

39:3-10n

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 204

NJSA: 39:3-10n (Motor Vehicle Commission – licenses and permits)

BILL NO: A3825 (Substituted for S2693)

SPONSOR(S): Roberts

DATE INTRODUCED: June 19, 2003

COMMITTEE: **ASSEMBLY:** Transportation

SENATE: Transportation

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2003

SENATE: December 15, 2003

DATE OF APPROVAL: January 6, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
 (Amendments during passage denoted by superscript numbers)

A3825

[SPONSORS STATEMENT](#): (Begins on page 11 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2693

[SPONSORS STATEMENT](#): (Begins on page 11 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A3825

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 204, *approved January 6, 2004*
Assembly, No. 3825 (*First Reprint*)

1 AN ACT concerning motor vehicles, amending P.L.1979, c.261,
2 P.L.1950, c.127, R.S.39:3-4 and R.S.39:3-13, and supplementing
3 chapter 3 of Title 39 of the Revised Statutes.

4

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

7

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

10 1. In addition to the requirements for the form and content of a
11 motor vehicle driver's license under R.S.39:3-10 and a provisional
12 license issued under section 4 of P.L.1950, c.127 (C.39:3-13.4), on
13 and after the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.),
14 each initial New Jersey license [and] , each renewal of a New Jersey
15 driver's license, and each provisional license shall have a digitized
16 color picture of the licensee. All licenses issued on and after January
17 1, 2000 shall be valid for a period of 48 calendar months. However,
18 the [director] chief administrator may, at his discretion, issue licenses
19 and endorsements which shall expire on a date fixed by him. The fee
20 for such licenses or endorsements shall be fixed in amounts
21 proportionately less or greater than the fee otherwise established.
22 Notwithstanding the provisions of this section to the contrary, a
23 person 70 years of age or older may elect to have a license issued for
24 a period of two or four years, which election may not be altered by
25 the director. The fee for the two-year license shall be \$9, in addition
26 to the fee for a digitized picture established in section 4 of P.L.2001,
27 c.391 (C.39:3-10f4). ¹[For emergent purposes, the] The¹ chief
28 administrator may¹, for good cause¹ extend¹ [the validation period
29 of licenses] a license¹ and¹ [endorsements] any endorsement
30 thereon¹ beyond their expiration dates for periods not to exceed 12
31 additional months. ¹The chief administrator may extend the expiration
32 date of a license and any endorsement thereon without payment of a
33 proportionate fee when the chief administrator determines that such
34 extension is necessary for good cause. If any license and
35 endorsements thereon are so extended, the licensee shall pay upon
36 renewal the full license fee for the period fixed by the chief
37 administrator as if no extension had been granted. ¹

38 Each initial motor vehicle license issued to a person under the age
39 of 21 after the effective date of P.L.1999, c.28 shall be conspicuously
40 distinct, through the use of color and design, from the driver's licenses

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATR committee amendments adopted June 19, 2003.

1 issued to persons 21 years of age or older. The [director] chief
2 administrator, in consultation with the Superintendent of State Police,
3 shall determine the color and the manner in which the license is
4 designed to achieve this result. The license shall also bear the words
5 "UNDER 21" in a conspicuous manner. The [director] chief
6 administrator shall provide that upon attaining the age of 21, a licensee
7 shall be issued a replacement driver's license or a new license, as
8 appropriate. The fee for a replacement license shall be \$5 in addition
9 to the digitized picture fee.

10 As conditions for the renewal of a driver's license, the [director]
11 chief administrator shall provide that the picture of a licensee be
12 updated except that the [director] chief administrator may elect to use
13 a stored picture to renew a license for a period not exceeding four
14 additional years for \$18 in addition to the digitized picture fee.

15 Whenever a person has reconstructive or cosmetic surgery which
16 significantly alters the person's facial features, the person shall notify
17 the [division] ¹[commission and the] ¹ [director] chief administrator
18 ¹who¹ may require the picture of the licensee to be updated, for \$5 in
19 addition to the digitized picture fee.

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

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

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

37 (cf: P.L.2001, c.391, s.3)

38

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

41 1. The [Director of the Division of Motor Vehicles] Chief
42 Administrator of the New Jersey Motor Vehicle Commission may
43 issue to a person over 16 years of age a special learner's permit, under
44 the hand and seal of the [director] chief administrator, allowing such
45 person, for the purpose of preparing himself to qualify for a
46 provisional license for a passenger automobile by operating a dual

1 pedal controlled motor vehicle while taking a required course of
2 behind-the-wheel automobile driving education approved by the State
3 Department of Education and conducted in a public, parochial or
4 private school of this State or a course of behind-the-wheel automobile
5 driving instruction conducted by a drivers' school duly licensed
6 pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.).
7 The special learner's permit shall be issued in lieu of the examination
8 permit provided for in R.S.39:3-13. In addition to requiring an
9 applicant for a permit to submit satisfactory proof of identity and age,
10 the [director] chief administrator also shall require the applicant to
11 provide, as a condition for obtaining a permit, satisfactory proof that
12 the applicant's presence in the United States is authorized under
13 federal law. If the [director] chief administrator has reasonable cause
14 to suspect that any document presented by an applicant as proof of
15 identity, age or legal residency is altered, false or otherwise invalid,
16 the [director] chief administrator shall refuse to grant the permit until
17 such time as the document may be verified by the issuing agency to the
18 [director's] chief administrator's satisfaction.

19 ¹[As a further condition for the issuance of a special learner's
20 permit under this section, the chief administrator shall secure a
21 digitized color picture of the applicant. The picture shall be stored in
22 a manner prescribed by the chief administrator and may be displayed
23 on the special learner's permit.

24 The chief administrator may require that whenever a person to
25 whom a special learner's permit has been issued has reconstructive or
26 cosmetic surgery which significantly alters the person's facial features,
27 the person shall notify the commission and the chief administrator may
28 require the picture of the person to be updated.

29 Specific use of the special learner's permit and any information
30 stored or encoded, electronically or otherwise, in relation thereto shall
31 be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the
32 federal Driver's Privacy Protection Act of 1994, Pub. L.103-322.
33 Notwithstanding the provisions of any other law to the contrary, the
34 digitized picture or any access thereto or any use thereof shall not be
35 sold, leased or exchanged for value.]¹

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

44 (cf: P.L.2001, c.391, s.13)

45

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

1 39:3-4. Except as hereinafter provided, every resident of this State
2 and every nonresident whose automobile or motorcycle shall be driven
3 in this State shall, before using such vehicle on the public highways,
4 register the same, and no automobile or motorcycle shall be driven
5 unless so registered.

