interactive wireless communication device use restrictions;

23 or

24 f. any other violation of the conditions of a permit or
25 **【provisional】** probationary license as the **【director】** chief
26 administrator may designate.

27 (cf: P.L.2001, c.420, s.11)

28

29 11. This act shall take effect on the first day of the 13th month
30 after enactment, but the Chief Administrator of the New Jersey
31 Motor Vehicle Commission may take such anticipatory action
32 necessary to implement the provisions of this act.

33

34

35 STATEMENT

36

37 The bill would expand the restrictions on those who hold
38 provisional driver's licenses. The bill also would change the name
39 of a "provisional" driver's license to a "probationary" driver's
40 license.

41 Under this State's graduated driver licensing system, persons
42 who have completed the requirements of a special learner's permit
43 or an examination permit are issued a provisional license.
44 Provisional licensees practice unsupervised driving under certain
45 conditions in preparation for a basic driver's license. Provisional
46 licensee's may only transport one passenger in addition to persons

1 who reside with them. They are also restricted from driving
2 between midnight and 5:00 a.m.

3 Under this bill, provisional licensees under 21 years old would
4 be permitted to transport only one passenger regardless of whether
5 the passenger resides with them. The restriction on overnight
6 driving hours also would be extended to between 11:00 p.m. and
7 5:00 a.m.

8 The provisions of this bill implement certain recommendations
9 of the Teen Driver Study Commission made in the commission's
10 March 2008 Final Report.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 16

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2008

The Senate Transportation Committee reports without recommendation Senate Bill No. 16 with committee amendments.

This amended bill revises the restrictions on those drivers who hold special learner's permits, examination permits, and provisional driver's licenses. The amended bill also changes the name of a "provisional" driver's license to a "probationary" driver's license.

Under this State's graduated driver licensing system for new drivers, persons who are 16 years old can obtain a special learner's permit for the purpose of supervised practice driving if they have completed an approved six-hour behind-the-wheel driving course. A person who is 17 years of age or older can obtain an examination permit for this same purpose, but is not required to take the behind-the-wheel course. Drivers who have completed the requirements of a special learner's permit or an examination permit are issued a provisional license. Provisional driver's licensees (now "probationary licensees") practice unsupervised driving to prepare for a basic driver's license. Holders of these special learner's permits, examination permits, and probationary licenses are subject to certain passenger, hourly, and other restrictions. The amended bill revises the hourly and passenger restrictions.

The provisions of this bill implement certain recommendations of the Teen Driver Study Commission made in the commission's March 2008 Final Report.

The committee adopted amendments under which permit holders and probationary license holders who are under 21 years old would be permitted to transport only one passenger besides any dependents. The amendments also provide that this one-passenger restriction would not apply if the licensee is accompanied by a parent or guardian. As introduced, the bill restricted only probationary driver's licensees under 21 years old to one passenger regardless of whether the passenger lives with the driver. These passenger restrictions do not apply to permit or probationary driver's license holders who are at least 21 years old under current law, which the amended bill does not change.

The restrictions on overnight driving hours also would be extended under the bill to between 11:00 p.m. and 5:00 a.m. for holders of examination permits and probationary licenses. Under current law, these drivers are restricted from operating their motor vehicles between 12:01 a.m. and 5:00 a.m. This is consistent with the current 11:01 p.m. to 5:00 a.m. restriction that currently applies to holders of a special learner's permit.

The committee also amended the bill to require the Division of Highway Traffic Safety in the Department of Law and Public Safety to develop and undertake a public education campaign to inform the public of the bill's provisions.

Finally, the committee made clarifying and technical amendments to the bill. One clarifies that permit and probationary license holders are not permitted to operate any interactive wireless communication device, whether it is hand-held or hands-free. Another change references to "drivers' schools" to "driving schools."

ASSEMBLY, No. 3070

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 23, 2008

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Camden)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman ANTHONY CHIAPPONE

District 31 (Hudson)

Assemblyman MICHAEL J. DOHERTY

District 23 (Warren and Hunterdon)

Assemblywoman MARY PAT ANGELINI

District 11 (Monmouth)

Co-Sponsored by:

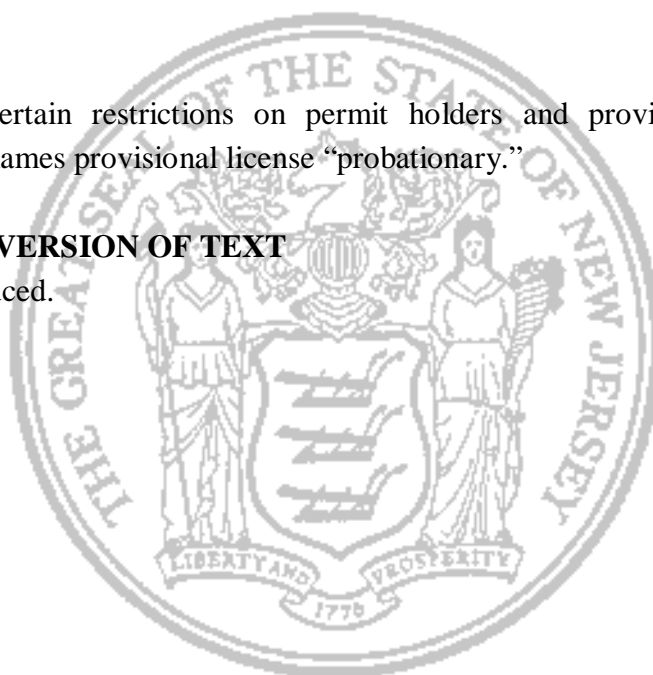
Assemblywoman Rodriguez

SYNOPSIS

Revises certain restrictions on permit holders and provisional driver's licensees; renames provisional license "probationary."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/14/2008)

1 AN ACT concerning provisional driver's permits and licenses and
2 amending and supplementing various parts of the statutory law.

