

# 39:3-10

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001 **CHAPTER:** 391  
**NJSA:** 39:3-10 (Digitized Picture Driver's License)  
**BILL NO:** S2708 (Substituted for A3955)  
**SPONSOR(S):** Ciesla and others  
**DATE INTRODUCED:** November 8, 2001  
**COMMITTEE:** **ASSEMBLY:** Appropriations  
**SENATE:** Transportation; Budget  
**AMENDED DURING PASSAGE:** Yes  
**DATE OF PASSAGE:** **ASSEMBLY:** January 7, 2002  
**SENATE:** December 6, 2001  
**DATE OF APPROVAL:** January 8, 2002  
**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL (Senate Committee Substitute):**  
**SCS for S2708/S2630**

<b>SPONSORS STATEMENT:</b> (Begins on page 11 of original bill)	No
<b>COMMITTEE STATEMENT:</b> <b>ASSEMBLY:</b>	Yes
<b>SENATE:</b>	Yes
<b>FLOOR AMENDMENT STATEMENTS:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No
<b>S2708</b>	
<b>SPONSORS STATEMENT:</b> (Begins on page 11 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b> <b>ASSEMBLY:</b>	No
<b>SENATE:</b>	Yes
<b>ASSEMBLY</b>	No
<b>FLOOR AMENDMENT STATEMENTS:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes
<b>FINAL VERSION (1<sup>ST</sup> reprint):</b>	Yes
<b>A3955</b>	
<b>SPONSORS STATEMENT:</b> (Begins on page 11 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b> <b>ASSEMBLY:</b>	No
<b>SENATE:</b>	Yes
<b>ASSEMBLY</b>	No
<b>FLOOR AMENDMENT STATEMENTS:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes
<b>FINAL VERSION (Assembly Committee Substitute):</b>	Yes
<b>SPONSORS STATEMENT ONLY:</b>	
<b>S2630</b> (On page 12 of original bill)	
<b>VETO MESSAGE:</b>	No
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	No

### **FOLLOWING WERE PRINTED:**

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

**REPORTS:** No  
**HEARINGS:** No  
**NEWSPAPER ARTICLES:** Yes

"Assembly votes 74-zip to require digital licenses," 1-8-2002 Trentonian, p.4

"New drivers license laws end access to fake ID's" 1-10-2002 Asbury Park Press, p. A9

12-06-01 (Trans.)  
12-20-01 (Approp.)

**SENATE, No. 2708**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED NOVEMBER 8, 2001

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Requires four year digitized picture driver's license; permits enhanced data storage on license; appropriates \$1.5 million.

**CURRENT VERSION OF TEXT**

As introduced.



**S2708 CIESLA**

2

1 **AN ACT** concerning driver's licenses, amending the title and body of  
2 P.L.1999, c.28, amending various parts of the statutory law, and  
3 supplementing chapter 3 of Title 39 of the Revised Statutes and  
4 making an appropriation.

5

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

8

9 1. The title of P.L.1999, c.28 is amended to read as follows:

10 **AN ACT** concerning **[10]** four year driver's licenses, amending various  
11 parts of the statutory law, supplementing chapter 3 of Title 39 of  
12 the Revised Statutes, and repealing various parts of the statutory  
13 law.

14 (cf: P.L.1999, c.28)

15

16 2. R.S.39:3-10 is amended as follows:

17 39:3-10. No person shall drive a motor vehicle on a public highway  
18 in this State unless in possession of a validated permit, or a provisional  
19 or basic driver's license issued to him in accordance with this article.

20 No person under 18 years of age shall be issued a basic license to  
21 drive motor vehicles, nor shall a person be issued a validated permit,  
22 including a validated examination permit, until he has passed a  
23 satisfactory examination and other requirements as to his ability as an  
24 operator. The examination shall include a test of the applicant's vision,  
25 his ability to understand traffic control devices, his knowledge of safe  
26 driving practices and of the effects that ingestion of alcohol or drugs  
27 has on a person's ability to operate a motor vehicle, his knowledge of  
28 such portions of the mechanism of motor vehicles as is necessary to  
29 insure the safe operation of a vehicle of the kind or kinds indicated by  
30 the applicant and of the laws and ordinary usages of the road. A road  
31 test shall be required for a provisional license and serve as a  
32 demonstration of the applicant's ability to operate a vehicle of the class  
33 designated. The road test shall be given on public streets, where  
34 practicable and feasible, but may be preceded by an off-street  
35 screening process to assess basic skills. The director shall approve  
36 locations for the road test which pose no more than a minimal risk of  
37 injury to the applicant, the examiner and other motorists. No new  
38 locations for the road test shall be approved unless the test can be  
39 given on public streets.

40 The director shall issue a basic driver's license to operate a motor  
41 vehicle other than a motorcycle to a person over 18 years of age who  
42 previously has not been licensed to drive a motor vehicle in this State  
43 or another jurisdiction only if that person has: (1) operated a passenger

**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 automobile in compliance with the requirements of this title for not  
2 less than one year, not including any period of suspension or  
3 postponement, either from the date of issuance of an examination  
4 permit pursuant to R.S.39:3-13 or a provisional license pursuant to  
5 section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed  
6 more than two motor vehicle points and has not been convicted in the  
7 previous year for a violation of R.S.39:4-50; section 2 of P.L.1981,  
8 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;  
9 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor  
10 vehicle-related violation the director determines to be significant and  
11 applicable pursuant to regulation; and (3) passed an examination of his  
12 ability to operate a motor vehicle pursuant to this section.

13 The director shall expand the driver's license examination by 20%.  
14 The additional questions to be added shall consist solely of questions  
15 developed in conjunction with the State Department of Health and  
16 Senior Services concerning the use of alcohol or drugs as related to  
17 highway safety. The director shall develop in conjunction with the  
18 State Department of Health and Senior Services supplements to the  
19 driver's manual which shall include information necessary to answer  
20 any question on the driver's license examination concerning alcohol or  
21 drugs as related to highway safety.

22 Up to 20 questions may be added to the examination on subjects to  
23 be determined by the director that are of particular relevance to  
24 youthful drivers, after consultation with the Director of the Office of  
25 Highway Traffic Safety.

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

32 Any person applying for a driver's license to operate a motor  
33 vehicle or motorized bicycle in this State shall surrender to the director  
34 any current driver's license issued to him by another state or  
35 jurisdiction upon his receipt of a driver's license for this State. The  
36 director shall refuse to issue a driver's license if the applicant fails to  
37 comply with this provision. An applicant for a permit or license who  
38 is less than 18 years of age, and who holds a permit or license for a  
39 passenger automobile issued by another state or country that is valid  
40 or has expired within a time period designated by the director, shall be  
41 subject to the permit and license requirements and penalties applicable  
42 to State permit and license applicants who are of the same age; except  
43 that if the other state or country has permit or license standards  
44 substantially similar to those of this State, the credentials of the other  
45 state or country shall be acceptable.

46 The director shall create classified licensing of drivers covering the

1 following classifications:

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

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

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

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

13 Every applicant for a license under classification b. shall be a holder  
14 of a basic driver's license. Any issuance of a license under  
15 classification b. shall be by endorsement on the basic driver's license.

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

19 The director, upon payment of the lawful fee and after he or a  
20 person authorized by him has examined the applicant and is satisfied  
21 of the applicant's ability as an operator, may, in his discretion, issue a  
22 license to the applicant to drive a motor vehicle. The license shall  
23 authorize him to drive any registered vehicle, of the kind or kinds  
24 indicated, and shall expire, except as otherwise provided, on the last  
25 day of the ~~[120th]~~ 48th calendar month following the calendar month  
26 in which such license was issued.

27 The director may, at his discretion and for good cause shown, issue  
28 licenses which shall expire on a date fixed by him. The fee for licenses  
29 with expiration dates fixed by the director shall be fixed by the director  
30 in amounts proportionately less or greater than the fee herein  
31 established. The required fee for a license for the ~~[120-month]~~ 48-  
32 month period shall be as follows:

33 Motorcycle license or endorsement      ~~[\$35]~~ \$18

34 Omnibus or school bus endorsement      ~~[\$35]~~ \$18

35 Basic driver's license                      ~~[\$35]~~ \$18

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

42 The director shall issue licenses for the following license period on  
43 and after the first day of the calendar month immediately preceding the  
44 commencement of such period, such licenses to be effective  
45 immediately.

46 All applications for renewals of licenses shall be made in a manner

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

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

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

15 If a person's authorization to be present in the United States will  
16 expire before the expiration date of the person's license, the director  
17 shall make the expiration date of the license coincident with the  
18 expiration of the authorization to be present in the United States. The  
19 director may renew such licenses, only if it is demonstrated that the  
20 person's continued presence in the United States is authorized by  
21 federal law.

22 A person violating this section shall be subject to a fine not  
23 exceeding \$500 or imprisonment in the county jail for not more than  
24 60 days, but if that person has never been licensed to drive in this  
25 State or any other jurisdiction, he shall be subject to a fine of not less  
26 than \$200 and, in addition, the court shall issue an order to the  
27 Director of the Division of Motor Vehicles requiring the director to  
28 refuse to issue a license to operate a motor vehicle to the person for  
29 a period of not less than 180 days. The penalties provided for by this  
30 paragraph shall not be applicable in cases where failure to have actual  
31 possession of the operator's license is due to an administrative or  
32 technical error by the Division of Motor Vehicles.

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

36 (cf: P.L.1999, c.28, s.2)

37

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

40 1. In addition to the requirements for the form and content of a  
41 motor vehicle driver's license under R.S.39:3-10, on and after  
42 [January 1, 2000] the operative date of P.L.2001, c. (C.\_\_\_\_\_ ) (now  
43 before the Legislature as this bill), each initial New Jersey license and  
44 each renewal of a New Jersey driver's license shall be digitized and  
45 have a color picture of the licensee [except that a person born before  
46 January 1, 1939 or a handicapped person may elect to have a license

1 issued that does not bear a color picture of the licensee]. All licenses  
2 issued on and after January 1, 2000 shall be valid for a period of  
3 [120] 48 calendar months. However, the director may, at his  
4 discretion, issue licenses and endorsements which shall expire on a  
5 date fixed by him. The fee for such licenses or endorsements shall be  
6 fixed in amounts proportionately less or greater than the fee otherwise  
7 established. Notwithstanding the provisions of this section to the  
8 contrary, a person [62] 70 years of age or older [or a handicapped  
9 person] may elect to have a license issued for a period of [five or 10]  
10 two or four years, which election may not be altered by the director.  
11 The fee for the [five-year] two-year license shall be [proportionately  
12 less than the fee otherwise established] \$9, in addition to the fee for  
13 a digitized picture established in section 4 of P.L.2001, c. (C. ) (now  
14 before the Legislature as this bill).

15 Each initial motor vehicle license issued to a person under the age  
16 of 21 after the [effective] operative date of P.L.1999, c.28 shall be  
17 conspicuously distinct, through the use of color, from the driver's  
18 licenses issued to persons 21 years of age or older. The director, in  
19 consultation with the Superintendent of State Police, shall determine  
20 the color and the manner in which [that color shall be used] the  
21 license is designed to achieve this result. The license shall also bear  
22 the words "UNDER 21" in a conspicuous manner. The director shall  
23 provide that upon attaining the age of 21, a licensee shall be issued a  
24 replacement driver's license for a fee of \$5 in addition to the digitized  
25 picture fee. The licensee shall also have the choice of obtaining a four  
26 year license upon the payment of all required fees therefor.

27 As conditions for the renewal of a driver's license, the director shall  
28 provide that the picture of a licensee be updated [except that in the  
29 case of a person born before January 1, 1939 or a handicapped person,  
30 the licensee may elect to have a license issued that does not bear a  
31 color picture of the licensee] except that the director may elect to use  
32 a stored picture to renew a license for a period not exceeding four  
33 additional years for \$18 in addition to the digitized picture fee.

34 Whenever a person has reconstructive or cosmetic surgery which  
35 significantly alters the person's facial features, the person shall notify  
36 the division and the director may require the picture of the licensee to  
37 be updated, for \$5 in addition to the digitized picture fee.

38 Nothing in this section shall be construed to alter or change any  
39 expiration date on any New Jersey driver's license issued prior to  
40 [January 1, 2000] the operative date of P.L. , c. (C. ) (now  
41 before the Legislature as this bill) and, unless a licensee's driving  
42 privileges are otherwise suspended or revoked, that license shall  
43 remain valid until that expiration date.

44 Specific use of the driver's license and any information stored or  
45 encoded, electronically or otherwise, in relation thereto shall be in

1 accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal  
2 Driver's Privacy Protection Act of 1994, Pub. L.103-322.

3 To replace a photo-license issued prior to the effective date of this  
4 act for a licensee who is temporarily out of this State, the director may  
5 issue a "valid without picture" picture license for the unexpired term  
6 of the license.