6 Such registration shall be made in the following manner: An
7 application in writing, signed by the applicant or by an agent or officer,
8 in case the applicant is a corporation, shall be made to the [director]
9 chief administrator or the [director's] chief administrator's agent, on
10 forms prepared and supplied by the [director] chief administrator,
11 containing the name, street address of the residence or the business of
12 the owner, mailing address, if different from the street address of the
13 owner's residence or business, and age of the owner, together with a
14 description of the character of the automobile or motorcycle, including
15 the name of the maker and the vehicle identification number, or the
16 manufacturer's number or the number assigned by the [director] chief
17 administrator if the vehicle does not have a vehicle identification
18 number, and any other statement that may be required by the
19 [director] chief administrator . A post office box shall appear on the
20 application only as part of a mailing address that is submitted by the
21 owner, agent or officer, as the case may be, in addition to the street
22 address of the applicant's residence or business; provided, however,
23 the [director] chief administrator, upon application, shall permit a
24 person who was a victim of a violation of N.J.S.2C:12-10,
25 N.J.S.2C:14-2, or N.J.S.2C:25-17 et seq., or who the [director] chief
26 administrator otherwise determines to have good cause, to use as a
27 mailing address a post office box, an address other than the applicant's
28 address or other contact point. An owner whose last address appears
29 on the records of the division as a post office box shall change his
30 address on his application for renewal to the street address of his
31 residence or business and, if different from his street address, his
32 mailing address unless the [director] chief administrator has
33 determined, pursuant to this section, that the owner may use a post
34 office box, an address other than the owner's address or other contact
35 point as a mailing address. The application shall contain the name of
36 the insurer of the vehicle and the policy number. If the vehicle is a
37 leased motor vehicle, the application shall make note of that fact and
38 shall include along with the name and street address of the lessor the
39 name, street address and driver license number of the lessee. A lessor
40 of a leased motor vehicle shall notify the [director] chief administrator
41 in writing, on such form as the [director] chief administrator may
42 prescribe, of the termination of a lease or of a change of the lessee
43 within seven days after the termination or change. Thereupon
44 the [director] chief administrator shall have the power to grant a
45 registration certificate to the owner of any motor vehicle, if over 17

1 years of age, application for the registration having been properly
2 made and the fee therefor paid, and the vehicle being of a type that
3 complies with the requirements of this title. The form and contents of
4 the registration certificate to be issued shall be determined by the
5 ~~[director]~~ chief administrator.

6 If the vehicle is a leased motor vehicle, the registration certificate
7 shall, in addition to containing the name and street address of the
8 lessor, identify the vehicle as a leased motor vehicle.

9 The ~~[director]~~ chief administrator shall maintain a record of all
10 registration certificates issued, and of the contents thereof.

11 Every registration shall expire and the registration certificate
12 thereof become void on the last day of the twelfth calendar month
13 following the calendar month in which the certificate was issued;
14 provided, however, that the ~~[director]~~ chief administrator may, at his
15 discretion, require registrations which shall expire, and issue
16 certificates thereof which shall become void, on a date fixed by him,
17 which date shall not be sooner than three months nor later than 26
18 months after the date of issuance of such certificates, and the fees for
19 such registrations, including any other fees or charges collected in
20 connection with the registration fee, shall be fixed by the ~~[director]~~
21 chief administrator in amounts proportionately less or greater than the
22 fees established by law. The ~~[director]~~ chief administrator may fix the
23 expiration date for registration certificates at a date other than 12
24 months if the ~~[director]~~ chief administrator determines that the change
25 is necessary, appropriate or convenient in order to aid in implementing
26 the vehicle inspection requirements of chapter 8 of Title 39 or for
27 other good cause. ¹~~[For emergent purposes, the]~~ ¹The ¹chief
28 administrator may ¹, for good cause ¹extend a registration beyond the
29 expiration date that appears upon the registration certificate for
30 periods not to exceed 12 additional months. ¹The chief administrator
31 may extend the expiration date of a registration without payment of a
32 proportionate fee when the chief administrator determines that such
33 extension is necessary for good cause. If any registration is so
34 extended, the owner shall pay upon renewal the full registration fee for
35 the period fixed by the chief administrator as if no extension had been
36 granted. ¹

37 All motorcycles for which registrations have been issued prior to
38 the effective date of P.L.1989, c.167 and which are scheduled to
39 expire between November 1 and March 31 shall, upon renewal, be
40 issued registrations by the ~~[director]~~ chief administrator which shall
41 expire on a date fixed by him, but in no case shall that expiration date
42 be earlier than April 30 nor later than October 31. The fees for the
43 renewal of the motorcycle registrations authorized under this
44 paragraph shall be fixed by the ~~[director]~~ chief administrator in an
45 amount proportionately less or greater than the fee established by

1 R.S.39:3-21.

2 Application forms for all renewals of registrations for passenger
3 automobiles shall be sent to the last addresses of owners of motor
4 vehicles and motorcycles, as they appear on the records of the
5 division.

6 No person owning or having control over any unregistered vehicle
7 shall permit the same to be parked or to stand on a public highway.

8 Any police officer is authorized to remove any unregistered vehicle
9 from the public highway to a storage space or garage, and the expense
10 involved in such removal and storing of the vehicle shall be borne by
11 the owner of the vehicle, except that the expense shall be borne by the
12 lessee of a leased vehicle.

13 Any person violating the provisions of this section shall be subject
14 to a fine not exceeding \$100, except that for the misstatement of any
15 fact in the application required to be made to the [director] chief
16 administrator, the person making such statement or omitting the
17 statement that the motor vehicle is to be used as a leased motor
18 vehicle when that is the case shall be subject to the penalties provided
19 in R.S.39:3-37.

20 The [director] chief administrator may extend the expiration date
21 of a registration certificate without payment of a proportionate fee
22 when the [director] chief administrator determines that such extension
23 is necessary, appropriate or convenient to the implementation of
24 vehicle inspection requirements. If any registration certificate is so
25 extended, the owner shall pay upon renewal the full registration fee for
26 the period fixed by the [director] chief administrator as if no extension
27 had been granted.

28 The [Division of Motor Vehicles] New Jersey Motor Vehicle
29 Commission shall make a reasonable effort to notify any lessor whose
30 name and address is on file with the [division] commission, or any
31 other lessor the [division] commission may determine it is necessary
32 to notify, of the requirements of this amendatory act.

33 (cf: P.L.1997, c.189, s.1)

34

35 4. R.S.39:3-13 is amended to read as follows:

36 39:3-13. The [director] chief administrator may, in his discretion,
37 issue to a person over 17 years of age an examination permit, under
38 the hand and seal of the [director] chief administrator, allowing such
39 person, for the purpose of fitting himself to become a licensed driver,
40 to operate a designated class of motor vehicles other than passenger
41 automobiles and motorcycles of persons licensed to operate
42 motorcycles only for a specified period of not more than 90 days,
43 while in the company and under the supervision of a driver licensed to
44 operate such designated class of motor vehicles.

45 The [director] chief administrator, in his discretion, may issue for

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

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

45 When notified by a court of competent jurisdiction that an
46 examination permit holder has been convicted of a violation which

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

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

43 Each permit shall be sufficient license for the person to operate
44 such designated class of motor vehicles in this State during the period
45 specified, while in the company of and under the control of a driver

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

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

38 The required fees for special learners' permits and examination
 39 permits shall be as follows:

40

41 Basic driver's license.....up to \$10

42 Motorcycle license or endorsement.....\$ 5

43 Omnibus or school bus endorsement.....\$25

44 ¹[Articulated vehicle endorsement.....\$15]¹

45

46 The [director] chief administrator shall waive the payment of fees

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

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

14 As a condition for the issuance of an examination permit under this
15 section, the chief administrator shall secure a digitized ¹ [color]¹
16 picture of the applicant. The picture shall be stored in a manner
17 prescribed by the chief administrator and may be displayed on the
18 examination permit.