3

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

6

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

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

14 No person under 18 years of age shall be issued a basic license to
15 drive motor vehicles, nor shall a person be issued a validated
16 permit, including a validated examination permit, until he has
17 passed a satisfactory examination and other requirements as to his
18 ability as an operator. The examination shall include a test of the
19 applicant's vision, his ability to understand traffic control devices,
20 his knowledge of safe driving practices and of the effects that
21 ingestion of alcohol or drugs has on a person's ability to operate a
22 motor vehicle, his knowledge of such portions of the mechanism of
23 motor vehicles as is necessary to insure the safe operation of a
24 vehicle of the kind or kinds indicated by the applicant and of the
25 laws and ordinary usages of the road. No person shall sit for an
26 examination for any permit without exhibiting photo identification
27 deemed acceptable by the commission, unless that person is a high
28 school student participating in a course of driving education
29 approved by the State Department of Education and conducted in a
30 public, parochial or private school of this State, pursuant to section
31 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the
32 written law knowledge examination for any person 18 years of age
33 or older possessing a valid driver's license issued by any other state,
34 the District of Columbia or the United States Territories of
35 American Samoa, Guam, Puerto Rico or the Virgin Islands. The
36 commission shall be required to provide that person with a booklet
37 that highlights those motor vehicle laws unique to New Jersey. A
38 road test shall be required for a **[provisional]** probationary license
39 and serve as a demonstration of the applicant's ability to operate a
40 vehicle of the class designated. No person shall sit for a road test
41 unless that person exhibits photo identification deemed acceptable
42 by the commission. A high school student who has completed a
43 course of behind-the-wheel automobile driving education approved
44 by the State Department of Education and conducted in a public,
45 parochial or private school of this State, who has been issued a

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 special learner's permit pursuant to section 1 of P.L.1950, c.127
2 (C.39:3-13.1) prior to January 1, 2003, shall not be required to
3 exhibit photo identification in order to sit for a road test. The
4 commission may waive the road test for any person 18 years of age
5 or older possessing a valid driver's license issued by any other state,
6 the District of Columbia or the United States Territories of
7 American Samoa, Guam, Puerto Rico or the Virgin Islands. The
8 road test shall be given on public streets, where practicable and
9 feasible, but may be preceded by an off-street screening process to
10 assess basic skills. The commission shall approve locations for the
11 road test which pose no more than a minimal risk of injury to the
12 applicant, the examiner and other motorists. No new locations for
13 the road test shall be approved unless the test can be given on
14 public streets.

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

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

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

46 The commission shall expand the driver's license examination to
47 include a question asking whether the applicant is aware of the
48 provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161

1 (C.26:6-57 et seq.) and the procedure for indicating on the driver's
2 license the intention to make a donation of body organs or tissues
3 pursuant to 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
6 commission any current driver's license issued to him by another
7 state or jurisdiction upon his receipt of a driver's license for this
8 State. The commission shall refuse to issue a driver's license if the
9 applicant fails to comply with this provision. An applicant for a
10 permit or license who is less than 18 years of age, and who holds a
11 permit or license for a passenger automobile issued by another state
12 or country that is valid or has expired within a time period
13 designated by the commission, shall be subject to the permit and
14 license requirements and penalties applicable to State permit and
15 license applicants who are of the same age; except that if the other
16 state or country has permit or license standards substantially similar
17 to those of this State, the credentials of the other state or country
18 shall be acceptable.

19 The commission shall create classified licensing of drivers
20 covering the following classifications:

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

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

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

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

32 Every applicant for a license under classification b. shall be a
33 holder of a basic driver's license. Any issuance of a license under
34 classification b. shall be by endorsement on the basic driver's
35 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 commission, upon payment of the lawful fee and after it or a
40 person authorized by it has examined the applicant and is satisfied
41 of the applicant's ability as an operator, may, in its discretion, issue
42 a license to the applicant to drive a motor vehicle. The license shall
43 authorize him to drive any registered vehicle, of the kind or kinds
44 indicated, and shall expire, except as otherwise provided, on the last
45 day of the 48th calendar month following the calendar month in
46 which such license was issued.

47 The commission may, at its discretion and for good cause shown,
48 issue licenses which shall expire on a date fixed by it. If the

1 commission issues a license to a person who has demonstrated
2 authorization to be present in the United States for a period of time
3 shorter than the standard period of the license, the commission shall
4 fix the expiration date of the license at a date based on the period in
5 which the person is authorized to be present in the United States
6 under federal immigration laws. The commission may renew such a
7 license only if it is demonstrated that the person's continued
8 presence in the United States is authorized under federal law. The
9 fee for licenses with expiration dates fixed by the commission shall
10 be fixed by the commission in amounts proportionately less or
11 greater than the fee herein established.

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

14

15 Motorcycle license or endorsement: \$18.

16

17 Omnibus or school bus endorsement: \$18.

18

19 Basic driver's license: \$18.

20

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

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

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

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

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

46 If the commission has reasonable cause to suspect that any
47 document presented by an applicant as proof of identity, age or
48 legal residency is altered, false or otherwise invalid, the

1 commission shall refuse to grant the permit or license until such
2 time as the document may be verified by the issuing agency to the
3 commission's satisfaction.

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
6 than 60 days, but if that person has never been licensed to drive in
7 this State or any other jurisdiction, he shall be subject to a fine of
8 not less than \$200 and, in addition, the court shall issue an order to
9 the commission requiring the commission to refuse to issue a
10 license to operate a motor vehicle to the person for a period of not
11 less than 180 days. The penalties provided for by this paragraph
12 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 commission.

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
17 and supplementary act becomes operative.

18 (cf: P.L.2003, c.13, s.37)

19

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

22 1. An applicant for a motorcycle license, but not for a
23 motorcycle endorsement to a basic license, who previously has
24 never been licensed to drive a motor vehicle in this, or any other
25 state, shall, during the permit period, be subject to the applicable
26 restrictions and penalties for examination permit holders as
27 provided under R.S.39:3-13. Until the provisions of P.L.1998,
28 c.108, as amended by P.L.2001, c.420, are fully implemented, all
29 holders of permits issued pursuant to R.S.39:3-13 and section 6 of
30 P.L.1977, c.25 (C.39:3-13.2a) shall be subject to a probationary
31 driver program for the two-year period immediately following the
32 issuance of the permits. This two-year period shall not be altered if
33 the permit holder obtains a **【provisional】** probationary driver's
34 license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4). All
35 holders of permits issued on or after the date of full implementation
36 of P.L.1998, c.108, as amended by P.L.2001, c.420, shall not be
37 subject to this section.