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

10 (cf: P.L.1999, c.28, s.3)

11

12 4. (New section) The fee for a digitized picture shall be \$6 for  
13 each license, renewal or duplicate thereof, and shall be in addition to  
14 the fee presently authorized for the issuance of a driver's license  
15 pursuant to R.S.39:3-10.

16

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

19 3. The director shall provide for the use of a process or processes  
20 in the issuance of licenses with color pictures that prevent, to the  
21 extent possible, the alteration, delamination, duplication,  
22 counterfeiting, photographing, forging or other modification of the  
23 license and prevent the superimposition of a color picture other than  
24 the authorized original on such license. The director shall provide that  
25 material used for, and the manufacturing process of, the license shall  
26 prevent, to the greatest extent possible, any alteration, delamination,  
27 duplication, counterfeiting, photographing, forging or other  
28 modification of the license. The director may provide for the  
29 electronic storage of the licensee's motor vehicle information,  
30 including the licensee's color picture and signature, in a bar code,  
31 magnetic strip or database. In addition, the director may provide that  
32 the license include features to ensure the security and integrity of the  
33 license. Any information encoded in a bar code or magnetic stripe on  
34 the license shall be limited to the following: name, address,  
35 municipality of residence, state, zip code of residence, date of birth,  
36 under 21 until xx/xx/xx (date of licensee's 21st birthday), gender, color  
37 of eyes, height, driver's license number, date of issuance, expiration  
38 date, document type, class, endorsements and restrictions, organ donor  
39 status, identification of issuer, license fee, transaction number, and the  
40 licensee's digitized picture and digitized signature. Any information  
41 encoded in a bar code or magnetic stripe on the license shall be  
42 displayed on the driver's license, which may be done in abbreviated  
43 form.

44 (cf: P.L.1999, c.28, s.4)

45

46 6. Section 22 of P.L.1990, c.103 (C.39:3-10.30) is amended as



1 follows:

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

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

19 In addition to fees for a basic driver license and any  
20 non-commercial endorsement and renewals thereof, the required fee  
21 for a [120-month] ~~48-month~~ licensing period shall be [~~\$35~~] ~~\$18~~ for  
22 each commercial driver license and renewal thereof and [~~\$10~~] ~~\$2~~ for  
23 each endorsement and renewal thereof. In addition, the director shall  
24 charge a fee of \$6 for the actual digitized picture of the licensee.

25 The commercial driver license shall expire on the last day of the  
26 [120th] ~~48th~~ calendar month following the calendar month in which  
27 the license was issued. However, the director may, at his discretion,  
28 issue licenses and endorsements which shall expire on a date fixed by  
29 him. The fee for such licenses or endorsements shall be fixed in  
30 amounts proportionately less or greater than the fee otherwise  
31 established.

32 Nothing in this section shall be construed to alter or change any  
33 expiration date on any New Jersey commercial driver license issued  
34 prior to [January 1, 2000 and] the operative date of P.L.2001, c.  
35 (C. \_\_\_\_\_) (now before the Legislature on this bill) and, unless a  
36 licensee's driving privileges are otherwise suspended or revoked, the  
37 license shall remain valid until its expiration date.

38 (cf: P.L.1999, c.28, s.5)

39

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

42 4. Each original identification card authorized by section 2 of this  
43 act shall, unless canceled earlier, be valid for [120] ~~48~~ calendar  
44 months from its date of issuance, and shall be renewable upon the  
45 request of the bearer of the card, pursuant to terms of license renewal  
46 established by the Division of Motor Vehicles, and upon payment of

1 a fee as required by section 6 of this act. An identification card issued  
2 pursuant to this act to an applicant who is blind, disabled, or  
3 handicapped shall be valid for the life of the holder unless canceled by  
4 the holder. Cards issued prior to October 16, 1989 and valid upon the  
5 effective date of this amendatory act shall be valid for the life of the  
6 holder unless canceled by the holder. Cards issued to blind, disabled  
7 or handicapped persons between October 16, 1989 and the effective  
8 date of this amendatory act, and which are valid on the effective date  
9 of this act, shall be made valid for the life of the holder unless canceled  
10 by the holder, upon presentation of proof that the blindness, disability,  
11 or handicap existed at the time of the original application. The  
12 director is authorized to require periodic verification of information  
13 included on any identification card issued for or valid for the life of the  
14 holder. Nothing in this section shall be construed to alter or change  
15 any expiration date on any New Jersey identification card issued prior  
16 to [January 1, 2000] the operative date of P.L.2001, c. (C. )  
17 (now before the Legislature as this bill) and any such identification  
18 card shall remain valid until its expiration date.

19 (cf: P.L.1999, c.28, s.8)

20

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

23 6. The Division of Motor Vehicles shall charge fees as follows:

24 Identification Card, Original	<del>[\$35]</del> <u>\$18</u>
25 Identification Card, Duplicate	\$5 [with stored color 26 picture]
27 [(Due to loss, stolen or 28 destroyed card)]	[\$10 with new color picture]
29 Identification Card, Renewal	<del>[\$35]</del> <u>\$18</u>
30 <u>Digitized picture</u>	<u>\$6, in addition to the fees 31 required above</u>

32 (cf: P.L.1999, c.28, s.9)

33

34 9. R.S.39:3-31 is amended to read as follows:

35 39:3-31. The director, upon presentation of a statement duly sworn  
36 to, stating that the original registration certificate or original  
37 motorized bicycle registration certificate has been destroyed, lost or  
38 stolen, may, if he is satisfied that the facts as set forth in the statement  
39 are substantially true, issue a duplicate or amended registration  
40 certificate or motorized bicycle registration certificate to the original  
41 holder thereof, upon the payment to the director of a fee of \$5 for  
42 each duplicate or amended registration certificate or motorized bicycle  
43 registration certificate so issued. The director, upon presentation of  
44 a statement, duly sworn to, stating that the original driver's license has  
45 been destroyed, lost or stolen, or requesting a new color picture, may,  
46 if he is satisfied that the facts as set forth in the statement are

1 substantially true, issue a duplicate driver's license to the original  
2 holder thereof, upon payment to the director of a fee of \$5 [if the  
3 color picture used is a stored color picture or \$10 if the color picture  
4 used is a new color picture for each duplicate driver's license so  
5 issued] in addition to the digitized picture fee.

6 (cf: P.L.1999, c.28, s.10)

7

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

9 39:3-36. [The registered owner of a motor vehicle or a motorized  
10 bicycle and a licensed operator] A licensed operator shall notify the  
11 director of [a]any change in [his] residence within one week after the  
12 change is made. Notice shall be in such form and shall contain such  
13 information as the director may require. A person who violates this  
14 section shall be subject to a penalty of not more than [~~\$10~~] \$25.  
15 Upon notification, and payment of a fee of \$5 [if it involves a stored  
16 color picture or \$10 if it involves a new color picture] for the license  
17 in addition to the digitized picture fee, the director shall provide the  
18 [registered owner or] licensed operator [either] with a new license  
19 [or change the license currently held by that owner or operator  
20 pursuant to terms established by the Division of Motor Vehicles].

21 The registered owner of a motor vehicle or a motorized bicycle  
22 shall notify the director of any change in residence within one week  
23 after the change is made. Notice shall be in such form and shall  
24 contain such information as the director may require. A person who  
25 violates this section shall be subject to a penalty of not more than \$25.  
26 Upon notification, and payment of a fee of \$5, the director shall  
27 provide the registered owner with a new registration certificate.

28 (cf: P.L.1999, c.28, s.11)

29

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

32 4. a. The fee for a [~~120-month~~] 48-month power vessel operator's  
33 license required pursuant to section 3 of P.L.1995, c.401 (C.12:7-72)  
34 shall be [~~\$35~~] \$18 and shall be paid to the director for deposit into the  
35 State General Fund.

36 b. Each New Jersey power vessel operator's license issued  
37 pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a  
38 color picture of the licensee. In addition to the fee required pursuant  
39 to subsection a, of this section, the fee for the picture shall be \$6 for  
40 each license or renewal.

41 (cf: P.L.1999, c.28, s.13)

42

43 12. (New section) a. There is established in the General Fund a  
44 separate special non-lapsing account to be known as the "Secure  
45 Driver's License Fund." Revenues from the fees collected for the

1 digitized picture provided for in this act shall be credited to the fund.

2 b. Moneys in the fund shall be appropriated to the Department of  
3 Transportation for the purposes of ensuring secure driver's license  
4 documents and the handling thereof including the review, processing,  
5 production and distribution of a secure driver's license, identification  
6 card, or any related support documents required by or in relation to  
7 this act.

8 c. Any revenue credited to the fund but not appropriated to the  
9 department shall remain in the fund exclusively for the purposes set  
10 forth in this act.

11

12 13. There is hereby appropriated to the Department of  
13 Transportation from the General Fund the sum of \$1,500,000 for the  
14 cost of implementing the provisions of this act.

15

16 14. Section 19 of P.L.1999, c.28 is amended to read as follows:

17 19. ~~【This】 Except for section 14, this act shall take effect 【January~~  
18 ~~1, 2000, but the Division of Motor Vehicles in the Department of~~  
19 ~~Transportation may take such anticipatory administrative and~~  
20 ~~regulatory action in advance as shall be necessary to implement the~~  
21 ~~provisions of this act; provided, however, that section 14 of this act~~  
22 ~~shall take effect immediately and, further provided, that for good~~  
23 ~~cause, the Director of the Division of Motor Vehicles may on January~~  
24 ~~1, 2000 delay implementation of the provisions of this act, other than~~  
25 ~~those set forth in section 14, for a period not to extend beyond January~~  
26 ~~1, 2001.】 immediately, but shall be inoperative until the 60th day after~~  
27 ~~the Director of the Division of Motor Vehicles in the Department of~~  
28 ~~Transportation certifies that the division is prepared to issue driver's~~  
29 ~~licenses with digitized pictures of licensees, but such operative date~~  
30 ~~shall be no later than January 1, 2003. The director shall make every~~  
31 ~~effort to provide the certification required for this act to become~~  
32 ~~operative as soon as practicable.~~

33 (cf: P.L.1999, c.28, s.19)

34

35 15. This act shall take effect immediately, but except for sections  
36 13 and 14 shall be inoperative until the 60th day after the Director of  
37 the Division of Motor Vehicles in the Department of Transportation  
38 certifies that the division is prepared to issue driver's licenses with  
39 digitized pictures of licensees, but such operative date shall be no later  
40 than January 1, 2003. The director shall make every effort to provide  
41 the certification required for this act to become operative as soon as  
42 practicable.

43

44

#### STATEMENT

45

46 This bill changes the provisions of existing law, which provides for

1 a 10 year driver's license, to require the issuance of a four year  
2 digitized picture driver's license and removes provisions exempting  
3 elderly or handicapped persons from the requirement of having a color  
4 picture on licenses issued to them. The bill also provides that the  
5 Director of the Division of Motor Vehicles may provide for the  
6 electronic storage of the licensee's motor vehicle information,  
7 including the licensee's color picture and signature, in a bar code,  
8 magnetic strip or database.

9 The bill provides for a fee of \$6 for a digitized picture for each  
10 license, duplicate or renewal and establishes \$18 as the basic driver's  
11 license fee as well as providing for changes in other fees. The bill  
12 appropriates \$1.5 million to the Department of Transportation to  
13 implement the provisions of this bill and establishes a "Secure Driver's  
14 License Fund" to receive fees collected for the digitized pictures.

15 The bill also provides that if a person's authorization to be present  
16 in the United States expires before the expiration date of the license,  
17 the Director of the Division of Motor Vehicles shall make the  
18 expiration date of the license coincident with the expiration of the  
19 authorization to be present in the United States. The director may  
20 renew such licenses, only if it is demonstrated that the person's  
21 continued presence in the United States is authorized by federal law.

22 The operative dates of P.L.1999, c.28, except for section 14 thereof  
23 which took effect on February 25,1999, and of most of the sections  
24 of this bill are to occur 60 days after the Director of the Division of  
25 Motor Vehicles certifies that the division is prepared to issue licenses  
26 with the digitized pictures of the licensees. However, the operative  
27 dates may not extend later than January 1, 2003 and the director is to  
28 make every effort to provide the appropriate certification as soon as  
29 practicable.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 2708**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 19, 2001

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 2708.

This amended bill changes the provisions of existing law, which provides for a 10 year driver's license, to require the issuance of a four year digitized driver's license with a digitized color picture and removes provisions exempting elderly or handicapped persons from the requirement of having a color picture on licenses issued to them. The bill provides that the digitized picture or any access thereto or any use thereof shall not be sold, leased or exchanged for value. The Director of the Division of Motor Vehicles is required to provide that the license include features to ensure the security and integrity of the license. The director may provide for the electronic storage of the licensee's motor vehicle information, including the licensee's picture and signature, in a bar code, magnetic stripe or data base. The bill permits licenses composed of a composite material with lamination under certain circumstances.