19 The chief administrator may require that whenever a person to
20 whom an examination permit has been issued has reconstructive or
21 cosmetic surgery which significantly alters the person's facial features,
22 the person shall notify ¹[the commission and]¹ the chief administrator
23 ¹who¹ may require the picture of the person to be updated.

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

31 (cf: P.L.2001, c.420, s.6)

32

33 5. (New section) Notwithstanding the provisions of any law to the
34 contrary, the chief administrator may, at the chief administrator's
35 discretion, issue a temporary driver's license that is valid without a
36 digitized color picture of the licensee to New Jersey licensees who are
37 serving in the military ¹outside the State¹ or who temporarily are
38 residents of another state or foreign country.

39 The form and content of a temporary license issued under this
40 section shall be prescribed by the chief administrator; shall bear the
41 words "TEMPORARY LICENSE" in a conspicuous manner; and shall
42 be valid for a period not to exceed 12 calendar months.

43 If the temporary licensee is under the age of 21 years, the
44 temporary license shall bear the words "UNDER 21" in a conspicuous
45 manner.

46 An applicant for a temporary driver's license shall submit such
47 satisfactory proof of identity and age as the chief administrator shall

1 require.

2

3 6. This act shall take effect immediately.

4

5

6

7

8 Clarifies Motor Vehicle Commission's authority concerning certain
9 licenses and permits.

ASSEMBLY, No. 3825

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED JUNE 19, 2003

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

SYNOPSIS

Clarifies Motor Vehicle Commission's authority concerning certain licenses and permits.

CURRENT VERSION OF TEXT

As introduced.



A3825 ROBERTS

2

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3 chapter 3 of Title 39 of the Revised Statutes.

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

10 1. In addition to the requirements for the form and content of a
11 motor vehicle driver's license under R.S.39:3-10 and a provisional
12 license issued under section 4 of P.L.1950, c.127 (C.39:3-13.4), on
13 and after the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.),
14 each initial New Jersey license [and], each renewal of a New Jersey
15 driver's license, and each provisional license shall have a digitized
16 color picture of the licensee. All licenses issued on and after January
17 1, 2000 shall be valid for a period of 48 calendar months. However,
18 the [director] chief administrator may, at his discretion, issue licenses
19 and endorsements which shall expire on a date fixed by him. The fee
20 for such licenses or endorsements shall be fixed in amounts
21 proportionately less or greater than the fee otherwise established.
22 Notwithstanding the provisions of this section to the contrary, a
23 person 70 years of age or older may elect to have a license issued for
24 a period of two or four years, which election may not be altered by
25 the director. The fee for the two-year license shall be \$9, in addition
26 to the fee for a digitized picture established in section 4 of P.L.2001,
27 c.391 (C.39:3-10f4). For emergent purposes, the chief administrator
28 may extend the validation period of licenses and endorsements beyond
29 their expiration dates for periods not to exceed 12 additional months.

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

42 As conditions for the renewal of a driver's license, the [director]

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 chief administrator shall provide that the picture of a licensee be
2 updated except that the [director] chief administrator may elect to use
3 a stored picture to renew a license for a period not exceeding four
4 additional years for \$18 in addition to the digitized picture fee.

5 Whenever a person has reconstructive or cosmetic surgery which
6 significantly alters the person's facial features, the person shall notify
7 the [division] commission and the [director] chief administrator may
8 require the picture of the licensee to be updated, for \$5 in addition to
9 the digitized picture fee.

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

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

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

27 (cf: P.L.2001, c.391, s.3)

28

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

31 1. The [Director of the Division of Motor Vehicles] Chief
32 Administrator of the New Jersey Motor Vehicle Commission may
33 issue to a person over 16 years of age a special learner's permit, under
34 the hand and seal of the [director] chief administrator, allowing such
35 person, for the purpose of preparing himself to qualify for a
36 provisional license for a passenger automobile by operating a dual
37 pedal controlled motor vehicle while taking a required course of
38 behind-the-wheel automobile driving education approved by the State
39 Department of Education and conducted in a public, parochial or
40 private school of this State or a course of behind-the-wheel automobile
41 driving instruction conducted by a drivers' school duly licensed
42 pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.).
43 The special learner's permit shall be issued in lieu of the examination
44 permit provided for in R.S.39:3-13. In addition to requiring an
45 applicant for a permit to submit satisfactory proof of identity and age,
46 the [director] chief administrator also shall require the applicant to

1 provide, as a condition for obtaining a permit, satisfactory proof that
2 the applicant's presence in the United States is authorized under
3 federal law. If the [director] chief administrator has reasonable cause
4 to suspect that any document presented by an applicant as proof of
5 identity, age or legal residency is altered, false or otherwise invalid,
6 the [director] chief administrator shall refuse to grant the permit until
7 such time as the document may be verified by the issuing agency to the
8 [director's] chief administrator's satisfaction.

9 As a further condition for the issuance of a special learner's permit
10 under this section, the chief administrator shall secure a digitized color
11 picture of the applicant. The picture shall be stored in a manner
12 prescribed by the chief administrator and may be displayed on the
13 special learner's permit.

14 The chief administrator may require that whenever a person to
15 whom a special learner's permit has been issued has reconstructive or
16 cosmetic surgery which significantly alters the person's facial features,
17 the person shall notify the commission and the chief administrator may
18 require the picture of the person to be updated.

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

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

34 (cf: P.L.2001, c.391, s.13)

35

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

37 39:3-4. Except as hereinafter provided, every resident of this State
38 and every nonresident whose automobile or motorcycle shall be driven
39 in this State shall, before using such vehicle on the public highways,
40 register the same, and no automobile or motorcycle shall be driven
41 unless so registered.

42 Such registration shall be made in the following manner: An
43 application in writing, signed by the applicant or by an agent or officer,
44 in case the applicant is a corporation, shall be made to the [director]
45 chief administrator or the [director's] chief administrator's agent, on
46 forms prepared and supplied by the [director] chief administrator,

1 containing the name, street address of the residence or the business of
2 the owner, mailing address, if different from the street address of the
3 owner's residence or business, and age of the owner, together with a
4 description of the character of the automobile or motorcycle, including
5 the name of the maker and the vehicle identification number, or the
6 manufacturer's number or the number assigned by the [director] chief
7 administrator if the vehicle does not have a vehicle identification
8 number, and any other statement that may be required by the
9 [director] chief administrator . A post office box shall appear on the
10 application only as part of a mailing address that is submitted by the
11 owner, agent or officer, as the case may be, in addition to the street
12 address of the applicant's residence or business; provided, however,
13 the [director] chief administrator, upon application, shall permit a
14 person who was a victim of a violation of N.J.S.2C:12-10,
15 N.J.S.2C:14-2, or N.J.S.2C:25-17 et seq., or who the [director] chief
16 administrator otherwise determines to have good cause, to use as a
17 mailing address a post office box, an address other than the applicant's
18 address or other contact point. An owner whose last address appears
19 on the records of the division as a post office box shall change his
20 address on his application for renewal to the street address of his
21 residence or business and, if different from his street address, his
22 mailing address unless the [director] chief administrator has
23 determined, pursuant to this section, that the owner may use a post
24 office box, an address other than the owner's address or other contact
25 point as a mailing address. The application shall contain the name of
26 the insurer of the vehicle and the policy number. If the vehicle is a
27 leased motor vehicle, the application shall make note of that fact and
28 shall include along with the name and street address of the lessor the
29 name, street address and driver license number of the lessee. A lessor
30 of a leased motor vehicle shall notify the [director] chief administrator
31 in writing, on such form as the [director] chief administrator may
32 prescribe, of the termination of a lease or of a change of the lessee
33 within seven days after the termination or change.