38 (cf: P.L.2001, c.420, s.4)

39

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

42 1. In addition to the requirements for the form and content of a
43 motor vehicle driver's license under R.S.39:3-10 and a
44 **【provisional】** probationary license issued under section 4 of
45 P.L.1950, c.127 (C.39:3-13.4), on and after the operative date of
46 P.L.2001, c.391 (C.39:3-10f4 et al.), each initial New Jersey
47 license, each renewal of a New Jersey driver's license, and each
48 **【provisional】** probationary license shall have a digitized color

1 picture of the licensee. All licenses issued on and after January 1,
2 2000 shall be valid for a period of 48 calendar months. However,
3 the chief administrator may, at his discretion, issue licenses and
4 endorsements which shall expire on a date fixed by him. The fee
5 for such licenses or endorsements shall be fixed in amounts
6 proportionately less or greater than the fee otherwise established.
7 Notwithstanding the provisions of this section to the contrary, a
8 person 70 years of age or older may elect to have a license issued
9 for a period of two or four years, which election may not be altered
10 by the ~~director~~ chief administrator. The fee for the two-year
11 license shall be \$9, in addition to the fee for a digitized picture
12 established in section 4 of P.L.2001, c.391 (C.39:3-10f4). The chief
13 administrator may, for good cause extend a license and any
14 endorsement thereon beyond their expiration dates for periods not
15 to exceed 12 additional months. The chief administrator may
16 extend the expiration date of a license and any endorsement thereon
17 without payment of a proportionate fee when the chief administrator
18 determines that such extension is necessary for good cause. If any
19 license and endorsements thereon are so extended, the licensee shall
20 pay upon renewal the full license fee for the period fixed by the
21 chief administrator as if no extension had been granted.

22 Each initial motor vehicle license issued to a person under the
23 age of 21 after the effective date of P.L.1999, c.28 shall be
24 conspicuously distinct, through the use of color and design, from
25 the driver's licenses issued to persons 21 years of age or older. The
26 chief administrator, in consultation with the Superintendent of State
27 Police, shall determine the color and the manner in which the
28 license is designed to achieve this result. The license shall also bear
29 the words "UNDER 21" in a conspicuous manner. The chief
30 administrator shall provide that upon attaining the age of 21, a
31 licensee shall be issued a replacement driver's license or a new
32 license, as appropriate. The fee for a replacement license shall be
33 \$5 in addition to the digitized picture fee.

34 As conditions for the renewal of a driver's license, the chief
35 administrator shall provide that the picture of a licensee be updated
36 except that the chief administrator may elect to use a stored picture
37 to renew a license for a period not exceeding four additional years
38 for \$18 in addition to the digitized picture fee.

39 Whenever a person has reconstructive or cosmetic surgery which
40 significantly alters the person's facial features, the person shall
41 notify the chief administrator who may require the picture of the
42 licensee to be updated, for \$5 in addition to the digitized picture
43 fee.

44 Nothing in this section shall be construed to alter or change any
45 expiration date on any New Jersey driver's license issued prior to
46 the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.) and,
47 unless a licensee's driving privileges are otherwise suspended or

1 revoked, except as provided in R.S.39:3-10, that license shall
2 remain valid until that expiration date.

3 Specific use of the driver's license and any information stored or
4 encoded, electronically or otherwise, in relation thereto shall be in
5 accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal
6 Driver's Privacy Protection Act of 1994, Pub. L.103-322.
7 Notwithstanding the provisions of any other law to the contrary, the
8 digitized picture or any access thereto or any use thereof shall not
9 be sold, leased or exchanged for value.

10 To replace a photo-license issued prior to the effective date of
11 this act for a licensee who is temporarily out of this State, the chief
12 administrator may issue a "valid without picture" picture license for
13 the unexpired term of the license.

14 (cf: P.L.2003, c.204, s.1)

15

16 4. Section 1 of P.L.1942, c.324 (C.39:3-11.1) is amended to
17 read as follows:

18 1. Any person, under seventeen years of age and not under
19 sixteen years of age, may be licensed to drive motor vehicles in
20 agricultural pursuits as herein limited; provided such person has
21 passed an examination satisfactory to the **[director]** chief
22 administrator as to his ability as an operator. The **[director]** chief
23 administrator, upon payment of the lawful fee and after he or a
24 person authorized by him has examined the applicant and is
25 satisfied of the applicant's ability as an operator, may, in his
26 discretion, license the applicant to drive any motor vehicle which is
27 registered under the provisions of R.S.39:3-24 and R.S.39:3-25.
28 The holder of an agricultural permit or license shall be subject to
29 the applicable requirements, restrictions and penalties for special
30 learner's permit holders provided under section 6 of P.L.1977, c.25
31 (C.39:3-13.2a). Such registration shall expire on March thirty-first
32 of each year terminating the period for which such license is issued.
33 The annual license fee for such license shall be one dollar (\$1.00),
34 and is for the limited use herein provided, and is not to be used in
35 the operation of any other vehicle and shall have the name of the
36 licensee endorsed thereon in his own handwriting. The holder of an
37 agricultural license shall be entitled to a **[provisional]** probationary
38 driver's license upon attaining the age of 17 years and shall be
39 subject to applicable restrictions and penalties in section 4 of
40 P.L.1950, c.127 (C.39:3-13.4) as they pertain to a **[provisional]**
41 probationary driver's license holder.

42 (cf: P.L.2001, c.420, s.5)

43

44 5. R.S.39:3-13 is amended to read as follows:

45 39:3-13. The chief administrator may, in his discretion, issue to
46 a person over 17 years of age an examination permit, under the
47 hand and seal of the chief administrator, allowing such person, for
48 the purpose of fitting himself to become a licensed driver, to