The bill provides for a fee of \$6 for a digitized picture for each license, duplicate or renewal and establishes \$18 as the basic driver's license fee as well as provides for changes in other fees. The fee currently charged by the Division of Motor Vehicles is \$18 for a basic photo-license and \$16 for a nonphoto license endorsement. The bill appropriates \$1.5 million to the Department of Transportation to implement the provisions of this bill and establishes a "Secure Driver's License Fund" to receive fees collected for the digitized pictures.

The bill also amends R.S.39:3-10 to provide that if a person's authorization to be present in the United States expires before the expiration date of the license, the Director of the Division of Motor Vehicles shall make the expiration date of the license coincident with the expiration of the authorization to be present in the United States. The director may renew such licenses, only if it is demonstrated that the person's continued presence in the United States is authorized by federal law.

The operative dates of P.L.1999, c.28, except for section 14 thereof which took effect on February 25,1999, and of most of the sections of this bill are to occur 60 days after the Director of the Division of Motor Vehicles certifies that the division is prepared to issue licenses with the digitized pictures of the licensees. However, the operative dates may not extend later than January 1, 2003 and the director is to make every effort to provide the appropriate certification as soon as practicable. The amendment to R.S. 39:3-10 concerning persons authorized to be in the United States is to be operative immediately.

The amendments approved by the committee clarify that the four year driver's license is to be a digitized license with a digitized color picture, make consistent the use of the term "digitized" picture throughout the bill, provide that the provision relating to persons authorized to be in the United States is operative immediately, and put licenses consisting of a composite material that does not have lamination on an equal footing with licenses of noncomposite material if there is the same level of security. In addition, the amendments provide that the digitized picture or any access thereto or any use thereof shall not be sold, leased or exchanged for value. The director is also required, rather than merely permitted, to provide that the license include features to ensure the security and integrity of the license.

[First Reprint]

**SENATE, No. 2708**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED NOVEMBER 8, 2001

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Requires four year digitized picture driver's license; permits enhanced data storage on license; appropriates \$1.5 million.

**CURRENT VERSION OF TEXT**

As reported by the Senate Transportation Committee on November 19, 2001, with amendments.





1 AN ACT concerning driver's licenses, amending the title and body of  
2 P.L.1999, c.28, amending various parts of the statutory law, and  
3 supplementing chapter 3 of Title 39 of the Revised Statutes and  
4 making an appropriation.

5

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

8

9 1. The title of P.L.1999, c.28 is amended to read as follows:

10 AN ACT concerning [10] four year driver's licenses, amending various  
11 parts of the statutory law, supplementing chapter 3 of Title 39 of  
12 the Revised Statutes, and repealing various parts of the statutory  
13 law.

14 (cf: P.L.1999, c.28)

15

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

17 39:3-10. No person shall drive a motor vehicle on a public highway  
18 in this State unless in possession of a validated permit, or a provisional  
19 or basic driver's license issued to him in accordance with this article.

20 No person under 18 years of age shall be issued a basic license to  
21 drive motor vehicles, nor shall a person be issued a validated permit,  
22 including a validated examination permit, until he has passed a  
23 satisfactory examination and other requirements as to his ability as an  
24 operator. The examination shall include a test of the applicant's vision,  
25 his ability to understand traffic control devices, his knowledge of safe  
26 driving practices and of the effects that ingestion of alcohol or drugs  
27 has on a person's ability to operate a motor vehicle, his knowledge of  
28 such portions of the mechanism of motor vehicles as is necessary to  
29 insure the safe operation of a vehicle of the kind or kinds indicated by  
30 the applicant and of the laws and ordinary usages of the road. A road  
31 test shall be required for a provisional license and serve as a  
32 demonstration of the applicant's ability to operate a vehicle of the class  
33 designated. The road test shall be given on public streets, where  
34 practicable and feasible, but may be preceded by an off-street  
35 screening process to assess basic skills. The director shall approve  
36 locations for the road test which pose no more than a minimal risk of  
37 injury to the applicant, the examiner and other motorists. No new  
38 locations for the road test shall be approved unless the test can be  
39 given on public streets.

**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:**

**<sup>1</sup> Senate STR committee amendments adopted November 19, 2001.**

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

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

26 Up to 20 questions may be added to the examination on subjects to  
27 be determined by the director that are of particular relevance to  
28 youthful drivers, after consultation with the Director of the Office of  
29 Highway Traffic Safety.

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

36 Any person applying for a driver's license to operate a motor  
37 vehicle or motorized bicycle in this State shall surrender to the director  
38 any current driver's license issued to him by another state or  
39 jurisdiction upon his receipt of a driver's license for this State. The  
40 director shall refuse to issue a driver's license if the applicant fails to  
41 comply with this provision. An applicant for a permit or license who  
42 is less than 18 years of age, and who holds a permit or license for a  
43 passenger automobile issued by another state or country that is valid  
44 or has expired within a time period designated by the director, shall be  
45 subject to the permit and license requirements and penalties

1 applicable to State permit and license applicants who are of the same  
2 age; except that if the other state or country has permit or license  
3 standards substantially similar to those of this State, the credentials of  
4 the other state or country shall be acceptable.

5 The director shall create classified licensing of drivers covering the  
6 following classifications:

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

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

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

15 d. <sup>1</sup>(1)<sup>1</sup> All motor vehicles not included in classifications a. and  
16 b. A license issued pursuant to this classification d. shall be referred to  
17 as the "basic driver's license."

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

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

24 The director, upon payment of the lawful fee and after he or a  
25 person authorized by him has examined the applicant and is satisfied  
26 of the applicant's ability as an operator, may, in his discretion, issue a  
27 license to the applicant to drive a motor vehicle. The license shall  
28 authorize him to drive any registered vehicle, of the kind or kinds  
29 indicated, and shall expire, except as otherwise provided, on the last  
30 day of the [~~120th~~] 48th calendar month following the calendar month  
31 in which such license was issued.

32 The director may, at his discretion and for good cause shown, issue  
33 licenses which shall expire on a date fixed by him. The fee for licenses  
34 with expiration dates fixed by the director shall be fixed by the director  
35 in amounts proportionately less or greater than the fee herein  
36 established. The required fee for a license for the [~~120-month~~] 48-  
37 month period shall be as follows:

38 Motorcycle license or endorsement      [~~\$35~~]\$18

39 Omnibus or school bus endorsement      [~~\$35~~]\$18

40 Basic driver's license                      [~~\$35~~]\$18

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

1 The director shall issue licenses for the following license period on  
2 and after the first day of the calendar month immediately preceding the  
3 commencement of such period, such licenses to be effective  
4 immediately.

5 All applications for renewals of licenses shall be made in a manner  
6 prescribed by the director and in accordance with procedures  
7 established by him.

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

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

20 <sup>1</sup>(2)<sup>1</sup> If a person's authorization to be present in the United States  
21 will expire before the expiration date of the person's license, the  
22 director shall make the expiration date of the license coincident with  
23 the expiration of the authorization to be present in the United States.  
24 The director may renew such licenses, only if it is demonstrated that  
25 the person's continued presence in the United States is authorized  
26 <sup>1</sup>[by] under<sup>1</sup> federal law.

27 <sup>1</sup>(3)<sup>1</sup> A person violating this section shall be subject to a fine not  
28 exceeding \$500 or imprisonment in the county jail for not more than  
29 60 days, but if that person has never been licensed to drive in this  
30 State or any other jurisdiction, he shall be subject to a fine of not less  
31 than \$200 and, in addition, the court shall issue an order to the  
32 Director of the Division of Motor Vehicles requiring the director to  
33 refuse to issue a license to operate a motor vehicle to the person for  
34 a period of not less than 180 days. The penalties provided for by this  
35 paragraph shall not be applicable in cases where failure to have actual  
36 possession of the operator's license is due to an administrative or  
37 technical error by the Division of Motor Vehicles.

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

41 (cf: P.L.1999, c.28, s.2)

42

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

45 1. In addition to the requirements for the form and content of a  
46 motor vehicle driver's license under R.S.39:3-10, on and after

1 [January 1, 2000] the operative date of P.L.2001, c. (C. ) (now  
2 before the Legislature as this bill), each initial New Jersey license and  
3 each renewal of a New Jersey driver's license shall be digitized and  
4 have a <sup>1</sup>digitized<sup>1</sup> color picture of the licensee [except that a person  
5 born before January 1, 1939 or a handicapped person may elect to  
6 have a license issued that does not bear a color picture of the  
7 licensee]. All licenses issued on and after January 1, 2000 shall be  
8 valid for a period of [120] 48 calendar months. However, the  
9 director may, at his discretion, issue licenses and endorsements which  
10 shall expire on a date fixed by him. The fee for such licenses or  
11 endorsements shall be fixed in amounts proportionately less or greater  
12 than the fee otherwise established. Notwithstanding the provisions of  
13 this section to the contrary, a person [62] 70 years of age or older [or  
14 a handicapped person] may elect to have a license issued for a period  
15 of [five or 10] two or four years, which election may not be altered  
16 by the director. The fee for the [five-year] two-year license shall be  
17 [proportionately less than the fee otherwise established] \$9, in  
18 addition to the fee for a digitized picture established in section 4 of  
19 P.L.2001, c. (C. )(now before the Legislature as this bill).

20 Each initial motor vehicle license issued to a person under the age  
21 of 21 after the [effective] operative date of P.L.1999, c.28 shall be  
22 conspicuously distinct, through the use of color <sup>1</sup>and design<sup>1</sup>, from the  
23 driver's licenses issued to persons 21 years of age or older. The  
24 director, in consultation with the Superintendent of State Police, shall  
25 determine the color and the manner in which [that color shall be used]  
26 the license is designed to achieve this result. The license shall also  
27 bear the words "UNDER 21" in a conspicuous manner. The director  
28 shall provide that upon attaining the age of 21, a licensee shall be  
29 issued a replacement driver's license <sup>1</sup>[for a fee of \$5 in addition to the  
30 digitized picture fee. The licensee shall also have the choice of  
31 obtaining a four year license upon the payment of all required fees  
32 therefor] or a new license, as appropriate. The fee for a replacement  
33 license shall be \$5 in addition to the digitized picture fee<sup>1</sup>.

34 As conditions for the renewal of a driver's license, the director shall  
35 provide that the picture of a licensee be updated [except that in the  
36 case of a person born before January 1, 1939 or a handicapped person,  
37 the licensee may elect to have a license issued that does not bear a  
38 color picture of the licensee] except that the director may elect to use  
39 a stored picture to renew a license for a period not exceeding four  
40 additional years for \$18 in addition to the digitized picture fee.

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

45 Nothing in this section shall be construed to alter or change any

1 expiration date on any New Jersey driver's license issued prior to  
2 [January 1, 2000] the operative date of P.L.2001, c. (C. ) (now  
3 before the Legislature as this bill) and, unless a licensee's driving  
4 privileges are otherwise suspended or revoked, <sup>1</sup>except as provided in  
5 R.S.39:3-10.<sup>1</sup> that license shall remain valid until that expiration date.

6 Specific use of the driver's license and any information stored or  
7 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 <sup>1</sup>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.<sup>1</sup>

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

17 [As used in this section, a "handicapped person" means any  
18 individual who has been issued a handicapped person identification  
19 card pursuant to section 2 of P.L.1949, c.280 (C.39:4-205).]  
20 (cf: P.L.1999, c.28, s.3)

21  
22 4. (New section) The fee for a digitized picture shall be \$6 for  
23 each license, renewal or duplicate thereof, and shall be in addition to  
24 the fee presently authorized for the issuance of a driver's license  
25 pursuant to R.S.39:3-10.

26  
27 5. Section 3 of P.L.1979, c.261 (C.39:3-10h) is amended to read  
28 as follows:

29 3. The director shall provide for the use of a process or processes  
30 in the issuance of licenses with <sup>1</sup>digitized<sup>1</sup> color pictures that prevent,  
31 to the extent possible, the alteration, delamination, duplication,  
32 counterfeiting, photographing, forging or other modification of the  
33 license and prevent the superimposition of a <sup>1</sup>digitized<sup>1</sup> color picture  
34 other than the authorized original on such license. The director shall  
35 provide that material used for, and the manufacturing process, of, the  
36 license shall prevent, to the greatest extent possible, any alteration,  
37 delamination, duplication, counterfeiting, photographing, forging or  
38 other modification of the license. <sup>1</sup>A license that consists of a  
39 composite material that does not use lamination and offers at least the  
40 same level of security as that required by the director for  
41 noncomposite material may fulfill the requirements of this section.<sup>1</sup>  
42 The director may provide for the electronic storage of the licensee's  
43 motor vehicle information, including the licensee's <sup>1</sup>digitized<sup>1</sup> picture  
44 and <sup>1</sup>digitized<sup>1</sup> signature, in a bar code, magnetic <sup>1</sup>[strip] stripe<sup>1</sup> or  
45 database. In addition, the director <sup>1</sup>[may] shall<sup>1</sup> provide that the  
46 license include features to ensure the security and integrity of the

1 license. Any information encoded in a bar code or magnetic stripe on  
2 the license shall be limited to the following: name, address,  
3 municipality of residence, state, zip code of residence, date of birth,  
4 under 21 until xx/xx/xx (date of licensee's 21st birthday), gender, color  
5 of eyes, height, driver's license number, date of issuance, expiration  
6 date, document type, class, endorsements and restrictions, organ donor  
7 status, identification of issuer, license fee, transaction number, and the  
8 licensee's digitized picture and digitized signature. Any information  
9 encoded in a bar code or magnetic stripe on the license shall be  
10 displayed on the driver's license, which may be done in abbreviated  
11 form.