34 Thereupon the [director] chief administrator shall have the power
35 to grant a registration certificate to the owner of any motor vehicle, if
36 over 17 years of age, application for the registration having been
37 properly made and the fee therefor paid, and the vehicle being of a
38 type that complies with the requirements of this title. The form and
39 contents of the registration certificate to be issued shall be determined
40 by the [director] chief administrator.

41 If the vehicle is a leased motor vehicle, the registration certificate
42 shall, in addition to containing the name and street address of the
43 lessor, identify the vehicle as a leased motor vehicle.

44 The [director] chief administrator shall maintain a record of all
45 registration certificates issued, and of the contents thereof.

1 Every registration shall expire and the registration certificate
2 thereof become void on the last day of the twelfth calendar month
3 following the calendar month in which the certificate was issued;
4 provided, however, that the [director] chief administrator may, at his
5 discretion, require registrations which shall expire, and issue
6 certificates thereof which shall become void, on a date fixed by him,
7 which date shall not be sooner than three months nor later than 26
8 months after the date of issuance of such certificates, and the fees for
9 such registrations, including any other fees or charges collected in
10 connection with the registration fee, shall be fixed by the [director]
11 chief administrator in amounts proportionately less or greater than the
12 fees established by law. The [director] chief administrator may fix the
13 expiration date for registration certificates at a date other than 12
14 months if the [director] chief administrator determines that the change
15 is necessary, appropriate or convenient in order to aid in implementing
16 the vehicle inspection requirements of chapter 8 of Title 39 or for
17 other good cause. For emergent purposes, the chief administrator may
18 extend a registration beyond the expiration date that appears upon the
19 registration certificate for periods not to exceed 12 additional months.

20 All motorcycles for which registrations have been issued prior to
21 the effective date of P.L.1989, c.167 and which are scheduled to
22 expire between November 1 and March 31 shall, upon renewal, be
23 issued registrations by the [director] chief administrator which shall
24 expire on a date fixed by him, but in no case shall that expiration date
25 be earlier than April 30 nor later than October 31. The fees for the
26 renewal of the motorcycle registrations authorized under this
27 paragraph shall be fixed by the [director] chief administrator in an
28 amount proportionately less or greater than the fee established by
29 R.S.39:3-21.

30 Application forms for all renewals of registrations for passenger
31 automobiles shall be sent to the last addresses of owners of motor
32 vehicles and motorcycles, as they appear on the records of the
33 division.

34 No person owning or having control over any unregistered vehicle
35 shall permit the same to be parked or to stand on a public highway.

36 Any police officer is authorized to remove any unregistered vehicle
37 from the public highway to a storage space or garage, and the expense
38 involved in such removal and storing of the vehicle shall be borne by
39 the owner of the vehicle, except that the expense shall be borne by the
40 lessee of a leased vehicle.

41 Any person violating the provisions of this section shall be subject
42 to a fine not exceeding \$100, except that for the misstatement of any
43 fact in the application required to be made to the [director] chief
44 administrator, the person making such statement or omitting the
45 statement that the motor vehicle is to be used as a leased motor
46 vehicle when that is the case shall be subject to the penalties provided

1 in R.S.39:3-37.

2 The [director] chief administrator may extend the expiration date
3 of a registration certificate without payment of a proportionate fee
4 when the [director] chief administrator determines that such extension
5 is necessary, appropriate or convenient to the implementation of
6 vehicle inspection requirements. If any registration certificate is so
7 extended, the owner shall pay upon renewal the full registration fee for
8 the period fixed by the [director] chief administrator as if no extension
9 had been granted.

10 The [Division of Motor Vehicles] New Jersey Motor Vehicle
11 Commission shall make a reasonable effort to notify any lessor whose
12 name and address is on file with the [division] commission, or any
13 other lessor the [division] commission may determine it is necessary
14 to notify, of the requirements of this amendatory act.
15 (cf: P.L.1997, c.189, s.1)

16

17 4. R.S.39:3-13 is amended to read as follows:

18 39:3-13. The [director] chief administrator may, in his discretion,
19 issue to a person over 17 years of age an examination permit, under
20 the hand and seal of the [director] chief administrator, allowing such
21 person, for the purpose of fitting himself to become a licensed driver,
22 to operate a designated class of motor vehicles other than passenger
23 automobiles and motorcycles of persons licensed to operate
24 motorcycles only for a specified period of not more than 90 days,
25 while in the company and under the supervision of a driver licensed to
26 operate such designated class of motor vehicles.

27 The [director] chief administrator, in his discretion, may issue for
28 a specified period of not less than one year a passenger automobile or
29 motorcycle-only examination permit to a person over 17 years of age
30 regardless of whether a person has completed a course of
31 behind-the-wheel automobile driving education pursuant to section 1
32 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant
33 who is under 18 years of age shall obtain the signature of a parent or
34 guardian for submission to the [division] commission on a form
35 prescribed by the [director] chief administrator. The [director] chief
36 administrator shall postpone for six months the driving privileges of
37 any person who submits a fraudulent signature for a parent or
38 guardian.

39 For six months immediately following the validation of an
40 examination permit, and until the holder passes the road test, the
41 holder who is less than 21 years of age shall operate the passenger
42 automobile or motorcycle only when accompanied by, and under the
43 supervision of, a New Jersey licensed driver who is at least 21 years
44 of age and has been licensed to drive a passenger automobile or
45 motorcycle, as the case may be, for not less than three years. The

1 holder of an examination permit who is at least 21 years of age shall
2 operate the passenger automobile or motorcycle for the first three
3 months under such supervision and until the holder passes the road
4 test. The supervising driver of the passenger automobile shall sit in the
5 front seat of the vehicle. Whenever operating a vehicle while in
6 possession of an examination permit, the holder of the permit shall
7 operate the passenger automobile with only one additional passenger
8 in the vehicle excluding persons with whom the holder resides, except
9 that this passenger restriction shall not apply when either the permit
10 holder or one other passenger is at least 21 years of age. Further, the
11 holder of the permit who is less than 21 years of age shall not drive
12 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
13 that this condition may be waived for an emergency which, in the
14 judgment of local police, is of sufficient severity and magnitude to
15 substantially endanger the health, safety, welfare or property of a
16 person, or for any bona fide employment or religion-related activity if
17 the employer or appropriate religious authority provides written
18 verification of such activity in a manner provided for by the director.
19 The holder of the examination permit shall not use any interactive
20 wireless communication device, except in an emergency, while
21 operating a moving passenger automobile on a public road or highway.
22 "Use" shall include, but not be limited to, talking or listening on any
23 interactive wireless communication device or operating its keys,
24 buttons or other controls. The passenger automobile permit holder
25 shall ensure that all occupants of the vehicle are secured in a properly
26 adjusted and fastened seat belt or child restraint system.