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

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

17 For six months immediately following the validation of an
18 examination permit, and until the holder passes the road test, the
19 holder who is less than 21 years of age shall operate the passenger
20 automobile or motorcycle only when accompanied by, and under
21 the supervision of, a New Jersey licensed driver who is at least 21
22 years of age and has been licensed to drive a passenger automobile
23 or motorcycle, as the case may be, for not less than three years.
24 The holder of an examination permit who is at least 21 years of age
25 shall operate the passenger automobile or motorcycle for the first
26 three months under such supervision and until the holder passes the
27 road test. The supervising driver of the passenger automobile shall
28 sit in the front seat of the vehicle. Whenever operating a vehicle
29 while in possession of an examination permit, the holder of the
30 permit shall operate the passenger automobile with only one
31 additional passenger in the vehicle excluding persons with whom
32 the holder resides dependents of the permit holder, except that this
33 passenger restriction shall not apply when either the permit
34 holder or one other passenger is at least 21 years of age or when
35 the permit holder is accompanied by a parent or guardian. Further,
36 the holder of the permit who is less than 21 years of age shall not
37 drive during the hours between 12:01 a.m. 11:01 p.m. and 5 a.m.;
38 provided, however, that this condition may be waived for an
39 emergency which, in the judgment of local police, is of sufficient
40 severity and magnitude to substantially endanger the health, safety,
41 welfare or property of a person, or for any bona fide employment or
42 religion-related activity if the employer or appropriate religious
43 authority provides written verification of such activity in a manner
44 provided for by the director chief administrator. The holder of
45 the examination permit shall not use any hand-held or hands-free
46 interactive wireless communication device, except in an emergency,
47 while operating a moving passenger automobile on a public road or

1 highway. "Use" shall include, but not be limited to, talking or
2 listening on any hand-held or hands-free interactive wireless
3 communication device or operating its keys, buttons or other
4 controls. The passenger automobile permit holder shall ensure that
5 all occupants of the vehicle are secured in a properly adjusted and
6 fastened seat belt or child restraint system.

7 When notified by a court of competent jurisdiction that an
8 examination permit holder has been convicted of a violation which
9 causes the permit holder to accumulate more than two motor vehicle
10 points or has been convicted of a violation of R.S.39:4-50; section 2
11 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
12 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
13 other motor vehicle-related law the chief administrator deems
14 significant and applicable pursuant to regulation, in addition to any
15 other penalty that may be imposed, the chief administrator shall,
16 without the exercise of discretion or a hearing, suspend the
17 examination permit holder's examination permit for 90 days. The
18 chief administrator shall restore the permit following the term of the
19 permit suspension if the permit holder satisfactorily completes a
20 remedial training course of not less than four hours which may be
21 given by the commission, a **[drivers']** driving school licensed by
22 the chief administrator pursuant to section 2 of P.L.1951, c.216
23 (C.39:12-2) or any Statewide safety organization approved by the
24 chief administrator. The course shall be subject to oversight by the
25 commission according to its guidelines. The permit holder shall
26 also remit a course fee prior to the commencement of the course.
27 The chief administrator also shall postpone without the exercise of
28 discretion or a hearing the issuance of a basic license for 90 days if
29 the chief administrator is notified by a court of competent
30 jurisdiction that the examination permit holder, after completion of
31 the remedial training course, has been convicted of any motor
32 vehicle violation which results in the imposition of any motor
33 vehicle points or has been convicted of a violation of R.S.39:4-50;
34 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182
35 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
36 N.J.S.2C:12-1 or any other motor vehicle-related law the chief
37 administrator deems significant and applicable pursuant to
38 regulation. When the chief administrator is notified by a court of
39 competent jurisdiction that an examination permit holder has been
40 convicted of any alcohol or drug-related offense unrelated to the
41 operation of a motor vehicle and is not otherwise subject to any
42 other suspension penalty therefor, the chief administrator shall,
43 without the exercise of discretion or a hearing, suspend the
44 examination permit for six months.

45 An examination permit for a motorcycle or a commercial motor
46 vehicle issued to a handicapped person, as determined by the New
47 Jersey Motor Vehicle Commission after consultation with the
48 Department of Education, shall be valid for nine months or until the

1 completion of the road test portion of his license examination,
2 whichever period is shorter.

3 Each permit shall be sufficient license for the person to operate
4 such designated class of motor vehicles in this State during the
5 period specified, while in the company of and under the control of a
6 driver licensed by this State to operate such designated class of
7 motor vehicles, or, in the case of a commercial driver license
8 permit, while in the company of and under the control of a holder of
9 a valid commercial driver license for the appropriate license class
10 and with the appropriate endorsements issued by this or any other
11 state. Such person, as well as the licensed driver, except for a motor
12 vehicle examiner administering a driving skills test, shall be held
13 accountable for all violations of this subtitle committed by such
14 person while in the presence of the licensed driver. In addition to
15 requiring an applicant for an examination permit to submit
16 satisfactory proof of identity and age, the chief administrator also
17 shall require the applicant to provide, as a condition for obtaining
18 the permit, satisfactory proof that the applicant's presence in the
19 United States is authorized under federal law. If the chief
20 administrator has reasonable cause to suspect that any document
21 presented by an applicant as proof of identity, age or legal residency
22 is altered, false or otherwise invalid, the chief administrator shall
23 refuse to grant the permit until such time as the document may be
24 verified by the issuing agency to the chief administrator's
25 satisfaction.

26 The holder of an examination permit shall be required to take a
27 road test in order to obtain a **[provisional]** probationary license. No
28 road test for any person who has been issued an examination permit
29 to operate a passenger vehicle shall be given unless the person has
30 met the requirements of this section. No road test for a
31 **[provisional]** probationary license shall be given unless the
32 applicant has first secured an examination permit and no such road
33 test shall be scheduled for an applicant who has secured an
34 examination permit for a passenger vehicle or a motorcycle for
35 which an endorsement is not required until at least six months for
36 an applicant under 21 years of age or three months for an applicant
37 21 years of age or older shall have elapsed following the validation
38 of the examination permit for practice driving or, in the case of an
39 examination permit for other vehicles, until 20 days have elapsed.
40 In the case of an omnibus endorsement or school bus, no road test
41 shall be scheduled until at least 10 days shall have elapsed. Every
42 applicant for an examination permit to qualify for an omnibus
43 endorsement or an articulated vehicle endorsement shall be a holder
44 of a valid basic driver's license.

45 The required fees for special learners' permits and examination
46 permits shall be as follows:

A3070 LAMPITT, WISNIEWSKI

- 1 Basic driver's license.....up to \$10
- 2
- 3 Motorcycle license or endorsement.....\$ 5
- 4
- 5 Omnibus or school bus endorsement.....\$25
- 6

7 The chief administrator shall waive the payment of fees for
8 issuance of examination permits for omnibus endorsements
9 whenever the applicant establishes to the chief administrator's
10 satisfaction that said applicant will use the omnibus endorsement
11 exclusively for operating omnibuses owned by a nonprofit
12 organization duly incorporated under Title 15 or 16 of the Revised
13 Statutes or Title 15A of the New Jersey Statutes.