12 (cf: P.L.1999, c.28, s.4)

13

14 6. Section 22 of P.L.1990, c.103 (C.39:3-10.30) is amended to  
15 read as follows:

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

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

33 In addition to fees for a basic driver license and any  
34 non-commercial endorsement and renewals thereof, the required fee  
35 for a [~~120-month~~] 48-month licensing period shall be [~~\$35~~] \$18 for  
36 each commercial driver license and renewal thereof and [~~\$10~~] \$2 for  
37 each endorsement and renewal thereof. In addition, the director shall  
38 charge a fee of \$6 for <sup>1</sup>[the actual] a <sup>1</sup>digitized picture of the licensee.

39 The commercial driver license shall expire on the last day of the  
40 [~~120th~~] 48th calendar month following the calendar month in which  
41 the license was issued. However, the director may, at his discretion,  
42 issue licenses and endorsements which shall expire on a date fixed by  
43 him. The fee for such licenses or endorsements shall be fixed in

1 amounts proportionately less or greater than the fee otherwise  
2 established.

3 Nothing in this section shall be construed to alter or change any  
4 expiration date on any New Jersey commercial driver license issued  
5 prior to [January 1, 2000 and] the operative date of P.L.2001, c.  
6 C. \_\_\_\_\_ ) (now before the Legislature as this bill) and, unless a  
7 licensee's driving privileges are otherwise suspended or revoked,  
8 <sup>1</sup>except as provided in R.S.39:3-10,<sup>1</sup> the license shall remain valid  
9 until its expiration date.  
10 (cf: P.L.1999, c.28, s.5)

11

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

14 4. Each original identification card authorized by section 2 of this  
15 act shall, unless canceled earlier, be valid for [120] 48 calendar  
16 months from its date of issuance, and shall be renewable upon the  
17 request of the bearer of the card, pursuant to terms of license renewal  
18 established by the Division of Motor Vehicles, and upon payment of  
19 a fee as required by section 6 of this act. An identification card issued  
20 pursuant to this act to an applicant who is blind, disabled, or  
21 handicapped shall be valid for the life of the holder unless canceled by  
22 the holder. Cards issued prior to October 16, 1989 and valid upon the  
23 effective date of this amendatory act shall be valid for the life of the  
24 holder unless canceled by the holder. Cards issued to blind, disabled  
25 or handicapped persons between October 16, 1989 and the effective  
26 date of this amendatory act, and which are valid on the effective date  
27 of this act, shall be made valid for the life of the holder unless canceled  
28 by the holder, upon presentation of proof that the blindness, disability,  
29 or handicap existed at the time of the original application. The  
30 director is authorized to require periodic verification of information  
31 included on any identification card issued for or valid for the life of the  
32 holder. Nothing in this section shall be construed to alter or change  
33 any expiration date on any New Jersey identification card issued prior  
34 to [January 1, 2000] the operative date of P.L.2001, c. (C. \_\_\_\_\_)  
35 (now before the Legislature as this bill) and any such identification  
36 card shall remain valid until its expiration date.

37 (cf: P.L.1999, c.28, s.8)

38

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

41 6. The Division of Motor Vehicles shall charge fees as follows:  
42 Identification Card, Original                    [\$35] \$18  
43 Identification Card, Duplicate                    \$5[with stored color  
44 picture]  
45 [(Due to loss, stolen or                            [\$10 with new color  
46 destroyed card)]                                    picture]



1 Identification Card, Renewal                    **[\$35] \$18**  
2 Digitized picture                                \$6, in addition to the fees  
3   required above  
4 (cf: P.L.1999, c.28, s.9)

5  
6 9. R.S.39:3-31 is amended to read as follows:  
7 39:3-31. The director, upon presentation of a statement duly sworn  
8 to, stating that the original registration certificate or original  
9 motorized bicycle registration certificate has been destroyed, lost or  
10 stolen, may, if he is satisfied that the facts as set forth in the statement  
11 are substantially true, issue a duplicate or amended registration  
12 certificate or motorized bicycle registration certificate to the original  
13 holder thereof, upon the payment to the director of a fee of \$5 for  
14 each duplicate or amended registration certificate or motorized bicycle  
15 registration certificate so issued. The director, upon presentation of  
16 a statement, duly sworn to, stating that the original driver's license has  
17 been destroyed, lost or stolen, or requesting a new color picture, may,  
18 if he is satisfied that the facts as set forth in the statement are  
19 substantially true, issue a duplicate driver's license to the original  
20 holder thereof, upon payment to the director of a fee of \$5 [if the  
21 color picture used is a stored color picture or \$10 if the color picture  
22 used is a new color picture for each duplicate driver's license so  
23 issued] in addition to the digitized picture fee.  
24 (cf: P.L.1999, c.28, s.10)

25  
26 10. R.S.39:3-36 is amended to read as follows:  
27 39:3-36. [The registered owner of a motor vehicle or a motorized  
28 bicycle and a licensed operator] A licensed operator shall notify the  
29 director of [a] any change in [his] residence within one week after the  
30 change is made. Notice shall be in such form and shall contain such  
31 information as the director may require. <sup>1</sup>[A person who violates this  
32 section shall be subject to a penalty of not more than **[\$10] \$25.** ]<sup>1</sup>  
33 Upon notification, and payment of a fee of \$5 [if it involves a stored  
34 color picture or \$10 if it involves a new color picture] for the license  
35 in addition to the digitized picture fee, the director shall provide the  
36 [registered owner or] licensed operator [either] with a new license  
37 [or change the license currently held by that owner or operator  
38 pursuant to terms established by the Division of Motor Vehicles].  
39 The registered owner of a motor vehicle or a motorized bicycle  
40 shall notify the director of any change in residence within one week  
41 after the change is made. Notice shall be in such form and shall  
42 contain such information as the director may require. <sup>1</sup>[A person who  
43 violates this section shall be subject to a penalty of not more than  
44 \$25.]<sup>1</sup> Upon notification, and payment of a fee of \$5, the director  
45 shall provide the registered owner with a new registration certificate.

1 <sup>1</sup>A person who violates this section shall be subject to a penalty of  
2 not more than \$25.<sup>1</sup>

3 (cf: P.L.1999, c.28, s.11)

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

7 4. a. The fee for a ~~[120-month]~~ 48-month power vessel operator's  
8 license required pursuant to section 3 of P.L.1995, c.401 (C.12:7-72)  
9 shall be ~~[\$35]~~ \$18 and shall be paid to the director for deposit into the  
10 State General Fund.

11 b. Each New Jersey power vessel operator's license issued  
12 pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a  
13 <sup>1</sup>digitized<sup>1</sup> color picture of the licensee. In addition to the fee required  
14 pursuant to subsection a. of this section, the fee for the <sup>1</sup>digitized  
15 color<sup>1</sup> picture shall be \$6 for each license or renewal.

16 (cf: P.L.1999, c.28, s.13)

17  
18 12. (New section) a. There is established in the General Fund a  
19 separate special non-lapsing account to be known as the "Secure  
20 Driver's License Fund." Revenues from the fees collected for the  
21 digitized picture provided for in this act shall be credited to the fund.

22 b. Moneys in the fund shall be appropriated to the Department of  
23 Transportation for the purposes of ensuring secure driver's license  
24 documents and the handling thereof including the review, processing,  
25 production and distribution of a secure driver's license, identification  
26 card, or any related support documents required by or in relation to  
27 this act.

28 c. Any revenue credited to the fund but not appropriated to the  
29 department shall remain in the fund exclusively for the purposes set  
30 forth in this act.

31  
32 13. There is hereby appropriated to the Department of  
33 Transportation from the General Fund the sum of \$1,500,000 for the  
34 cost of implementing the provisions of this act.

35  
36 14. Section 19 of P.L.1999, c.28 is amended to read as follows:

37 19. ~~[This]~~ Except for section 14 <sup>1</sup>which remains in effect<sup>1</sup>, this act  
38 shall take effect [January 1, 2000, but the Division of Motor Vehicles  
39 in the Department of Transportation may take such anticipatory  
40 administrative and regulatory action in advance as shall be necessary  
41 to implement the provisions of this act; provided, however, that  
42 section 14 of this act shall take effect immediately and, further  
43 provided, that for good cause, the Director of the Division of Motor  
44 Vehicles may on January 1, 2000 delay implementation of the  
45 provisions of this act, other than those set forth in section 14, for a  
46 period not to extend beyond January 1, 2001.] immediately, but shall

1 be inoperative until the 60th day after the Director of the Division of  
2 Motor Vehicles in the Department of Transportation certifies that the  
3 division is prepared to issue driver's licenses with digitized pictures of  
4 licensees, but such operative date shall be no later than January 1,  
5 2003. The director shall make every effort to provide the certification  
6 required for this act to become operative as soon as practicable.

7 (cf: P.L.1999, c.28, s.19)

8

9 15. This act shall take effect immediately, but, except for sections  
10 13 and 14 <sup>1</sup>and paragraph (2) of subsection d. of R.S.39:3-10 added  
11 by section 2 and dealing with the expiration and renewal of licenses of  
12 persons authorized to be present in the United States,<sup>1</sup> shall be inopera  
13 tive until the 60th day after the Director of the Division of Motor  
14 Vehicles in the Department of Transportation certifies that the division  
15 is prepared to issue driver's licenses with digitized pictures of  
16 licensees, but such operative date shall be no later than January 1,  
17 2003. The director shall make every effort to provide the certification  
18 required for this act to become operative as soon as practicable.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 2708

### STATE OF NEW JERSEY

### 209th LEGISLATURE

DATED: JANUARY 10, 2002

#### SUMMARY

**Synopsis:** Requires four year digitized picture driver's license; permits enhanced data storage on license; appropriates \$1.5 million.

**Type of Impact:** New expenditure from General Fund offset by new revenue.

**Agencies Affected:** Division of Motor Vehicles (DMV), Department of Transportation.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<b>State Cost</b>	\$1,500,000	Not Yet Determined--See Comments Below	
<b>State Revenue</b>	Not Yet Determined	Not Yet Determined--See Comments Below	

- ! Requires four year driver's license instead of 10 year driver's license.
- ! Provides for electronic storage of licensee's digitized color picture and digitized signature in a bar code, magnetic stripe or database.
- ! Provides for a fee of \$6 for digitized color picture and \$18 as fee for basic, four year driver's license.
- ! Establishes "Secure Driver's License Fund" which is to be credited with revenue collected from digitized picture fees.
- ! Provides that driver's license issued to person authorized by federal law to be present in the United States shall expire on the date coincident with expiration of authorization to be in the United States.
- ! Appropriates \$1.5 million from General Fund to implement the provisions of the bill.
- ! Provides that bill takes affect immediately when enacted but remains inoperative until 60 days after Director of DMV certifies that DMV is prepared to issue licenses with digitized pictures, provided, however, the operative date shall not be later than January 1, 2003.

## **BILL DESCRIPTION**

Senate Bill No. 2708 (1R) of 2001 requires that a four year driver's license be issued instead of a 10 year driver's license. In addition, the bill provides for the electronic storage of a licensee's digitized color picture and digitized signature in a bar code, magnetic stripe or database.

A fee of \$18 would be charged for a basic, four year driver's license and an additional \$6 for a digitized, color picture. The revenue received from the fees collected from digitized color pictures would be credited to the "Secure Driver's License Fund." The monies in the fund are to be used for the security and handling of driver's license documents and any related support documents.

The bill further stipulates that a driver's license issued to a person authorized by federal law to be present in the United States shall expire on the date coincident with the expiration of the authorization to be in the United States.

The bill also appropriates \$1.5 million from the General Fund to implement the provisions contained in the bill.

Finally, the bill would take affect immediately when enacted but would remain inoperative until 60 days after the Director of the Division of Motor Vehicles certifies that DMV is prepared to issue licenses with digitized pictures, provided, however, that the operative date shall not be later than January 1, 2003.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) has informally discussed the fiscal impact of this bill with the Department of Transportation. Since the bill changes the fees charged for licenses and digitized pictures, additional revenues would be generated. There are also likely to be additional program costs in future years. However, because the bill would remain inoperative until a certain condition is met or a certain date reached, the department noted that DMV has not yet completed the revenue and cost estimates. Nevertheless, the department expects to have these estimates by the end of November, 2001.