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

1 fee prior to the commencement of the course. The [director] chief
2 administrator also shall postpone without the exercise of discretion or
3 a hearing the issuance of a basic license for 90 days if the [director]
4 chief administrator is notified by a court of competent jurisdiction that
5 the examination permit holder, after completion of the remedial
6 training course, has been convicted of any motor vehicle violation
7 which results in the imposition of any motor vehicle points or has been
8 convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512
9 (C.39:4-50.4a); P.L.1992, c.182 (C.39:4-50.14); R.S.39:4-129;
10 N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1 or any other motor
11 vehicle-related law the [director] chief administrator deems significant
12 and applicable pursuant to regulation. When the [director] chief
13 administrator is notified by a court of competent jurisdiction that an
14 examination permit holder has been convicted of any alcohol or
15 drug-related offense unrelated to the operation of a motor vehicle and
16 is not otherwise subject to any other suspension penalty therefor, the
17 [director] chief administrator shall, without the exercise of discretion
18 or a hearing, suspend the examination permit for six months.

19 An examination permit for a motorcycle or a commercial motor
20 vehicle issued to a handicapped person, as determined by the
21 [Division of Motor Vehicles] New Jersey Motor Vehicle Commission
22 after consultation with the Department of Education, shall be valid for
23 nine months or until the completion of the road test portion of his
24 license examination, whichever period is shorter.

25 Each permit shall be sufficient license for the person to operate
26 such designated class of motor vehicles in this State during the period
27 specified, while in the company of and under the control of a driver
28 licensed by this State to operate such designated class of motor
29 vehicles, or, in the case of a commercial driver license permit, while in
30 the company of and under the control of a holder of a valid
31 commercial driver license for the appropriate license class and with the
32 appropriate endorsements issued by this or any other state. Such
33 person, as well as the licensed driver, except for a motor vehicle
34 examiner administering a driving skills test, shall be held accountable
35 for all violations of this subtitle committed by such person while in the
36 presence of the licensed driver. In addition to requiring an applicant
37 for an examination permit to submit satisfactory proof of identity and
38 age, the [director] chief administrator also shall require the applicant
39 to provide, as a condition for obtaining the permit, satisfactory proof
40 that the applicant's presence in the United States is authorized under
41 federal law. If the [director] chief administrator has reasonable cause
42 to suspect that any document presented by an applicant as proof of
43 identity, age or legal residency is altered, false or otherwise invalid,
44 the [director] chief administrator shall refuse to grant the permit until
45 such time as the document may be verified by the issuing agency to the

1 [director's] chief administrator's satisfaction.

2 The holder of an examination permit shall be required to take a road
3 test in order to obtain a provisional license. No road test for any
4 person who has been issued an examination permit to operate a
5 passenger vehicle shall be given unless the person has met the
6 requirements of this section. No road test for a provisional license
7 shall be given unless the applicant has first secured an examination
8 permit and no such road test shall be scheduled for an applicant who
9 has secured an examination permit for a passenger vehicle or a
10 motorcycle for which an endorsement is not required until at least six
11 months for an applicant under 21 years of age or three months for an
12 applicant 21 years of age or older shall have elapsed following the
13 validation of the examination permit for practice driving or, in the case
14 of an examination permit for other vehicles, until 20 days have
15 elapsed. In the case of an omnibus endorsement or school bus, no
16 road test shall be scheduled until at least 10 days shall have elapsed.
17 Every applicant for an examination permit to qualify for an omnibus
18 endorsement or an articulated vehicle endorsement shall be a holder of
19 a valid basic driver's license.

20 The required fees for special learners' permits and examination
21 permits shall be as follows:

22	
23	Basic driver's license.....up to \$10
24	Motorcycle license or endorsement.....\$ 5
25	Omnibus or school bus endorsement.....\$25
26	Articulated vehicle endorsement.....\$15
27	

28 The [director] chief administrator shall waive the payment of fees
29 for issuance of examination permits for omnibus endorsements
30 whenever the applicant establishes to the [director's] chief
31 administrator's satisfaction that said applicant will use the omnibus
32 endorsement exclusively for operating omnibuses owned by a
33 nonprofit organization duly incorporated under Title 15 or 16 of the
34 Revised Statutes or Title 15A of the New Jersey Statutes.

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

42 As a condition for the issuance of an examination permit under this
43 section, the chief administrator shall secure a digitized color picture of
44 the applicant. The picture shall be stored in a manner prescribed by
45 the chief administrator and may be displayed on the examination
46 permit.

1 The chief administrator may require that whenever a person to
2 whom an examination permit has been issued has reconstructive or
3 cosmetic surgery which significantly alters the person's facial features,
4 the person shall notify the commission and the chief administrator may
5 require the picture of the person to be updated.

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

13 (cf: P.L.2001, c.420, s.6)

14

15 5. (New section) Notwithstanding the provisions of any law to the
16 contrary, the chief administrator may, at the chief administrator's
17 discretion, issue a temporary driver's license that is valid without a
18 digitized color picture of the licensee to New Jersey licensees who are
19 serving in the military or who temporarily are residents of another
20 state or foreign country.

21 The form and content of a temporary license issued under this
22 section shall be prescribed by the chief administrator; shall bear the
23 words "TEMPORARY LICENSE" in a conspicuous manner; and shall
24 be valid for a period not to exceed 12 calendar months.

25 If the temporary licensee is under the age of 21 years, the
26 temporary license shall bear the words "UNDER 21" in a conspicuous
27 manner.

28 An applicant for a temporary driver's license shall submit such
29 satisfactory proof of identity and age as the chief administrator shall
30 require.

31

32 6. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill clarifies the New Jersey Motor Vehicle Commission's
38 authority to secure digitized color pictures of the applicants for special
39 learner's permits, examination permits and provisional driver's licenses.

40 Under the provisions of the bill, the Chief Administrator of the New
41 Jersey Motor Vehicle Commission is authorized to obtain, store and
42 use as part of each permit and provisional license, a digitized color
43 picture of each permittee or provisional licensee.

44 The bill also authorizes the chief administrator to issue temporary
45 driver's licenses which would be valid without the holder's picture to
46 existing New Jersey licensees who are serving in the military or who

A3825 ROBERTS

12

1 are temporarily residing in another state or a foreign country. These
2 temporary licenses are to be valid for only one year.

3 Finally, the bill specifically authorizes the chief administrator to
4 postpone the expiration date of a driver's license or motor vehicle
5 registration for a period of up to one year for emergent purposes.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3825

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2003

The Assembly Transportation Committee reports favorably and with amendments Assembly Bill No. 3825.

As reported, this amended bill clarifies the New Jersey Motor Vehicle Commission's authority to secure digitized pictures for the applicant's of examination permits and provisional driver's licenses.

As reported, the Chief Administrator of the New Jersey Motor Vehicle Commission is authorized to obtain, store, and use as part of each permit and provisional license, a digitized picture of each permittee or provisional licensee.

The amended bill also authorizes the chief administrator to issue temporary driver's licenses which would be valid without the holder's picture to existing New Jersey licensees who are serving in the military outside the State or who are temporary residing in another state or a foreign country. These temporary licenses are valid for only one year.

The amended bill, as reported, specifically authorizes the chief administrator to postpone the expiration date of a driver's license or motor vehicle registration for a period of up to one year for good cause.

COMMITTEE AMENDMENTS

The committee amendments clarify the bill's provisions regarding the expiration of a driver's license or motor vehicle registration to state that such extension does not affect the licensee's or the owner's fees that are due.