14 The specified period for which a permit is issued may be
15 extended for not more than an additional 60 days, without payment
16 of added fee, upon application made by the holder thereof, where
17 the holder has applied to take the examination for a driver's license
18 prior to the expiration of the original period for which the permit
19 was issued and the chief administrator was unable to schedule an
20 examination during said period.

21 As a condition for the issuance of an examination permit under
22 this section, the chief administrator shall secure a digitized picture
23 of the applicant. The picture shall be stored in a manner prescribed
24 by the chief administrator and may be displayed on the examination
25 permit.

26 The chief administrator may require that whenever a person to
27 whom an examination permit has been issued has reconstructive or
28 cosmetic surgery which significantly alters the person's facial
29 features, the person shall notify the chief administrator who may
30 require the picture of the person to be updated.

31 Specific use of the examination permit and any information
32 stored or encoded, electronically or otherwise, in relation thereto
33 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
34 the federal Driver's Privacy Protection Act of 1994, Pub. L.103-
35 322. Notwithstanding the provisions of any other law to the
36 contrary, the digitized picture or any access thereto or any use
37 thereof shall not be sold, leased or exchanged for value.

38 (cf: P.L.2003, c.204, s.4)

39

40 6. Section 1 of P.L.2007, c.285 (C.39:3-13b) is amended to
41 read as follows:

42 1. Upon request, the Motor Vehicle Commission shall provide
43 the parent or guardian of a special learner's permit holder, an
44 examination permit holder, or a **[provisional]** probationary license
45 holder under 18 years of age with information pertaining to the
46 driving privilege status and any vehicular accident or violation
47 information on the minor's driving record. When requesting this
48 information about the minor's driving record, the parent or guardian

1 shall be required to provide the parent or guardian's name, date of
2 birth, address, and driver's license number as well as the name, date
3 of birth, address, and driver's license number of the permit or
4 **【provisional】** probationary license holder.

5 (cf: P.L.2007, c.285, s.1)

6

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

9 1. The Chief Administrator of the New Jersey Motor Vehicle
10 Commission may issue to a person over 16 years of age a special
11 learner's permit, under the hand and seal of the chief administrator,
12 allowing such person, for the purpose of preparing himself to
13 qualify for a **【provisional】** probationary license for a passenger
14 automobile by operating a dual pedal controlled motor vehicle
15 while taking a required course of behind-the-wheel automobile
16 driving education approved by the State Department of Education
17 and conducted in a public, parochial or private school of this State
18 or a course of behind-the-wheel automobile driving instruction
19 conducted by a drivers' school duly licensed pursuant to the
20 provisions of P.L.1951, c.216 (C.39:12-1 et seq.). The special
21 learner's permit shall be issued in lieu of the examination permit
22 provided for in R.S.39:3-13. In addition to requiring an applicant
23 for a permit to submit satisfactory proof of identity and age, the
24 chief administrator also shall require the applicant to provide, as a
25 condition for obtaining a permit, satisfactory proof that the
26 applicant's presence in the United States is authorized under federal
27 law. If the chief administrator has reasonable cause to suspect that
28 any document presented by an applicant as proof of identity, age or
29 legal residency is altered, false or otherwise invalid, the chief
30 administrator shall refuse to grant the permit until such time as the
31 document may be verified by the issuing agency to the chief
32 administrator's satisfaction.

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

41 (cf: P.L.2003, c.204, s.2)

42

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

45 6. a. Any person to whom a special learner's permit has been
46 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
47 successful completion of a State approved written examination, eye
48 examination and an approved minimum six-hour behind-the-wheel

1 driving course, shall be entitled to retain the special learner's permit
2 in his own possession. The special learner's permit shall be
3 validated by the **【division】** commission for the purpose of driving a
4 motor vehicle on a public highway in this State after the holder has
5 successfully met the necessary examination requirements, and upon
6 the successful completion of a behind-the-wheel driving course.
7 Such person may operate a motor vehicle of the class for which a
8 basic driver's license is required except during the hours between
9 11:01 p.m. and 5:00 a.m. while in the company and under the
10 supervision, from the front passenger seat, of a licensed motor
11 vehicle driver of this State who is over 21 years of age and has been
12 licensed to drive a passenger automobile for at least three years.
13 Such special permit shall be valid until such person's seventeenth
14 birthday or until he qualifies for a **【provisional】** probationary
15 license. Except during an instructional period of a behind-the-
16 wheel driving course, the holder of a special permit shall operate a
17 passenger automobile with only the following passengers: (1) the
18 supervising passenger; (2) **【persons who share the permit holder's**
19 **residence】** any parent, guardian, or dependent of the special permit
20 holder; and (3) one additional passenger **【who does not reside with**
21 **the permit holder】**. The holder of the special learner's permit shall
22 not use any hand-held or hands-free interactive wireless
23 communication device, except in an emergency, while operating a
24 moving passenger automobile on a public road or highway. "Use"
25 shall include, but not be limited to, talking or listening on any hand-
26 held or hands-free interactive wireless communication device or
27 operating its keys, buttons or other controls. All occupants of the
28 automobile shall be secured in a properly adjusted and fastened seat
29 belt or child restraint system.

30 b. When notified by a court of competent jurisdiction that a
31 special learner's permit holder has been convicted of a violation
32 which causes the permit holder to accumulate more than two motor
33 vehicle points or has been convicted of a violation of R.S.39:4-50;
34 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189
35 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
36 N.J.S.2C:12-1 or any other motor vehicle-related law the **【director】**
37 chief administrator determines to be significant and applicable
38 pursuant to regulation, and in addition to any other penalty that may
39 be imposed, the **【director】** chief administrator shall, without the
40 exercise of discretion or a hearing, suspend the holder's special
41 learner's permit for 90 days. The **【director】** chief administrator
42 shall restore the permit following the term of the permit suspension
43 if the permit holder, regardless of age, satisfactorily completes a
44 remedial training course of not less than four hours which may be
45 given by the **【division】** commission, a **【drivers'】** driving school
46 licensed by the **【director】** chief administrator pursuant to section 2
47 of P.L.1951, c.216 (C.39:12-2) or any statewide safety organization