Section: *Authorities, Utilities, Transportation and Communications*

Analyst: *Rusty Lachenauer*  
*Lead Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

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

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

# SENATE, No. 2630

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED NOVEMBER 8, 2001

**Sponsored by:**

**Senator GERALD CARDINALE**

**District 39 (Bergen)**

**Senator LOUIS F. KOSCO**

**District 38 (Bergen)**

**Co-Sponsored by:**

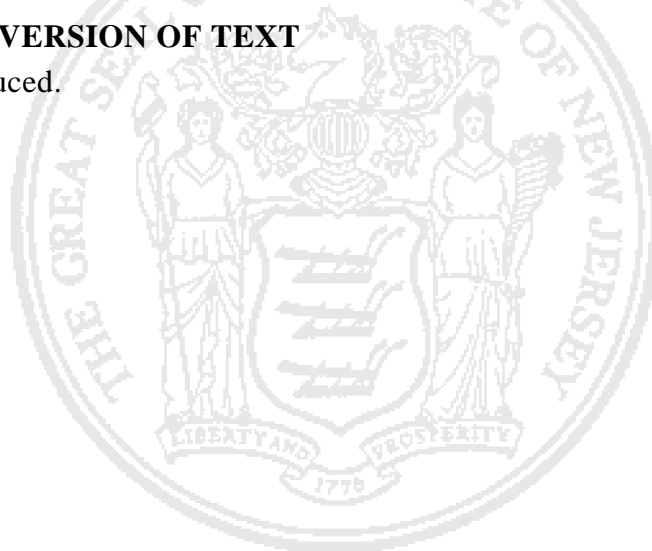
**Senators Caffero, Allen, Robertson, Inverso, Sinagra, Bucco, Singer, Bark, Schluter, McNamara, Connors, Zane, Matheussen, Kyrillos, Bryant, Furnari, Vitale, Turner, O'Connor, Girgenti, Sacco, Rice Adler, Littell, Ciesla, Bennett, Kenny and Baer**

### **SYNOPSIS**

Tightens requirements for issuance of driver's license to legal alien; upgrades penalties for sale and possession of fake driver's license.

### **CURRENT VERSION OF TEXT**

As introduced.



S2630 CARDINALE, KOSCO

2

1 AN ACT concerning the issuance of driver's licenses and identification  
2 cards and amending R.S.39:3-10, R.S.39:3-13, P.L.1950, c.127,  
3 P.L.1980, c.47 and P.L.1983, c.565.

4

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

7

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

9 39:3-10. No person shall drive a motor vehicle on a public highway  
10 in this State unless in possession of a validated permit, or a provisional  
11 or basic driver's license issued to him in accordance with this article.

12 No person under 18 years of age shall be issued a basic license to  
13 drive motor vehicles, nor shall a person be issued a validated permit,  
14 including a validated examination permit, until he has passed a  
15 satisfactory examination and other requirements as to his ability as an  
16 operator. The examination shall include a test of the applicant's vision,  
17 his ability to understand traffic control devices, his knowledge of safe  
18 driving practices and of the effects that ingestion of alcohol or drugs  
19 has on a person's ability to operate a motor vehicle, his knowledge of  
20 such portions of the mechanism of motor vehicles as is necessary to  
21 insure the safe operation of a vehicle of the kind or kinds indicated by  
22 the applicant and of the laws and ordinary usages of the road. No  
23 person shall sit for an examination for any license or permit unless that  
24 person exhibits photo identification deemed acceptable by the director.

25 A road test shall be required for a provisional license and serve as a  
26 demonstration of the applicant's ability to operate a vehicle of the class  
27 designated. No person shall sit for a road test unless that person  
28 exhibits photo identification deemed acceptable by the director. The  
29 road test shall be given on public streets, where practicable and  
30 feasible, but may be preceded by an off-street screening process to  
31 assess basic skills. The director shall approve locations for the road  
32 test which pose no more than a minimal risk of injury to the applicant,  
33 the examiner and other motorists. No new locations for the road test  
34 shall be approved unless the test can be given on public streets.

35 The director shall issue a basic driver's license to operate a motor  
36 vehicle other than a motorcycle to a person over 18 years of age who  
37 previously has not been licensed to drive a motor vehicle in this State  
38 or another jurisdiction only if that person has: (1) operated a passenger  
39 automobile in compliance with the requirements of this title for not  
40 less than one year, not including any period of suspension or  
41 postponement, either from the date of issuance of an examination  
42 permit pursuant to R.S.39:3-13 or a provisional license pursuant to  
43 section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed

**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 more than two motor vehicle points and has not been convicted in the  
2 previous year for a violation of R.S.39:4-50; section 2 of P.L.1981,  
3 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;  
4 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor  
5 vehicle-related violation the director determines to be significant and  
6 applicable pursuant to regulation; and (3) passed an examination of his  
7 ability to operate a motor vehicle pursuant to this section.

8 The director shall expand the driver's license examination by 20%.  
9 The additional questions to be added shall consist solely of questions  
10 developed in conjunction with the State Department of Health and  
11 Senior Services concerning the use of alcohol or drugs as related to  
12 highway safety. The director shall develop in conjunction with the  
13 State Department of Health and Senior Services supplements to the  
14 driver's manual which shall include information necessary to answer  
15 any question on the driver's license examination concerning alcohol or  
16 drugs as related to highway safety.

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

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

27 Any person applying for a driver's license to operate a motor  
28 vehicle or motorized bicycle in this State shall surrender to the director  
29 any current driver's license issued to him by another state or  
30 jurisdiction upon his receipt of a driver's license for this State. The  
31 director shall refuse to issue a driver's license if the applicant fails to  
32 comply with this provision. An applicant for a permit or license who  
33 is less than 18 years of age, and who holds a permit or license for a  
34 passenger automobile issued by another state or country that is valid  
35 or has expired within a time period designated by the director, shall be  
36 subject to the permit and license requirements and penalties applicable  
37 to State permit and license applicants who are of the same age; except  
38 that if the other state or country has permit or license standards  
39 substantially similar to those of this State, the credentials of the other  
40 state or country shall be acceptable.

41 The director shall create classified licensing of drivers covering the  
42 following classifications:

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



1 steering;

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

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

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

8 Every applicant for a license under classification b. shall be a holder  
9 of a basic driver's license. Any issuance of a license under  
10 classification b. shall be by endorsement on the basic driver's license.

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

14 The director, upon payment of the lawful fee and after he or a  
15 person authorized by him has examined the applicant and is satisfied  
16 of the applicant's ability as an operator, may, in his discretion, issue a  
17 license to the applicant to drive a motor vehicle. The license shall  
18 authorize him to drive any registered vehicle, of the kind or kinds  
19 indicated, and shall expire, except as otherwise provided, on the last  
20 day of the 120th calendar month following the calendar month in  
21 which such license was issued.

22 The director may, at his discretion and for good cause shown, issue  
23 licenses which shall expire on a date fixed by him. If the director  
24 issues a license to a person who has demonstrated authorization to be  
25 present in the United States for a period of time shorter than the  
26 standard period of the license, the director shall fix the expiration date  
27 of the license at a date based on the period in which the person is  
28 authorized to be present in the United States under federal  
29 immigration laws. The director may renew such a license only if it is  
30 demonstrated that the person's continued presence in the United States  
31 is authorized under federal law. The fee for licenses with expiration  
32 dates fixed by the director shall be fixed by the director in amounts  
33 proportionately less or greater than the fee herein established.

34 The required fee for a license for the 120-month period shall be as  
35 follows:

36 Motorcycle license or endorsement	\$35
37 Omnibus or school bus endorsement	\$35
38 Basic driver's license	\$35

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

45 The director shall issue licenses for the following license period on  
46 and after the first day of the calendar month immediately preceding the

1 commencement of such period, such licenses to be effective  
2 immediately.

3 All applications for renewals of licenses shall be made in a manner  
4 prescribed by the director and in accordance with procedures  
5 established by him.

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

13 In addition to requiring an applicant for a driver's license to submit  
14 satisfactory proof of identity and age, the director also shall require  
15 the applicant to provide, as a condition for obtaining a permit and  
16 license, satisfactory proof that the applicant's presence in the United  
17 States is authorized under federal law. If the director has reasonable  
18 cause to suspect that any document presented by an applicant as proof  
19 of identity, age or legal residency is altered, false or otherwise invalid,  
20 the director shall refuse to grant the permit or license until such time  
21 as the document may be verified by the issuing agency to the director's  
22 satisfaction.

23 A person violating this section shall be subject to a fine not  
24 exceeding \$500 or imprisonment in the county jail for not more than  
25 60 days, but if that person has never been licensed to drive in this  
26 State or any other jurisdiction, he shall be subject to a fine of not less  
27 than \$200 and, in addition, the court shall issue an order to the  
28 Director of the Division of Motor Vehicles requiring the director to  
29 refuse to issue a license to operate a motor vehicle to the person for  
30 a period of not less than 180 days. The penalties provided for by this  
31 paragraph shall not be applicable in cases where failure to have actual  
32 possession of the operator's license is due to an administrative or  
33 technical error by the Division of Motor Vehicles.

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

37 (cf: P.L.1999, c.28, s.2)

38

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

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

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

11       For six months immediately following the issuance of an  
12 examination permit, the holder who is less than 21 years of age shall  
13 operate the passenger automobile only when accompanied by, and  
14 under the supervision of, a New Jersey licensed driver who is at least  
15 21 years of age and has been licensed to drive a passenger automobile  
16 for not less than three years. The holder of an examination permit who  
17 is at least 21 years of age shall operate the passenger automobile for  
18 the first three months under such supervision. The supervising driver  
19 shall sit in the front seat of the vehicle. Whenever operating a vehicle  
20 while in possession of an examination permit, the holder of the permit  
21 shall operate the passenger automobile with only one additional  
22 passenger in the vehicle excluding persons with whom the holder  
23 resides, except that this passenger restriction shall not apply when  
24 either the permit holder or one other passenger is at least 21 years of  
25 age. Further, the holder of the permit who is less than 21 years of age  
26 shall not drive during the hours between 12:01 a.m. and 5 a.m.;  
27 provided, however, that this condition may be waived for an  
28 emergency which, in the judgment of local police, is of sufficient  
29 severity and magnitude to substantially endanger the health, safety,  
30 welfare or property of a person, or for any bona fide employment or  
31 religion-related activity if the employer or appropriate religious  
32 authority provides written verification of such activity in a manner  
33 provided for by the director. The permit holder shall also ensure that  
34 all occupants of the vehicle are secured in a properly adjusted and  
35 fastened seat belt or child restraint system.

36       When notified by a court of competent jurisdiction that an  
37 examination permit holder has been convicted of a violation which  
38 causes the permit holder to accumulate more than two motor vehicle  
39 points or has been convicted of a violation of R.S.39:4-50; section 2  
40 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);  
41 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any  
42 other motor vehicle-related law the director deems significant and  
43 applicable pursuant to regulation, in addition to any other penalty that  
44 may be imposed, the director shall, without the exercise of discretion  
45 or a hearing, suspend the examination permit holder's examination  
46 permit for 90 days. The director shall restore the permit following the

1 term of the permit suspension if the permit holder satisfactorily  
2 completes a remedial training course of not less than four hours and  
3 remits a course fee prescribed by the director. The director also shall  
4 postpone without the exercise of discretion or a hearing the issuance  
5 of a basic license for 90 days if the director is notified by a court of  
6 competent jurisdiction that the examination permit holder, after  
7 completion of the remedial training course, has been convicted of any  
8 motor vehicle violation which results in the imposition of any motor  
9 vehicle points or has been convicted of a violation of R.S.39:4-50;  
10 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182  
11 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of  
12 N.J.S.2C:12-1 or any other motor vehicle-related law the director  
13 deems significant and applicable pursuant to regulation. When the  
14 director is notified by a court of competent jurisdiction that an  
15 examination permit holder has been convicted of any alcohol or  
16 drug-related offense unrelated to the operation of a motor vehicle and  
17 is not otherwise subject to any other suspension penalty therefor, the  
18 director shall, without the exercise of discretion or a hearing, suspend  
19 the examination permit for six months. A fine of \$100 shall be  
20 imposed for any other violation of the conditions of the examination  
21 permit.

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

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

1 the permit until such time as the document may be verified by the  
2 issuing agency to the director's satisfaction.

3 The holder of an examination permit shall be required to take a road  
4 test in order to obtain a basic driver's license. No road test for any  
5 person who has been issued an examination permit to operate a  
6 passenger vehicle shall be given unless the person has met the  
7 requirements of this section. No road test for a basic driver's license  
8 shall be given unless the applicant has first secured an examination  
9 permit and no such road test shall be scheduled for an applicant who  
10 has secured an examination permit for a passenger vehicle until at least  
11 one year shall have elapsed following the validation of the examination  
12 permit for practice driving or, in the case of an examination permit for  
13 other vehicles, until 20 days has elapsed, except that in the case of an  
14 omnibus endorsement or school bus no road test shall be scheduled  
15 until at least 10 days shall have elapsed. Every applicant for an  
16 examination permit to qualify for an omnibus endorsement or an  
17 articulated vehicle endorsement shall be a holder of a valid basic  
18 driver's license.