The committee amendments also remove the provision in the bill requiring the chief administrator to secure a digitized picture from an applicant when that applicant is obtaining a special learner's permit.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3825

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2003

The Senate Transportation Committee reports favorably Assembly Bill No. 3825 (1R).

This bill, as amended by the Assembly Transportation Committee, clarifies the New Jersey Motor Vehicle Commission's authority to secure digitized pictures for the applicant's of examination permits and provisional driver's licenses.

As reported, the Chief Administrator of the New Jersey Motor Vehicle Commission is authorized to obtain, store, and use as part of each permit and provisional license, a digitized picture of each permittee or provisional licensee.

The amended bill also authorizes the chief administrator to issue temporary driver's licenses which would be valid without the holder's picture to existing New Jersey licensees who are serving in the military outside the State or who are temporary residing in another state or a foreign country. These temporary licenses are valid for only one year.

The amended bill specifically authorizes the chief administrator to postpone the expiration date of a driver's license or motor vehicle registration for a period of up to one year for good cause.

SENATE, No. 2693

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED JUNE 23, 2003

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Clarifies Motor Vehicle Commission's authority concerning certain licenses and permits.

CURRENT VERSION OF TEXT

As introduced.



S2693 SACCO

2

1 AN ACT concerning motor vehicles, amending P.L.1979, c.261,
2 P.L.1950, c.127, R.S.39:3-4 and R.S.39:3-13, and supplementing
3 chapter 3 of Title 39 of the Revised Statutes.

4

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

7

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

10 1. In addition to the requirements for the form and content of a
11 motor vehicle driver's license under R.S.39:3-10 and a provisional
12 license issued under section 4 of P.L.1950, c.127 (C.39:3-13.4), on
13 and after the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.),
14 each initial New Jersey license [and] , each renewal of a New Jersey
15 driver's license, and each provisional license shall have a digitized
16 color picture of the licensee. All licenses issued on and after January
17 1, 2000 shall be valid for a period of 48 calendar months. However,
18 the [director] chief administrator may, at his discretion, issue licenses
19 and endorsements which shall expire on a date fixed by him. The fee
20 for such licenses or endorsements shall be fixed in amounts
21 proportionately less or greater than the fee otherwise established.
22 Notwithstanding the provisions of this section to the contrary, a
23 person 70 years of age or older may elect to have a license issued for
24 a period of two or four years, which election may not be altered by
25 the director. The fee for the two-year license shall be \$9, in addition
26 to the fee for a digitized picture established in section 4 of P.L.2001,
27 c.391 (C.39:3-10f4). For emergent purposes, the chief administrator
28 may extend the validation period of licenses and endorsements beyond
29 their expiration dates for periods not to exceed 12 additional months.

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

42 As conditions for the renewal of a driver's license, the [director]

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 chief administrator shall provide that the picture of a licensee be
2 updated except that the [director] chief administrator may elect to use
3 a stored picture to renew a license for a period not exceeding four
4 additional years for \$18 in addition to the digitized picture fee.

5 Whenever a person has reconstructive or cosmetic surgery which
6 significantly alters the person's facial features, the person shall notify
7 the [division] commission and the [director] chief administrator may
8 require the picture of the licensee to be updated, for \$5 in addition to
9 the digitized picture fee.

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

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

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

27 (cf: P.L.2001, c.391, s.3)

28

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

31 1. The [Director of the Division of Motor Vehicles] Chief
32 Administrator of the New Jersey Motor Vehicle Commission may issue
33 to a person over 16 years of age a special learner's permit, under the
34 hand and seal of the [director] chief administrator, allowing such
35 person, for the purpose of preparing himself to qualify for a
36 provisional license for a passenger automobile by operating a dual
37 pedal controlled motor vehicle while taking a required course of
38 behind-the-wheel automobile driving education approved by the State
39 Department of Education and conducted in a public, parochial or
40 private school of this State or a course of behind-the-wheel automobile
41 driving instruction conducted by a drivers' school duly licensed
42 pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.).
43 The special learner's permit shall be issued in lieu of the examination
44 permit provided for in R.S.39:3-13. In addition to requiring an
45 applicant for a permit to submit satisfactory proof of identity and age,
46 the [director] chief administrator also shall require the applicant to

1 provide, as a condition for obtaining a permit, satisfactory proof that
2 the applicant's presence in the United States is authorized under
3 federal law. If the [director] chief administrator has reasonable cause
4 to suspect that any document presented by an applicant as proof of
5 identity, age or legal residency is altered, false or otherwise invalid,
6 the [director] chief administrator shall refuse to grant the permit until
7 such time as the document may be verified by the issuing agency to the
8 [director's] chief administrator's satisfaction.

9 As a further condition for the issuance of a special learner's permit
10 under this section, the chief administrator shall secure a digitized color
11 picture of the applicant. The picture shall be stored in a manner
12 prescribed by the chief administrator and may be displayed on the
13 special learner's permit.

14 The chief administrator may require that whenever a person to
15 whom a special learner's permit has been issued has reconstructive or
16 cosmetic surgery which significantly alters the person's facial features,
17 the person shall notify the commission and the chief administrator may
18 require the picture of the person to be updated.

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

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

34 (cf: P.L.2001, c.391, s.13)

35

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

37 39:3-4. Except as hereinafter provided, every resident of this State
38 and every nonresident whose automobile or motorcycle shall be driven
39 in this State shall, before using such vehicle on the public highways,
40 register the same, and no automobile or motorcycle shall be driven
41 unless so registered.

42 Such registration shall be made in the following manner: An
43 application in writing, signed by the applicant or by an agent or officer,
44 in case the applicant is a corporation, shall be made to the [director]
45 chief administrator or the [director's] chief administrator's agent, on
46 forms prepared and supplied by the [director] chief administrator,

1 containing the name, street address of the residence or the business of
2 the owner, mailing address, if different from the street address of the
3 owner's residence or business, and age of the owner, together with a
4 description of the character of the automobile or motorcycle, including
5 the name of the maker and the vehicle identification number, or the
6 manufacturer's number or the number assigned by the [director] chief
7 administrator if the vehicle does not have a vehicle identification
8 number, and any other statement that may be required by the
9 [director] chief administrator. A post office box shall appear on the
10 application only as part of a mailing address that is submitted by the
11 owner, agent or officer, as the case may be, in addition to the street
12 address of the applicant's residence or business; provided, however,
13 the [director] chief administrator, upon application, shall permit a
14 person who was a victim of a violation of N.J.S.2C:12-10,
15 N.J.S.2C:14-2, or N.J.S.2C:25-17 et seq., or who the [director] chief
16 administrator otherwise determines to have good cause, to use as a
17 mailing address a post office box, an address other than the applicant's
18 address or other contact point. An owner whose last address appears
19 on the records of the division as a post office box shall change his
20 address on his application for renewal to the street address of his
21 residence or business and, if different from his street address, his
22 mailing address unless the [director] chief administrator has
23 determined, pursuant to this section, that the owner may use a post
24 office box, an address other than the owner's address or other contact
25 point as a mailing address. The application shall contain the name of
26 the insurer of the vehicle and the policy number. If the vehicle is a
27 leased motor vehicle, the application shall make note of that fact and
28 shall include along with the name and street address of the lessor the
29 name, street address and driver license number of the lessee. A lessor
30 of a leased motor vehicle shall notify the [director] chief administrator
31 in writing, on such form as the [director] chief administrator may
32 prescribe, of the termination of a lease or of a change of the lessee
33 within seven days after the termination or change.