1 approved by the **[director]** chief administrator. The course shall be
2 administered pursuant to rules and regulations promulgated by the
3 **[director]** chief administrator and subject to oversight by the
4 **[division]** commission. The authority of the **[director]** chief
5 administrator to suspend, revoke or deny issuance of an initial or
6 renewal license to operate a **[drivers']** driving school or an
7 instructor's license, and to assess fines, pursuant to P.L.1951, c.216
8 (C.39:12-1 et seq.) shall apply to any violations related to the
9 administration of a remedial training course. The permit holder
10 shall also remit a course fee prior to the commencement of the
11 course. If, after completion of the remedial training course, the
12 **[director]** chief administrator is notified by a court of competent
13 jurisdiction that the special learner's permit holder has been
14 convicted of any motor vehicle violation which results in the
15 imposition of any motor vehicle points or has been convicted of a
16 violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-
17 50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-
18 5; subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related
19 law the **[director]** chief administrator deems significant and
20 applicable pursuant to regulation, the **[director]** chief administrator,
21 without the exercise of discretion or a hearing, shall also postpone
22 the issuance of a basic license for 90 days. When the **[director]**
23 chief administrator is notified by a court of competent jurisdiction
24 that a special learner's permit holder has been convicted of any
25 alcohol or drug-related offense unrelated to the operation of a motor
26 vehicle and he is not otherwise subject to any other suspension
27 penalty therefor, the **[director]** chief administrator shall, without
28 the exercise of discretion or a hearing, suspend the special learner's
29 permit for six months.
30 (cf: P.L.2001, c.420, s.7)

31
32 9. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to
33 read as follows:

34 4. a. The holder of a special learner's permit shall be entitled
35 to a **[provisional]** probationary driver's license (1) upon attaining
36 the age of 17 years, (2) upon the satisfactory completion of an
37 approved behind-the-wheel **[automobile driving education]** driver
38 training course as indicated upon the face of the special permit over
39 the signature of the principal of the school or the person operating
40 the **[drivers']** driving school in which the course was conducted, (3)
41 upon the completion of six months' driving experience with a
42 validated special learner's permit in compliance with the provisions
43 of section 6 of P.L.1977, c.25 (C.39:3-13.2a) and (4) upon passing
44 the road test pursuant to R.S.39:3-10.

45 b. The holder of a **[provisional]** probationary license shall be
46 permitted to operate the passenger automobile with only one
47 additional passenger in the vehicle **[besides persons with whom the**

1 holder resides] besides any dependent of the probationary license
2 holder, except that this passenger restriction shall not apply when
3 **[either]** the holder of the **[provisional]** probationary license **[or**
4 **one other passenger]** is at least 21 years of age or the probationary
5 license holder is accompanied by a parent or guardian. Further, the
6 holder of the **[provisional]** probationary license who is under 21
7 years of age shall not drive during the hours between **[12:01 a.m.]**
8 11:01 p.m. and 5 a.m.; provided however, that this condition may
9 be waived for an emergency which, in the judgment of local police,
10 is of sufficient severity and magnitude to substantially endanger the
11 health, safety, welfare or property of a person or for any bona fide
12 employment or religion-related activity if the employer or
13 appropriate religious authority provides written verification of such
14 activity in a manner provided for by the **[director]** chief
15 administrator.

16 c. The holder of the **[provisional]** probationary license shall
17 not use any hand-held or hands-free interactive wireless
18 communication device, except in an emergency, while operating a
19 moving passenger automobile on a public road or highway. "Use"
20 shall include, but not be limited to, talking or listening on any hand-
21 held or hands-free interactive wireless communication device or
22 operating its keys, buttons or other controls. In addition, the holder
23 of the **[provisional]** probationary license shall ensure that all
24 occupants of the vehicle are secured in a properly adjusted and
25 fastened seat belt or child restraint system.

26 d. In addition to any other penalties provided under law, the
27 holder of a **[provisional]** probationary license who accumulates
28 more than two motor vehicle points or is convicted of a violation of
29 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
30 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c.
31 of N.J.S.2C:12-1 or any other motor vehicle law the **[director]**
32 chief administrator deems to be significant and applicable pursuant
33 to regulation shall, for the first violation, be required to
34 satisfactorily complete a remedial training course of not less than
35 four hours which may be given by the **[division]** commission, a
36 **[drivers']** driving school licensed by the **[director]** chief
37 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2)
38 or any Statewide safety organization approved by the **[director]**
39 chief administrator. The course shall be administered pursuant to
40 rules and regulations promulgated by the **[director]** chief
41 administrator and subject to oversight by the **[division]**
42 commission. The authority of the **[director]** chief administrator to
43 suspend, revoke or deny issuance of an initial or renewal license to
44 operate a **[drivers']** driving school or an instructor's license, and to
45 assess fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall
46 apply to any violations related to the administration of a remedial

1 training course. The permit holder shall also remit a course fee
2 prior to the commencement of the course.

3 e. When notified by a court of competent jurisdiction that a
4 **【provisional】** probationary license holder has been convicted of a
5 second or subsequent violation, in addition to any other penalties
6 provided under law, the **【director】** chief administrator shall,
7 without the exercise of discretion or a hearing, suspend the
8 **【provisional】** probationary license for three months and shall
9 postpone eligibility for a basic license for an equivalent period. In
10 addition, when the **【director】** chief administrator is notified by a
11 court of competent jurisdiction that a **【provisional】** probationary
12 license holder has been convicted of any alcohol or drug-related
13 offense unrelated to the operation of a motor vehicle, and he is not
14 otherwise subject to any other suspension penalty therefor, the
15 **【director】** chief administrator shall, without the exercise of
16 discretion or a hearing, suspend the **【provisional】** probationary
17 license for six months.

18 f. A **【provisional】** probationary license may be sent by mail
19 and shall be clearly identifiable and distinguishable in appearance
20 from a basic license by any name, mark, color or device deemed
21 appropriate by the **【director】** chief administrator.
22 (cf: P.L.2001, c.420, s.8)

23
24 10. Section 11 of P.L.2001, c.420 (C.39:3-13.8) is amended to
25 read as follows:

26 11. A fine of \$100 shall be imposed for violating the following
27 conditions of a special learners permit, an examination permit or a
28 **【provisional】** probationary driver's license:

- 29 a. supervision requirements for permit holders;
30 b. passenger restrictions;
31 c. hours of operation;
32 d. seat belt requirements;
33 e. hand-held or hands-free interactive wireless communication
34 device use restrictions; or
35 f. any other violation of the conditions of a permit or
36 **【provisional】** probationary license as the **【director】** chief
37 administrator may designate.