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

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

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

31 The specified period for which a permit is issued may be extended  
32 for not more than an additional 60 days, without payment of added  
33 fee, upon application made by the holder thereof, where the holder has  
34 applied to take the examination for a driver's license prior to the  
35 expiration of the original period for which the permit was issued and  
36 the director was unable to schedule an examination during said period.  
37 (cf: P.L.1998, c.108, s.3)

38  
39 3. 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 may issue to a  
42 person over 16 years of age a special learner's permit, under the hand  
43 and seal of the director, allowing such person, for the purpose of  
44 preparing himself to qualify for a provisional license for a passenger  
45 automobile by operating a dual pedal controlled motor vehicle while  
46 taking a required course of behind-the-wheel automobile driving

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

17 The special learner's permit described above, when issued to a  
18 person taking a course of behind-the-wheel driving education  
19 conducted in a public, parochial or private school, shall be retained in  
20 the office of the school principal at all times except during such time  
21 as the person to whom the permit is issued is undergoing  
22 behind-the-wheel automobile driving instruction. The director may  
23 make such rules and regulations as he may deem necessary to carry out  
24 the provisions of this section.

25 (cf: P.L.1998, c.108, s.4)

26

27 4. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read as  
28 follows:

29 2. The Division of Motor Vehicles shall issue an identification card  
30 to any resident of the State who is 17 years of age or older and who  
31 is not the holder of a valid learner's permit or a valid driver's license.  
32 The identification card shall attest to the true name, correct age, and  
33 other identifying data as certified by the applicant for such  
34 identification card. Every application for an identification card shall be  
35 signed and verified by the applicant and shall be supported by such  
36 documentary evidence of the age and identity, or blindness, disability,  
37 or handicap, of such person as the division may require. In addition  
38 to requiring an applicant for an identification card to submit  
39 satisfactory proof of identity and age, the director also shall require  
40 the applicant to provide, as a condition for obtaining the card,  
41 satisfactory proof that the applicant's presence in the United States is  
42 authorized under federal law. If the director has reasonable cause to  
43 suspect that any document presented by an applicant as proof of  
44 identity, age or legal residency is altered, false or otherwise invalid,  
45 the director shall refuse to grant the identification card until such time

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

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

4

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

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

30 b. If the director issues an identification card to a person who has  
31 demonstrated authorization to be present in the United States for a  
32 period of time shorter than the standard periods of such cards, the  
33 director shall fix the expiration date of the identification card at a date  
34 based on the period in which the person is authorized to be present in  
35 the United States under federal immigration laws. The director may  
36 renew such an identification card only if it is demonstrated that the  
37 person's continued presence in the United States is authorized under  
38 federal law.

39 (cf: P.L.1999, c.28, s.8)

40

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

43 1. a. A person who knowingly sells, offers or exposes for sale, or  
44 otherwise transfers, or possesses with the intent to sell, offer or  
45 expose for sale, or otherwise transfer, a document, printed form or  
46 other writing which falsely purports to be a driver's license or other

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

4 b. A person who knowingly makes, or possesses devices or  
5 materials to make, a document or other writing which falsely purports  
6 to be a driver's license or other document issued by a governmental  
7 agency and which could be used as a means of verifying a person's  
8 identity or age is guilty of a crime of the [third] second degree.

9 c. A person who knowingly exhibits, displays or utters a document  
10 or other writing which falsely purports to be a driver's license or other  
11 document issued by a governmental agency and which could be used  
12 as a means of verifying a person's identity or age is guilty of a crime  
13 of the [fourth] third degree.

14 d. A person who knowingly possesses a document or other writing  
15 which falsely purports to be a driver's license or other document issued  
16 by a governmental agency and which could be used as a means of  
17 verifying a person's identity or age is guilty of a [disorderly persons  
18 offense] crime of the fourth degree.

19 e. In addition to any other disposition authorized by this Title, the  
20 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other  
21 statute indicating the dispositions that may be ordered for an  
22 adjudication of delinquency, and, notwithstanding the provisions of  
23 subsection c. of N.J.S.2C:43-2, every person convicted of or  
24 adjudicated delinquent for a violation of any offense defined in this  
25 section shall forthwith forfeit his right to operate a motor vehicle over  
26 the highways of this State for a period to be fixed by the court at not  
27 less than six months or more than two years which shall commence on  
28 the day the sentence is imposed. In the case of any person who at the  
29 time of the imposition of the sentence is less than 17 years of age, the  
30 period of the suspension of driving privileges authorized herein,  
31 including a suspension of the privilege of operating a motorized  
32 bicycle, shall commence on the day the sentence is imposed and shall  
33 run for a period as fixed by the court of not less than six months or  
34 more than two years after the day the person reaches the age of  
35 17 years. If the driving privilege of any person is under revocation,  
36 suspension, or postponement for a violation of any provision of this  
37 Title or Title 39 of the Revised Statutes at the time of any conviction  
38 or adjudication of delinquency for a violation of any offense defined  
39 in this chapter or chapter 36 of this Title, the revocation, suspension,  
40 or postponement period imposed herein shall commence as of the date  
41 of termination of the existing revocation, suspension or postponement.

42 The court before whom any person is convicted of or adjudicated  
43 delinquent for a violation of any offense defined in this section shall  
44 collect forthwith the New Jersey driver's license or licenses of that  
45 person and forward the license or licenses to the Director of the  
46 Division of Motor Vehicles along with a report indicating the first and



1 last day of the suspension or postponement period imposed by the  
2 court pursuant to this section. If the court is for any reason unable to  
3 collect the license or licenses of the person, the court shall cause a  
4 report of the conviction or adjudication of delinquency to be filed with  
5 the director. The report shall include the complete name, address,  
6 date of birth, eye color and sex of the person and shall indicate the  
7 first and last day of the suspension or postponement period imposed  
8 by the court pursuant to this section. The court shall inform the  
9 person orally and in writing that if the person is convicted of  
10 personally operating a motor vehicle during the period of license  
11 suspension or postponement imposed pursuant to this section, the  
12 person shall, upon conviction, be subject to the penalties set forth in  
13 R.S.39:3-40. A person shall be required to acknowledge receipt of the  
14 written notice in writing. Failure to receive a written notice or failure  
15 to acknowledge in writing the receipt of a written notice shall not be  
16 a defense to a subsequent charge of a violation of R.S.39:3-40. If the  
17 person is the holder of a driver's license from another jurisdiction, the  
18 court shall not collect the license, but shall notify forthwith the  
19 director who shall notify the appropriate officials in that licensing  
20 jurisdiction. The court shall, however, in accordance with the  
21 provisions of this section, revoke the person's non-resident driving  
22 privileges in this State.

23 In addition to any other condition imposed, a court, in its  
24 discretion, may suspend, revoke or postpone the driving privileges of  
25 a person admitted to supervisory treatment under N.J.S.2C:36A-1 or  
26 N.J.S.2C:43-12 without a plea of guilty or finding of guilt.  
27 (cf: P.L.1999, c.28, s.14)

28

29 7. This act shall take effect immediately.

30

31

32

#### STATEMENT

33

34 Investigations following the recent tragic attacks on the World  
35 Trade Center and the Pentagon have revealed that suspected terrorists  
36 may have established legal identities through the use of illegally  
37 obtained driver's licenses. This bill is intended to strengthen New  
38 Jersey's requirements for granting driver's licenses to persons who are  
39 not United States citizens.

40 Since 1993, State law has required applicants for a driver's license  
41 or permit or nondriver identification card to submit proof that their  
42 presence in the United States is authorized under federal law. The  
43 Division of Motor Vehicles (DMV) requires applicants for these  
44 licenses and permits who do not have a United States birth certificate  
45 to present a valid alien registration or work authorization (green) card.  
46 However, a serious problem exists with applicants who present

1 expired, false or counterfeit documents. Also, in recent years it has  
2 become more difficult for DMV agency personnel to verify these  
3 documents with the United States Immigration and Naturalization  
4 Service.

5 This bill grants clear statutory authority to the DMV to refuse to  
6 issue a license, permit or identification card in any case when a  
7 reasonable doubt exists as to the authenticity of the required  
8 documentation. The license, permit or card would be issued only after  
9 the document presented to establish legal residency is verified, to the  
10 satisfaction of the DMV, by the agency which issued the document.

11 The bill also closes a loophole which has allowed certain aliens  
12 whose green cards have expired to retain a legal driver's license. The  
13 bill would require any license or identification card issued to an alien  
14 to expire on the date the alien's authorization to be in the United  
15 States expires, if that date precedes the normal expiration date of the  
16 license or card. Presently, a person whose green card expires in less  
17 than four years may obtain a driver's license that is valid for four years.

18 This bill further requires a person to produce photo identification  
19 deemed acceptable by the director in order to sit for an examination  
20 for a permit or license or a road test.

21 Finally, the bill upgrades penalties for persons who sell, provide,  
22 manufacture, supply or possess a document which falsely purports to  
23 be a driver's license.

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 2708 and 2630**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED NOVEMBER 29, 2001

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**Senator GERALD CARDINALE**

**District 39 (Bergen)**

**Senator LOUIS F. KOSCO**

**District 38 (Bergen)**

**Co-Sponsored by:**

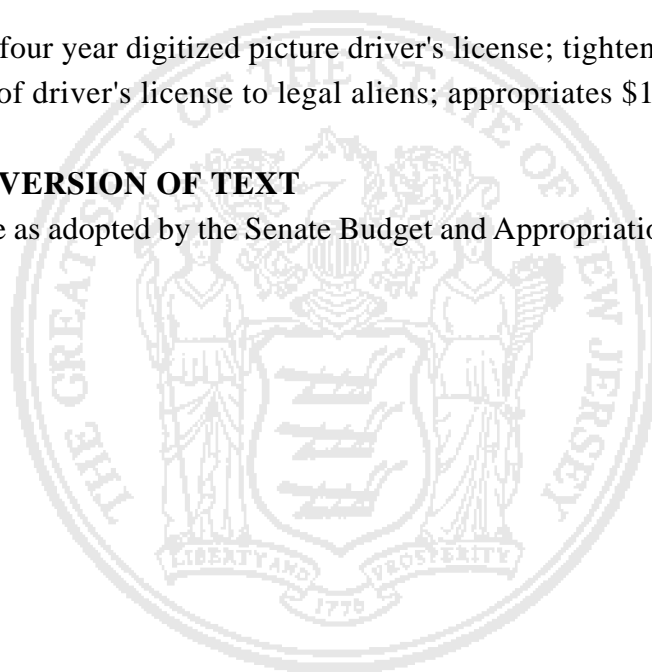
**Senators Cafiero, Allen, Robertson, Inverso, Bucco, Singer, Bark, Schluter, McNamara, Connors, Zane, Matheussen, Kyrillos, Bryant, Furnari, Vitale, Turner, O'Connor, Girgenti, Sacco, Rice, Adler, Littell, Bennett, Kenny, Baer, Himelman, O'Toole, Assemblymen DeCroce, Zecker, Gusciora, Bodine, Assemblywoman Crecco, Assemblymen Wisniewski, Merkt, Assemblywomen Myers, Heck, Assemblyman Bagger and Assemblywoman Greenstein**

**SYNOPSIS**

Requires four year digitized picture driver's license; tightens requirements for issuance of driver's license to legal aliens; appropriates \$1.5 million.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Budget and Appropriations Committee.



(Sponsorship Updated As Of: 1/8/2002)

1 **AN ACT** concerning driver's licenses and identification cards,  
2 amending the title and body of P.L.1999, c.28, amending various  
3 parts of the statutory law, supplementing chapter 3 of Title 39 of  
4 the Revised Statutes and making an appropriation.

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

8  
9 1. The title of P.L.1999, c.28 is amended to read as follows:

10 **AN ACT** concerning [10] four year driver's licenses, amending various  
11 parts of the statutory law, supplementing chapter 3 of Title 39 of  
12 the Revised Statutes, and repealing various parts of the statutory  
13 law.

14 (cf: P.L.1999, c.28, title)

15

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

17 39:3-10. No person shall drive a motor vehicle on a public  
18 highway in this State unless in possession of a validated permit, or a  
19 provisional or basic driver's license issued to him in accordance with  
20 this article.