34 Thereupon the [director] chief administrator shall have the power
35 to grant a registration certificate to the owner of any motor vehicle, if
36 over 17 years of age, application for the registration having been
37 properly made and the fee therefor paid, and the vehicle being of a
38 type that complies with the requirements of this title. The form and
39 contents of the registration certificate to be issued shall be determined
40 by the [director] chief administrator.

41 If the vehicle is a leased motor vehicle, the registration certificate
42 shall, in addition to containing the name and street address of the
43 lessor, identify the vehicle as a leased motor vehicle.

44 The [director] chief administrator shall maintain a record of all
45 registration certificates issued, and of the contents thereof.

1 Every registration shall expire and the registration certificate
2 thereof become void on the last day of the twelfth calendar month
3 following the calendar month in which the certificate was issued;
4 provided, however, that the [director] chief administrator may, at his
5 discretion, require registrations which shall expire, and issue
6 certificates thereof which shall become void, on a date fixed by him,
7 which date shall not be sooner than three months nor later than 26
8 months after the date of issuance of such certificates, and the fees for
9 such registrations, including any other fees or charges collected in
10 connection with the registration fee, shall be fixed by the [director]
11 chief administrator in amounts proportionately less or greater than the
12 fees established by law. The [director] chief administrator may fix the
13 expiration date for registration certificates at a date other than 12
14 months if the [director] chief administrator determines that the change
15 is necessary, appropriate or convenient in order to aid in implementing
16 the vehicle inspection requirements of chapter 8 of Title 39 or for
17 other good cause. For emergent purposes, the chief administrator may
18 extend a registration beyond the expiration date that appears upon the
19 registration certificate for periods not to exceed 12 additional months.

20 All motorcycles for which registrations have been issued prior to
21 the effective date of P.L.1989, c.167 and which are scheduled to
22 expire between November 1 and March 31 shall, upon renewal, be
23 issued registrations by the [director] chief administrator which shall
24 expire on a date fixed by him, but in no case shall that expiration date
25 be earlier than April 30 nor later than October 31. The fees for the
26 renewal of the motorcycle registrations authorized under this
27 paragraph shall be fixed by the [director] chief administrator in an
28 amount proportionately less or greater than the fee established by
29 R.S.39:3-21.

30 Application forms for all renewals of registrations for passenger
31 automobiles shall be sent to the last addresses of owners of motor
32 vehicles and motorcycles, as they appear on the records of the
33 division.

34 No person owning or having control over any unregistered vehicle
35 shall permit the same to be parked or to stand on a public highway.

36 Any police officer is authorized to remove any unregistered vehicle
37 from the public highway to a storage space or garage, and the expense
38 involved in such removal and storing of the vehicle shall be borne by
39 the owner of the vehicle, except that the expense shall be borne by the
40 lessee of a leased vehicle.

41 Any person violating the provisions of this section shall be subject
42 to a fine not exceeding \$100, except that for the misstatement of any
43 fact in the application required to be made to the [director] chief
44 administrator, the person making such statement or omitting the
45 statement that the motor vehicle is to be used as a leased motor
46 vehicle when that is the case shall be subject to the penalties provided

1 in R.S.39:3-37.

2 The [director] chief administrator may extend the expiration date
3 of a registration certificate without payment of a proportionate fee
4 when the [director] chief administrator determines that such extension
5 is necessary, appropriate or convenient to the implementation of
6 vehicle inspection requirements. If any registration certificate is so
7 extended, the owner shall pay upon renewal the full registration fee for
8 the period fixed by the [director] chief administrator as if no extension
9 had been granted.

10 The [Division of Motor Vehicles] New Jersey Motor Vehicle
11 Commission shall make a reasonable effort to notify any lessor whose
12 name and address is on file with the [division] commission, or any
13 other lessor the [division] commission may determine it is necessary
14 to notify, of the requirements of this amendatory act.

15 (cf: P.L.1997, c.189, s.1)

16

17 4. R.S.39:3-13 is amended to read as follows:

18 39:3-13. The [director] chief administrator may, in his discretion,
19 issue to a person over 17 years of age an examination permit, under
20 the hand and seal of the [director] chief administrator, allowing such
21 person, for the purpose of fitting himself to become a licensed driver,
22 to operate a designated class of motor vehicles other than passenger
23 automobiles and motorcycles of persons licensed to operate
24 motorcycles only for a specified period of not more than 90 days,
25 while in the company and under the supervision of a driver licensed to
26 operate such designated class of motor vehicles.

27 The [director] chief administrator, in his discretion, may issue for
28 a specified period of not less than one year a passenger automobile or
29 motorcycle-only examination permit to a person over 17 years of age
30 regardless of whether a person has completed a course of
31 behind-the-wheel automobile driving education pursuant to section 1
32 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant
33 who is under 18 years of age shall obtain the signature of a parent or
34 guardian for submission to the [division] commission on a form
35 prescribed by the [director] chief administrator. The [director] chief
36 administrator shall postpone for six months the driving privileges of
37 any person who submits a fraudulent signature for a parent or
38 guardian.

39 For six months immediately following the validation of an
40 examination permit, and until the holder passes the road test, the
41 holder who is less than 21 years of age shall operate the passenger
42 automobile or motorcycle only when accompanied by, and under the
43 supervision of, a New Jersey licensed driver who is at least 21 years
44 of age and has been licensed to drive a passenger automobile or
45 motorcycle, as the case may be, for not less than three years. The

1 holder of an examination permit who is at least 21 years of age shall
2 operate the passenger automobile or motorcycle for the first three
3 months under such supervision and until the holder passes the road
4 test. The supervising driver of the passenger automobile shall sit in the
5 front seat of the vehicle. Whenever operating a vehicle while in
6 possession of an examination permit, the holder of the permit shall
7 operate the passenger automobile with only one additional passenger
8 in the vehicle excluding persons with whom the holder resides, except
9 that this passenger restriction shall not apply when either the permit
10 holder or one other passenger is at least 21 years of age. Further, the
11 holder of the permit who is less than 21 years of age shall not drive
12 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
13 that this condition may be waived for an emergency which, in the
14 judgment of local police, is of sufficient severity and magnitude to
15 substantially endanger the health, safety, welfare or property of a
16 person, or for any bona fide employment or religion-related activity if
17 the employer or appropriate religious authority provides written
18 verification of such activity in a manner provided for by the director.
19 The holder of the examination permit shall not use any interactive
20 wireless communication device, except in an emergency, while
21 operating a moving passenger automobile on a public road or highway.
22 "Use" shall include, but not be limited to, talking or listening on any
23 interactive wireless communication device or operating its keys,
24 buttons or other controls. The passenger automobile permit holder
25 shall ensure that all occupants of the vehicle are secured in a properly
26 adjusted and fastened seat belt or child restraint system.