38 (cf: P.L.2001, c.420, s.11)

39
40 11. (New section) The Division of Highway Traffic Safety in the
41 Department of Law and Public Safety shall develop and undertake a
42 public education campaign to inform the public about the provisions
43 of this act.

44
45 12. This act shall take effect on the first day of the 13th month
46 after enactment, but the Chief Administrator of the New Jersey

1 Motor Vehicle Commission may take such anticipatory action
2 necessary to implement the provisions of this act.

3

4

5

STATEMENT

6

7 This bill would revise the restrictions on those drivers who hold
8 special learner's permits, examination permits, and provisional
9 driver's licenses. The bill also changes the name of a "provisional"
10 driver's license to a "probationary" driver's license.

11 Under this State's graduated driver licensing system for new
12 drivers, persons who are 16 years old can obtain a special learner's
13 permit for the purpose of supervised practice driving if they have
14 completed an approved six-hour behind-the-wheel driving course.
15 A person who is 17 years of age or older can obtain an examination
16 permit for this same purpose, but is not required to take the behind-
17 the-wheel course. Drivers who have completed the requirements of
18 a special learner's permit or an examination permit are issued a
19 provisional license. Provisional driver's licensees (now
20 "probationary licensees") practice unsupervised driving to prepare
21 for a basic driver's license. Holders of these special learner's
22 permits, examination permits, and probationary licenses are subject
23 to certain passenger, hourly, and other restrictions. The bill revises
24 the hourly and passenger restrictions.

25 Under the bill, permit holders and probationary license holders
26 who are under 21 years old would be permitted to transport only
27 one passenger besides any dependents. This one-passenger
28 restriction would not apply if the licensee is accompanied by a
29 parent or guardian. The passenger restriction does not apply to
30 permit or probationary driver's license holders who are at least 21
31 years old under current law; this remains unchanged under the bill.

32 The restrictions on overnight driving hours also would be
33 extended under the bill to between 11:00 p.m. and 5:00 a.m. for
34 holders of examination permits and probationary licenses. Under
35 current law, these drivers are restricted from operating their motor
36 vehicles between 12:01 a.m. and 5:00 a.m. This is consistent with
37 the current 11:01 p.m. to 5:00 a.m. restriction that currently applies
38 to holders of a special learner's permit.

39 The bill also requires the Division of Highway Traffic Safety in
40 the Department of Law and Public Safety to develop and undertake
41 a public education campaign to inform the public of the bill's
42 provisions.

43 Finally, the bill clarifies that permit and probationary license
44 holders are not permitted to operate any interactive wireless
45 communication device, whether it is hand-held or hands-free, and
46 changes references from "drivers' schools" to "driving schools."

A3070 LAMPITT, WISNIEWSKI

19

- 1 The provisions of this bill implement certain recommendations
- 2 of the Teen Driver Study Commission made in the commission's
- 3 March 2008 Final Report.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3070

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2008

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 3070.

As reported, this amended bill would revise the restrictions on those drivers who hold special learner's permits, examination permits, and provisional driver's licenses. The bill also changes the name of a "provisional" driver's license to a "probationary" driver's license.

Under this State's graduated driver licensing system for new drivers, persons who are 16 years old can obtain a special learner's permit for the purpose of supervised practice driving if they have completed an approved six-hour behind-the-wheel driving course. A person who is 17 years of age or older can obtain an examination permit for this same purpose, but is not required to take the behind-the-wheel course. Drivers who have completed the requirements of a special learner's permit or an examination permit are issued a provisional license. Provisional driver's license holders practice unsupervised driving to prepare for a basic driver's license. Holders of these special learner's permits, examination permits, and probationary licenses are subject to certain passenger, hourly, and other restrictions. The bill revises the hourly and passenger restrictions.

Under the bill, permit holders and probationary license holders who are under 21 years old would be permitted to transport only one passenger besides any dependents. This one-passenger restriction would not apply if the permit or probationary license holder is accompanied by a parent or guardian. The passenger restriction also does not apply to permit or probationary license holders who are at least 21 years old under current law; this remains unchanged under the bill.

The restrictions on overnight driving hours also would be extended under the bill to between 11:01 p.m. and 5:00 a.m. for holders of examination permits and probationary licenses. Under current law, these drivers are restricted from operating their motor vehicles between 12:01 a.m. and 5:00 a.m. This is consistent with the current

11:01 p.m. to 5:00 a.m. restriction that currently applies to holders of a special learner's permit.

The bill also requires the Division of Highway Traffic Safety in the Department of Law and Public Safety to develop and undertake a public education campaign to inform the public of the bill's provisions.

Finally, the bill clarifies that permit and probationary license holders are not permitted to use any interactive wireless communication device while operating a motor vehicle whether it is hand-held or hands-free.

The provisions of this bill implement certain recommendations of the Teen Driver Study Commission made in the commission's March 2008 Final Report.

COMMITTEE AMENDMENTS

The committee amendments make technical corrections to references in the bill to the Division of Highway Traffic Safety in the Department of Law and Public Safety, special learner's permits, automobile driving education courses, and restores the references to drivers' schools.

Governor
HomeMeet the
GovernorGovernor's Office
Executive Staff

Cabinet

Newsroom

Boards, Commissions
and Authorities

Photo Blog

For Kids

Event Photos

Press Releases

Featured Videos

Audio Clips

Newsletters

Speeches

Reports

Executive Orders

[Home](#) > [Newsroom](#) > [Press Releases](#) > 2009 > [Apr-15-09 Governor Corzine Signs Kyleigh's Law](#)JON S. CORZINE
*Governor***For Immediate Release:**
Date: April 15, 2009**For More Information:**
Robert Corrales
Phone: 609-777-2600

Governor Corzine Signs Kyleigh's Law

New Jersey is first state to have teen driver decal

CHESTER -Governor Jon S. Corzine today signed Kyleigh's Law, making New Jersey the first state in the nation to have a teen driver decal law. Named in honor of 16-year old Kyleigh D'Alessio, S-2314/A-3069 requires the use of an identifier on vehicles driven by teens holding a permit or provisional license.

"Having a driver's license is an awesome responsibility for any teenager," Governor Corzine said. "The legislation I am signing today initiates several preventative measures to help avoid further teen driving tragedies like Kyleigh's, while ensuring that our young people are better prepared to safely take to the roadways."