21 No person under 18 years of age shall be issued a basic license to  
22 drive motor vehicles, nor shall a person be issued a validated permit,  
23 including a validated examination permit, until he has passed a  
24 satisfactory examination and other requirements as to his ability as an  
25 operator. The examination shall include a test of the applicant's vision,  
26 his ability to understand traffic control devices, his knowledge of safe  
27 driving practices and of the effects that ingestion of alcohol or drugs  
28 has on a person's ability to operate a motor vehicle, his knowledge of  
29 such portions of the mechanism of motor vehicles as is necessary to  
30 insure the safe operation of a vehicle of the kind or kinds indicated by  
31 the applicant and of the laws and ordinary usages of the road. No  
32 person shall sit for an examination for any permit without exhibiting  
33 photo identification deemed acceptable by the director, unless that  
34 person is a high school student participating in a course of driving  
35 education approved by the State Department of Education and  
36 conducted in a public, parochial or private school of this State,  
37 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). A road test  
38 shall be required for a provisional license and serve as a demonstration  
39 of the applicant's ability to operate a vehicle of the class designated.  
40 No person shall sit for a road test unless that person exhibits photo  
41 identification deemed acceptable by the director. A high school  
42 student who has completed a course of behind-the-wheel automobile  
43 driving education approved by the State Department of Education and

**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 conducted in a public, parochial or private school of this State, who  
2 has been issued a special learner's permit pursuant to section 1 of  
3 P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be  
4 required to exhibit photo identification in order to sit for a road test.  
5 The road test shall be given on public streets, where practicable and  
6 feasible, but may be preceded by an off-street screening process to  
7 assess basic skills. The director shall approve locations for the road  
8 test which pose no more than a minimal risk of injury to the applicant,  
9 the examiner and other motorists. No new locations for the road test  
10 shall be approved unless the test can be given on public streets.

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

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

36 Up to 20 questions may be added to the examination on subjects  
37 to be determined by the director that are of particular relevance to  
38 youthful drivers, after consultation with the Director of the Office of  
39 Highway Traffic Safety.

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

46 Any person applying for a driver's license to operate a motor

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

14 The director shall create classified licensing of drivers covering the  
15 following classifications:

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

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

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

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

27 Every applicant for a license under classification b. shall be a  
28 holder of a basic driver's license. Any issuance of a license under  
29 classification b. shall be by endorsement on the basic driver's license.

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

33 The director, upon payment of the lawful fee and after he or a  
34 person authorized by him has examined the applicant and is satisfied  
35 of the applicant's ability as an operator, may, in his discretion, issue a  
36 license to the applicant to drive a motor vehicle. The license shall  
37 authorize him to drive any registered vehicle, of the kind or kinds  
38 indicated, and shall expire, except as otherwise provided, on the last  
39 day of the [~~120th~~] 48th calendar month following the calendar month  
40 in which such license was issued.

41 The director may, at his discretion and for good cause shown, issue  
42 licenses which shall expire on a date fixed by him. If the director  
43 issues a license to a person who has demonstrated authorization to be  
44 present in the United States for a period of time shorter than the  
45 standard period of the license, the director shall fix the expiration date  
46 of the license at a date based on the period in which the person is

1 authorized to be present in the United States under federal  
2 immigration laws. The director may renew such a license only if it is  
3 demonstrated that the person's continued presence in the United States  
4 is authorized under federal law. The fee for licenses with expiration  
5 dates fixed by the director shall be fixed by the director in amounts  
6 proportionately less or greater than the fee herein established. The  
7 required fee for a license for the ~~120-month~~ 48-month period shall  
8 be as follows:

9	Motorcycle license or endorsement	<del>[\$35]</del> <u>\$18</u>
10	Omnibus or school bus endorsement	<del>[\$35]</del> <u>\$18</u>
11	Basic driver's license	<del>[\$35]</del> <u>\$18</u>

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

18 The director shall issue licenses for the following license period on  
19 and after the first day of the calendar month immediately preceding the  
20 commencement of such period, such licenses to be effective  
21 immediately.

22 All applications for renewals of licenses shall be made in a manner  
23 prescribed by the director and in accordance with procedures  
24 established by him.

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

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

37 If the director has reasonable cause to suspect that any document  
38 presented by an applicant as proof of identity, age or legal residency  
39 is altered, false or otherwise invalid, the director shall refuse to grant  
40 the permit or license until such time as the document may be verified  
41 by the issuing agency to the director's satisfaction.

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

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

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

10 (cf: P.L.1999, c.28, s.2)

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

14 1. In addition to the requirements for the form and content of a  
15 motor vehicle driver's license under R.S.39:3-10, on and after  
16 [January 1, 2000] the operative date of P.L.2001, c. (C. ) (now  
17 before the Legislature as this bill), each initial New Jersey license and  
18 each renewal of a New Jersey driver's license shall have a digitized  
19 color picture of the licensee [except that a person born before January  
20 1, 1939 or a handicapped person may elect to have a license issued  
21 that does not bear a color picture of the licensee]. All licenses issued  
22 on and after January 1, 2000 shall be valid for a period of [120] 48  
23 calendar months. However, the director may, at his discretion, issue  
24 licenses and endorsements which shall expire on a date fixed by him.  
25 The fee for such licenses or endorsements shall be fixed in amounts  
26 proportionately less or greater than the fee otherwise established.  
27 Notwithstanding the provisions of this section to the contrary, a  
28 person [62] 70 years of age or older [or a handicapped person] may  
29 elect to have a license issued for a period of [five or 10] two or four  
30 years, which election may not be altered by the director. The fee for  
31 the [five-year] two-year license shall be [proportionately less than the  
32 fee otherwise established] \$9, in addition to the fee for a digitized  
33 picture established in section 4 of P.L.2001, c. (C. )(now before the  
34 Legislature as this bill).

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



1 fee.

2 As conditions for the renewal of a driver's license, the director  
3 shall provide that the picture of a licensee be updated [except that in  
4 the case of a person born before January 1, 1939 or a handicapped  
5 person, the licensee may elect to have a license issued that does not  
6 bear a color picture of the licensee] except that the director may elect  
7 to use a stored picture to renew a license for a period not exceeding  
8 four additional years for \$18 in addition to the digitized picture fee.

9 Whenever a person has reconstructive or cosmetic surgery which  
10 significantly alters the person's facial features, the person shall notify  
11 the division and the director may require the picture of the licensee to  
12 be updated, for \$5 in addition to the digitized picture fee.

13 Nothing in this section shall be construed to alter or change any  
14 expiration date on any New Jersey driver's license issued prior to  
15 [January 1, 2000] the operative date of P.L.2001, c. (C. ) (now  
16 before the Legislature as this bill) and, unless a licensee's driving  
17 privileges are otherwise suspended or revoked, except as provided in  
18 R.S.39:3-10, that license shall remain valid until that expiration date.

19 Specific use of the driver's license and any information stored or  
20 encoded, electronically or otherwise, in relation thereto shall be in  
21 accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal  
22 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 To replace a photo-license issued prior to the effective date of this  
27 act for a licensee who is temporarily out of this State, the director may  
28 issue a "valid without picture" picture license for the unexpired term  
29 of the license.

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

33 (cf: P.L.1999, c.28, s.3)

34

35 4. (New section) The fee for a digitized picture shall be \$6 for  
36 each license, renewal or duplicate thereof, and shall be in addition to  
37 the fee presently authorized for the issuance of a driver's license  
38 pursuant to R.S.39:3-10.

39

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

42 3. The director shall provide for the use of a process or processes  
43 in the issuance of licenses with digitized color pictures that prevent,  
44 to the extent possible, the alteration, delamination, duplication,  
45 counterfeiting, photographing, forging or other modification of the  
46 license and prevent the superimposition of a digitized color picture

1 other than the authorized original on such license. The director shall  
2 provide that material used for, and the manufacturing process, of, the  
3 license shall prevent, to the greatest extent possible, any alteration,  
4 delamination, duplication, counterfeiting, photographing, forging or  
5 other modification of the license. A license that consists of a  
6 composite material that does not use lamination and offers at least the  
7 same level of security as that required by the director for  
8 noncomposite material may fulfill the requirements of this section. The  
9 director may provide for the electronic storage of the licensee's motor  
10 vehicle information, including the licensee's digitized picture and  
11 digitized signature, in a bar code, magnetic stripe or database. In  
12 addition, the director [may] shall provide that the license include  
13 features to ensure the security and integrity of the license. Any  
14 information encoded in a bar code or magnetic stripe on the license  
15 shall be limited to the following: name, address, municipality of  
16 residence, state, zip code of residence, date of birth, under 21 until  
17 xx/xx/xx (date of licensee's 21st birthday), gender, color of eyes,  
18 height, driver's license number, date of issuance, expiration date,  
19 document type, class, endorsements and restrictions, organ donor  
20 status, identification of issuer, license fee, transaction number, and the  
21 licensee's digitized picture and digitized signature. Any information  
22 encoded in a bar code or magnetic stripe on the license shall be  
23 displayed on the driver's license, which may be done in abbreviated  
24 form.

25 (cf: P.L.1999, c.28, s.4)

26

27 6. Section 22 of P.L.1990, c.103 (C.39:3-10.30) is amended to  
28 read as follows:

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

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

46 In addition to fees for a basic driver license and any

1 non-commercial endorsement and renewals thereof, the required fee  
2 for a ~~[120-month]~~ 48-month licensing period shall be ~~[\$35]~~ \$18 for  
3 each commercial driver license and renewal thereof and ~~[\$10]~~ \$2 for  
4 each endorsement and renewal thereof. In addition, the director shall  
5 charge a fee of \$6 for a digitized picture of the licensee.

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

13 Nothing in this section shall be construed to alter or change any  
14 expiration date on any New Jersey commercial driver license issued  
15 prior to ~~[January 1, 2000 and]~~ the operative date of P.L.2001, c.  
16 C.\_\_\_\_\_ (now before the Legislature as this bill) and, unless a  
17 licensee's driving privileges are otherwise suspended or revoked,  
18 except as provided in R.S.39:3-10, the license shall remain valid until  
19 its expiration date.

20 (cf: P.L.1999, c.28, s.5)

21  
22 7. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read  
23 as follows:

24 4. ~~[Each]~~ a. Except as provided in subsection b. of this section,  
25 each original identification card authorized by section 2 of this act  
26 shall, unless canceled earlier, be valid for ~~[120]~~ 48 calendar months  
27 from its date of issuance, and shall be renewable upon the request of  
28 the bearer of the card, pursuant to terms of license renewal established  
29 by the Division of Motor Vehicles, and upon payment of a fee as  
30 required by section 6 of this act. An identification card issued  
31 pursuant to this act to an applicant who is blind, disabled, or  
32 handicapped shall be valid for the life of the holder unless canceled by  
33 the holder. Cards issued prior to October 16, 1989 and valid upon the  
34 effective date of this amendatory act shall be valid for the life of the  
35 holder unless canceled by the holder. Cards issued to blind, disabled  
36 or handicapped persons between October 16, 1989 and the effective  
37 date of this amendatory act, and which are valid on the effective date  
38 of this act, shall be made valid for the life of the holder unless canceled  
39 by the holder, upon presentation of proof that the blindness, disability,  
40 or handicap existed at the time of the original application. The  
41 director is authorized to require periodic verification of information  
42 included on any identification card issued for or valid for the life of the  
43 holder. Nothing in this section shall be construed to alter or change  
44 any expiration date on any New Jersey identification card issued prior  
45 to ~~[January 1, 2000]~~ the operative date of P.L.2001, c. (C.\_\_\_\_\_)  
46 (now before the Legislature as this bill) and any such identification

1 card shall remain valid until its expiration date.

2 b. If the director issues an identification card to a person who has  
 3 demonstrated authorization to be present in the United States for a  
 4 period of time shorter than the standard periods of such cards, the  
 5 director shall fix the expiration date of the identification card at a date  
 6 based on the period in which the person is authorized to be present in  
 7 the United States under federal immigration laws. The director may  
 8 renew such an identification card only if it is demonstrated that the  
 9 person's continued presence in the United States is authorized under  
 10 federal law.

11 (cf: P.L.1999, c.28, s.8)

12

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

15 6. The Division of Motor Vehicles shall charge fees as follows:

16 Identification Card, Original	<del>[\$35]</del> <u>\$18</u>
17 Identification Card, Duplicate	\$5 [with stored color
18	picture]
19 [(Due to loss, stolen or	[\$10 with new color
20 destroyed card)]	picture]
21 Identification Card, Renewal	<del>[\$35]</del> <u>\$18</u>
22 Digitized picture	<u>\$6, in addition to the</u>
23	<u>fees required above</u>

24 (cf: P.L.1999, c.28, s.9)

25

26 9. R.S.39:3-31 is amended to read as follows:

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

44 (cf: P.L.1999, c.28, s.10)

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

2 39:3-36. [The registered owner of a motor vehicle or a motorized  
3 bicycle and a licensed operator] A licensed operator shall notify the  
4 director of [a]any change in [his] residence within one week after the  
5 change is made. Notice shall be in such form and shall contain such  
6 information as the director may require. [A person who violates this  
7 section shall be subject to a penalty of not more than \$10.] Upon  
8 notification, and payment of a fee of \$5 [if it involves a stored color  
9 picture or \$10 if it involves a new color picture] for the license in  
10 addition to the digitized picture fee, the director shall provide the  
11 [registered owner or] licensed operator [either] with a new license  
12 [or change the license currently held by that owner or operator  
13 pursuant to terms established by the Division of Motor Vehicles].