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

1 fee prior to the commencement of the course. The [director] chief
2 administrator also shall postpone without the exercise of discretion or
3 a hearing the issuance of a basic license for 90 days if the [director]
4 chief administrator is notified by a court of competent jurisdiction that
5 the examination permit holder, after completion of the remedial
6 training course, has been convicted of any motor vehicle violation
7 which results in the imposition of any motor vehicle points or has been
8 convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512
9 (C.39:4-50.4a); P.L.1992, c.182 (C.39:4-50.14); R.S.39:4-129;
10 N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1 or any other motor
11 vehicle-related law the [director] chief administrator deems significant
12 and applicable pursuant to regulation. When the [director] chief
13 administrator is notified by a court of competent jurisdiction that an
14 examination permit holder has been convicted of any alcohol or
15 drug-related offense unrelated to the operation of a motor vehicle and
16 is not otherwise subject to any other suspension penalty therefor, the
17 [director] chief administrator shall, without the exercise of discretion
18 or a hearing, suspend the examination permit for six months.

19 An examination permit for a motorcycle or a commercial motor
20 vehicle issued to a handicapped person, as determined by the
21 [Division of Motor Vehicles] New Jersey Motor Vehicle Commission
22 after consultation with the Department of Education, shall be valid for
23 nine months or until the completion of the road test portion of his
24 license examination, whichever period is shorter.

25 Each permit shall be sufficient license for the person to operate
26 such designated class of motor vehicles in this State during the period
27 specified, while in the company of and under the control of a driver
28 licensed by this State to operate such designated class of motor
29 vehicles, or, in the case of a commercial driver license permit, while in
30 the company of and under the control of a holder of a valid
31 commercial driver license for the appropriate license class and with the
32 appropriate endorsements issued by this or any other state. Such
33 person, as well as the licensed driver, except for a motor vehicle
34 examiner administering a driving skills test, shall be held accountable
35 for all violations of this subtitle committed by such person while in the
36 presence of the licensed driver. In addition to requiring an applicant
37 for an examination permit to submit satisfactory proof of identity and
38 age, the [director] chief administrator also shall require the applicant
39 to provide, as a condition for obtaining the permit, satisfactory proof
40 that the applicant's presence in the United States is authorized under
41 federal law. If the [director] chief administrator has reasonable cause
42 to suspect that any document presented by an applicant as proof of
43 identity, age or legal residency is altered, false or otherwise invalid,
44 the [director] chief administrator shall refuse to grant the permit until
45 such time as the document may be verified by the issuing agency to the

1 [director's] chief administrator's satisfaction.

2 The holder of an examination permit shall be required to take a road
3 test in order to obtain a provisional license. No road test for any
4 person who has been issued an examination permit to operate a
5 passenger vehicle shall be given unless the person has met the
6 requirements of this section. No road test for a provisional license
7 shall be given unless the applicant has first secured an examination
8 permit and no such road test shall be scheduled for an applicant who
9 has secured an examination permit for a passenger vehicle or a
10 motorcycle for which an endorsement is not required until at least six
11 months for an applicant under 21 years of age or three months for an
12 applicant 21 years of age or older shall have elapsed following the
13 validation of the examination permit for practice driving or, in the case
14 of an examination permit for other vehicles, until 20 days have
15 elapsed. In the case of an omnibus endorsement or school bus, no
16 road test shall be scheduled until at least 10 days shall have elapsed.
17 Every applicant for an examination permit to qualify for an omnibus
18 endorsement or an articulated vehicle endorsement shall be a holder of
19 a valid basic driver's license.

20 The required fees for special learners' permits and examination
21 permits shall be as follows:

22

23 Basic driver's license.....	up to \$10
24 Motorcycle license or endorsement.....	\$ 5
25 Omnibus or school bus endorsement.....	\$25
26 Articulated vehicle endorsement.....	\$15

27

28 The [director] chief administrator shall waive the payment of fees
29 for issuance of examination permits for omnibus endorsements
30 whenever the applicant establishes to the [director's] chief
31 administrator's satisfaction that said applicant will use the omnibus
32 endorsement exclusively for operating omnibuses owned by a
33 nonprofit organization duly incorporated under Title 15 or 16 of the
34 Revised Statutes or Title 15A of the New Jersey Statutes.

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

42 As a condition for the issuance of an examination permit under this
43 section, the chief administrator shall secure a digitized color picture of
44 the applicant. The picture shall be stored in a manner prescribed by
45 the chief administrator and may be displayed on the examination
46 permit.

1 The chief administrator may require that whenever a person to
2 whom an examination permit has been issued has reconstructive or
3 cosmetic surgery which significantly alters the person's facial features,
4 the person shall notify the commission and the chief administrator may
5 require the picture of the person to be updated.

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

13 (cf: P.L.2001, c.420, s.6)

14
15 5. (New section) Notwithstanding the provisions of any law to the
16 contrary, the chief administrator may, at the chief administrator's
17 discretion, issue a temporary driver's license that is valid without a
18 digitized color picture of the licensee to New Jersey licensees who are
19 serving in the military or who temporarily are residents of another
20 state or foreign country.

21 The form and content of a temporary license issued under this
22 section shall be prescribed by the chief administrator; shall bear the
23 words "TEMPORARY LICENSE" in a conspicuous manner; and shall
24 be valid for a period not to exceed 12 calendar months.

25 If the temporary licensee is under the age of 21 years, the
26 temporary license shall bear the words "UNDER 21" in a conspicuous
27 manner.

28 An applicant for a temporary driver's license shall submit such
29 satisfactory proof of identity and age as the chief administrator shall
30 require.

31
32 6. This act shall take effect immediately.

33
34
35 STATEMENT

36
37 This bill clarifies the New Jersey Motor Vehicle Commission's
38 authority to secure digitized color pictures of the applicants for special
39 learner's permits, examination permits and provisional driver's licenses.

40 Under the provisions of the bill, the Chief Administrator of the New
41 Jersey Motor Vehicle Commission is authorized to obtain, store and
42 use as part of each permit and provisional license, a digitized color
43 picture of each permittee or provisional licensee.

44 The bill also authorizes the chief administrator to issue temporary
45 driver's licenses which would be valid without the holder's picture to
46 existing New Jersey licensees who are serving in the military or who

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1 are temporarily residing in another state or a foreign country. These
2 temporary licenses are to be valid for only one year.

3 Finally, the bill specifically authorizes the chief administrator to
4 postpone the expiration date of a driver's license or motor vehicle
5 registration for a period of up to one year for emergent purposes.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2693

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2003

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 2693.

As reported, this amended bill clarifies the New Jersey Motor Vehicle Commission's authority to secure digitized pictures for the applicant's of examination permits and provisional driver's licenses.

As reported, the Chief Administrator of the New Jersey Motor Vehicle Commission is authorized to obtain, store, and use as part of each permit and provisional license, a digitized picture of each permittee or provisional licensee.

The amended bill also authorizes the chief administrator to issue temporary driver's licenses which would be valid without the holder's picture to existing New Jersey licensees who are serving in the military a outside the State or who are temporarily residing in another state or a foreign country. These temporary licenses are valid for only one year.

The amended bill, as reported, specifically authorizes the chief administrator to postpone the expiration date of a driver's license or motor vehicle registration for a period up to one year for good cause.

The committee amendments clarify the bill's provisions regarding the expiration of a driver's license or motor vehicle registration to state that such extension does not affect the licensee's or owner's fees that are due.

The committee amendments also remove the provision in the bill requiring the chief administrator to secure a digitized picture from an applicant when that applicant is obtaining a special learner's permit.

The committee amendments make this bill identical to Assembly Bill No. 3825(1R).