The new law also will assist police in identifying young drivers who may be in violation of the Graduated Driver License (GDL) restrictions.

"As a father I cannot even begin to imagine what the pain is like for family and friends of Kyleigh D'Alessio and the thousands of other teenagers who die in automobile accidents each year," said Senator Thomas H. Kean, Jr. (R-Essex, Morris, Union). "This legislation is designed to encourage our young drivers to drive safely and to comply with the rules of the road. It will also assist law enforcement personnel in identifying new drivers that might not be complying with the rules and thus, putting themselves, passengers and other drivers at risk. Through education and action we can save lives and help avert another tragedy."

Governor Corzine also signed S-16/A-3070, revising nighttime driving and passenger restrictions on permit and provisional drivers. New Jersey's Graduated Driver License (GDL) law currently restricts teens on a provisional license from driving between midnight and 5 a.m. Although only 15 percent of miles driven by 16 and 17-year-olds are between 9 p.m. and 6 a.m., more than 40 percent of their fatal crashes occur during this time period. The bill also renames the provisional license "probationary."

"We live in the most densely populated state in the nation in an era of constant distractions," said Senator Richard J. Codey (D-Essex). "Over the last few years, we've witnessed a number of tragic accidents that could have been avoided. Hopefully these changes will make sure that inexperienced drivers have greater supervision and less distractions while they're still learning the ropes."

"Statistics show that 40 percent of fatal teen car accidents occur between the hours of 9 p.m. and 6 a.m.," said Senator Fred H. Madden, (D-Camden, Gloucester). "This new law will work to protect all drivers by reducing these numbers, while also making it easier for law enforcement officers to identify teen drivers. This bill isn't about profiling, but instead ensuring that parents, young drivers and police officers are able to take an active role in protecting our roadways."

The bills signed today address four recommendations contained in the Teen Driver Study Commission's March 2008 report. Three of those recommendations are essential for stemming the tide of teen driver crashes that last year claimed 60 teen lives - 37 drivers and 23 passengers.

"Every nine minutes a teen crashes in New Jersey," Division of Highway Traffic Safety Director Pam Fischer said. "The legislation signed today by Governor Corzine will help to ensure that young drivers, who clearly face a higher risk on our roadways, remain safe during the most dangerous time of their lives. These bills will help reduce teen crashes and ultimately save young lives."

According to the NJ Teen Driver Study Commission Report, a teen driver is 158 percent more likely to be killed in a crash while carrying two passengers. The risk increases to 207 percent when there are three passengers in a teen driver's car. The increased risk is often the result of distraction and others in

the car encouraging the teen driver to take risks with most teen crashes in NJ occur after school.

"The only way to become better at anything is through practice, and driving is no exception," said Assemblyman John Wisniewski (D-Middlesex), chairman of the Assembly Transportation, Public Works and Independent Authorities Committee. "Providing teen drivers with adequate behind-the-wheel time, standardized driver education and a healthy respect for the consequences of bad driving will help make them safer, more responsible motorists."

"We need to give newly minted drivers the tools they need to become safe, responsible motorists," said Assemblyman Anthony Chiappone (D-Hudson). "Encouraging safe driving practices, enhancing penalties for bad driving and increasing the amount of time required behind the wheel will go a long way toward that goal."

In total, the report outlines 47 recommendations to help reduce teen crashes, and ultimately save lives. While the State has the oldest minimum driving age in the nation (17) and a strong

Graduated Driver License (GDL) law that addresses teen risk factors (i.e., passengers, nighttime driving, cell phones, and seat belts), the Commission determined that more can and must be done to reduce teen driver crashes and save lives.

"Like learning any other skill, learning to drive well takes time," said Assemblyman Peter J. Barnes III. (D-Middlesex) "Ensuring our teens have the technical ability and good measure that come with practice will make them safer and more careful when they're on the road."

Between 2002 and 2008, more than 400 teen drivers and teens who were passengers in teen-driven vehicles, died on the state's roadways.

"This package will help reinforce the message to teens that driving is a privilege, not a right," said Assemblywoman Pamela R. Lampitt (D-Camden). "We need to better impress upon teens that getting behind the wheel carries with it real and tremendous responsibility for their passengers, other drivers and, most importantly, themselves."

"Making sure that our teenagers understand the serious responsibility that comes along with obtaining a drivers license is imperative," said Assemblyman John F. McKeon. (D-Essex) "Distinguishing learning teen drivers from the rest of the driving community will make our roads safer for everyone."

"Despite having a strong Graduated Driving Licensing law, we have experienced a rash of fatal crashes involving teenage drivers during the past few years," said Assemblywoman Mary Pat Angelini, (R-Monmouth). "This legislation the governor has signed today will enhance and strengthen that law and provide constructive and improved guidelines that will ultimately save lives."

Kyleigh's Law was sponsored by Senators Fred H. Madden, Jr. (D-Camden, Gloucester) and Thomas H. Kean, Jr. (R-Essex, Morris, Union); Assemblymen Anthony Chiappone (D-Hudson), Peter J. Barnes, III (D-Middlesex), John F. McKeon (D-Essex), Michael J. Doherty, (R-Warren, Hunterdon) and Assemblywoman Mary Pat Angelini (R-Monmouth).

S-16/ A-3070 was sponsored by Senators Richard J. Codey (D-Essex) and M. Teresa Ruiz (D-Essex, Union), Assemblywomen Pamela R. Lampitt (D-Camden) and Mary Pat Angelini (R-Monmouth) as well as Assemblymen John S. Wisniewski (D-Middlesex), Anthony Chiappone (D-Hudson) and Michael J. Doherty, (R-Warren, Hunterdon).

###

Photos from Governor Corzine's public events are available in the Governor's Newsroom section on the State of New Jersey web page, <http://www.nj.gov/governor/news/>

[Contact Us](#) | [Privacy Notice](#) | [Legal Statement](#) | [Accessibility Statement](#)



Statewide: NJ Home | Services A to Z | Departments/Agencies | FAQs

Office of the Governor: Governor Home | Meet the Governor | Executive Staff | Cabinet | Newsroom | Boards, Commissions and Authorities | Photo Blog | For Kids

Copyright © State of New Jersey, 1996-2009

Office of the Governor

PO Box 001

Trenton, NJ 08625

609-797-6000