14 The registered owner of a motor vehicle or a motorized bicycle  
15 shall notify the director of any change in residence within one week  
16 after the change is made. Notice shall be in such form and shall  
17 contain such information as the director may require. Upon  
18 notification, and payment of a fee of \$5, the director shall provide the  
19 registered owner with a new registration certificate.

20 A person who violates this section shall be subject to a penalty of  
21 not more than \$25.

22 (cf: P.L.1999, c.28, s.11)

23

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

26 4. a. The fee for a [120-month] 48-month power vessel  
27 operator's license required pursuant to section 3 of P.L.1995, c.401  
28 (C.12:7-72) shall be [35] \$18 and shall be paid to the director for  
29 deposit into the State General Fund.

30 b. Each New Jersey power vessel operator's license issued  
31 pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a  
32 digitized color picture of the licensee. In addition to the fee required  
33 pursuant to subsection a. of this section, the fee for the digitized color  
34 picture shall be \$6 for each license or renewal.

35 (cf: P.L.1999, c.28, s.13)

36

37 12. R.S.39:3-13 is amended to read as follows:

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

45 The director, in his discretion, may issue for a specified period of

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

10 For six months immediately following the issuance of an  
11 examination permit, the holder who is less than 21 years of age shall  
12 operate the passenger automobile only when accompanied by, and  
13 under the supervision of, a New Jersey licensed driver who is at least  
14 21 years of age and has been licensed to drive a passenger automobile  
15 for not less than three years. The holder of an examination permit who  
16 is at least 21 years of age shall operate the passenger automobile for  
17 the first three months under such supervision. The supervising driver  
18 shall sit in the front seat of the vehicle. Whenever operating a vehicle  
19 while in possession of an examination permit, the holder of the permit  
20 shall operate the passenger automobile with only one additional  
21 passenger in the vehicle excluding persons with whom the holder  
22 resides, except that this passenger restriction shall not apply when  
23 either the permit holder or one other passenger is at least 21 years of  
24 age. Further, the holder of the permit who is less than 21 years of age  
25 shall not drive during the hours between 12:01 a.m. and 5 a.m.;  
26 provided, however, that this condition may be waived for an  
27 emergency which, in the judgment of local police, is of sufficient  
28 severity and magnitude to substantially endanger the health, safety,  
29 welfare or property of a person, or for any bona fide employment or  
30 religion-related activity if the employer or appropriate religious  
31 authority provides written verification of such activity in a manner  
32 provided for by the director. The permit holder shall also ensure that  
33 all occupants of the vehicle are secured in a properly adjusted and  
34 fastened seat belt or child restraint system.

35 When notified by a court of competent jurisdiction that an  
36 examination permit holder has been convicted of a violation which  
37 causes the permit holder to accumulate more than two motor vehicle  
38 points or has been convicted of a violation of R.S.39:4-50; section 2  
39 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);  
40 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any  
41 other motor vehicle-related law the director deems significant and  
42 applicable pursuant to regulation, in addition to any other penalty that  
43 may be imposed, the director shall, without the exercise of discretion  
44 or a hearing, suspend the examination permit holder's examination  
45 permit for 90 days. The director shall restore the permit following the  
46 term of the permit suspension if the permit holder satisfactorily

1 completes a remedial training course of not less than four hours and  
2 remits a course fee prescribed by the director. The director also shall  
3 postpone without the exercise of discretion or a hearing the issuance  
4 of a basic license for 90 days if the director is notified by a court of  
5 competent jurisdiction that the examination permit holder, after  
6 completion of the remedial training course, has been convicted of any  
7 motor vehicle violation which results in the imposition of any motor  
8 vehicle points or has been convicted of a violation of R.S.39:4-50;  
9 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182  
10 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of  
11 N.J.S.2C:12-1 or any other motor vehicle-related law the director  
12 deems significant and applicable pursuant to regulation. When the  
13 director 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 shall, without the exercise of discretion or a hearing, suspend  
18 the examination permit for six months. A fine of \$100 shall be  
19 imposed for any other violation of the conditions of the examination  
20 permit.

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

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

1 issuing agency to the director's satisfaction.

2 The holder of an examination permit shall be required to take a  
3 road test in order to obtain a basic driver's license. No road test for  
4 any 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 basic driver's 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 until at least  
10 one year shall have elapsed following the validation of the examination  
11 permit for practice driving or, in the case of an examination permit for  
12 other vehicles, until 20 days has elapsed, except that in the case of an  
13 omnibus endorsement or school bus no road test shall be scheduled  
14 until at least 10 days shall have elapsed. Every applicant for an  
15 examination permit to qualify for an omnibus endorsement or an  
16 articulated vehicle endorsement shall be a holder of a valid basic  
17 driver's license.

18 The required fees for special learners' permits and examination  
19 permits shall be as follows:

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

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

30 The specified period for which a permit is issued may be extended  
31 for not more than an additional 60 days, without payment of added  
32 fee, upon application made by the holder thereof, where the holder has  
33 applied to take the examination for a driver's license prior to the  
34 expiration of the original period for which the permit was issued and  
35 the director was unable to schedule an examination during said period.  
36 (cf: P.L.1998, c.108, s.3)

37

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

40 1. The Director of the Division of Motor Vehicles may issue to a  
41 person over 16 years of age a special learner's permit, under the hand  
42 and seal of the director, allowing such person, for the purpose of  
43 preparing himself to qualify for a provisional license for a passenger  
44 automobile by operating a dual pedal controlled motor vehicle while  
45 taking a required course of behind-the-wheel automobile driving  
46 education approved by the State Department of Education and



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

16 The special learner's permit described above, when issued to a  
17 person taking a course of behind-the-wheel driving education  
18 conducted in a public, parochial or private school, shall be retained in  
19 the office of the school principal at all times except during such time  
20 as the person to whom the permit is issued is undergoing  
21 behind-the-wheel automobile driving instruction. The director may  
22 make such rules and regulations as he may deem necessary to carry out  
23 the provisions of this section.

24 (cf: P.L.1998, c.108, s.4)

25

26 14. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read  
27 as follows:

28 2. The Division of Motor Vehicles shall issue an identification  
29 card to any resident of the State who is 17 years of age or older and  
30 who is not the holder of a valid learner's permit or a valid driver's  
31 license. The identification card shall attest to the true name, correct  
32 age, and other identifying data as certified by the applicant for such  
33 identification card. Every application for an identification card shall be  
34 signed and verified by the applicant and shall be supported by such  
35 documentary evidence of the age and identity, or blindness, disability,  
36 or handicap, of such person as the division may require. In addition  
37 to requiring an applicant for an identification card to submit  
38 satisfactory proof of identity and age, the director also shall require  
39 the applicant to provide, as a condition for obtaining the card,  
40 satisfactory proof that the applicant's presence in the United States is  
41 authorized under federal law. If the director has reasonable cause to  
42 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 shall refuse to grant the identification card until such time  
45 as the document may be verified by the issuing agency to the director's  
46 satisfaction.

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

2 15. (New section) a. There is established in the General Fund a  
3 separate special non-lapsing account to be known as the "Secure  
4 Driver's License Fund." Revenues from the fees collected for the  
5 digitized picture provided for in this act shall be credited to the fund.

6 b. Moneys in the fund shall be appropriated to the Department of  
7 Transportation for the purposes of ensuring secure driver's license  
8 documents and the handling thereof including the review, processing,  
9 production and distribution of a secure driver's license, identification  
10 card, or any related support documents required by or in relation to  
11 this act.

12 c. Any revenue credited to the fund but not appropriated to the  
13 department shall remain in the fund exclusively for the purposes set  
14 forth in this act.

15

16 16. There is hereby appropriated to the Department of  
17 Transportation from the General Fund the sum of \$1,500,000 for the  
18 cost of implementing the provisions of this act.

19

20 17. (New section) Notwithstanding the provisions of P.L.1999,  
21 c.28 (C.39:3-10f1 et al.) to the contrary, the Director of the Division  
22 of Motor Vehicles may delay the implementation of the provisions of  
23 that act, other than those set forth in section 14 thereof, until the 60th  
24 day after the director certifies to the Commissioner of Transportation  
25 that the division is prepared to issue drivers' licenses with digitized  
26 pictures of licensees, but such implementing date shall be not later than  
27 January 1, 2003. The director shall make every effort to provide the  
28 certification required for P.L.1999, c.28 to be implemented as soon as  
29 practicable.

30

31 18. This act shall take effect immediately, except that sections 3,  
32 5, 6, 8, 9, 10, 11, and the required fees for the 48-month license added  
33 to R.S. 39:3-10 by section 2 of this act shall remain inoperative until  
34 the 60th day after the Director of the Division of Motor Vehicles in  
35 the Department of Transportation certifies to the Commissioner of  
36 Transportation that the division is prepared to issue drivers' licenses  
37 with digitized pictures of licensees, but such operative date shall be no  
38 later than January 1, 2003.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2708 and 2630**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 29, 2001

The Senate Budget and Appropriations Committee reports favorably a Senate committee substitute for Senate Bill Nos. 2708 and 2630.

This substitute bill changes the provisions of existing law, which provide for a 10-year driver's license, to require the issuance instead of a four-year driver's license with a digitized color picture and removes provisions exempting elderly or handicapped persons from the requirement of having a color picture on licenses issued to them. The bill raises from 62 to 70 the age above which a senior operator becomes eligible to elect to be issued a license for one-half the standard term (now two years instead of five). The bill provides that the digitized picture, or any access thereto or use thereof, shall not be sold, leased or exchanged for value. The Director of the Division of Motor Vehicles is required to provide that the license include features to ensure the security and integrity of the license; under current law, the director is authorized but not required to do so. The director may provide for the electronic storage of the licensee's motor vehicle information, including the licensee's picture and signature, in a bar code, magnetic stripe or data base. The bill permits licenses composed of a composite material with lamination under certain circumstances.

The bill provides for a fee of \$6 for a digitized picture for each license, duplicate or renewal and establishes \$18 as the basic driver's license fee, as well as providing for changes in other fees. The fee currently charged by the Division of Motor Vehicles is \$18 for a basic photo-license and \$16 for a nonphoto license endorsement. The bill appropriates \$1.5 million to the Department of Transportation to implement the provisions of the legislation and establishes a "Secure Driver's License Fund" to receive fees collected for the digitized pictures.

Certain provisions of the substitute bill address concerns that have arisen since September 11, 2001, with respect to the use of illegally obtained drivers' licenses to establish legal identities. Since 1993, State law has required applicants for a driver's license or permit or nondriver identification card to submit proof that their presence in the United States is authorized under federal law. The Division of Motor

Vehicles (DMV) requires applicants for these licenses and permits who do not have a United States birth certificate to present a valid alien registration or work authorization (green) card. However, a serious problem exists with applicants who present expired, false or counterfeit documents. Also, in recent years it has become more difficult for DMV agency personnel to verify these documents with the United States Immigration and Naturalization Service.

This bill grants clear statutory authority to the DMV to refuse to issue a license, permit or identification card in any case when a reasonable doubt exists as to the authenticity of the required documentation. The license, permit or card would be issued only after the document presented to establish legal residency is verified, to the satisfaction of the DMV, by the agency which issued the document.

The bill also closes a loophole which has allowed certain aliens whose green cards have expired to retain a legal driver's license. The bill would require any license or identification card issued to an alien to expire on the date the alien's authorization to be in the United States expires, if that date precedes the normal expiration date of the license or card. Presently, a person whose green card expires in less than four years may obtain a driver's license that is valid for four years. The bill further requires a person to produce photo identification deemed acceptable by the director in order to sit for an examination for a permit or license or a road test; exceptions would be allowed in certain cases for high school students.

The provisions of the bill tightening requirements for the issuance of drivers' licenses to legal aliens are to be operative immediately. The operative dates of the other provisions are in general to occur 60 days after the Director of the Division of Motor Vehicles certifies that the division is prepared to issue licenses with the digitized pictures of the licensees. However, the operative dates may not extend later than January 1, 2003 and the director is to make every effort to provide the appropriate certification as soon as practicable.

#### FISCAL IMPACT

The Department of Transportation indicates that as of this date, estimates have not yet been completed of (1) the revenue increases that may be expected from the new fees for digitized pictures and revised fee schedule for basic drivers' licenses, and (2) the increases in program costs that will result from implementation of the digitization, security, electronic data storage, and other provisions of the legislation. The department further notes that uncertainties exist regarding the timing of these revenue and cost increases due to the conditional nature of the date on which some of the bill's provisions are to become operative.

The bill appropriates from the General Fund to the Department of Transportation the sum of \$1.5 million to meet the cost of implementing this legislation.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 2708 and 2630**

**STATE OF NEW JERSEY**

DATED: DECEMBER 20, 2001

The Assembly Appropriations Committee reports favorably Senate Bill Nos. 2708 and 2630 (SCS).

Senate Bill Nos. 2708 and 2630 (SCS) changes the provisions of existing law, which provides for a 10 year driver's license, to require the issuance of a four year digitized picture driver's license and removes provisions exempting elderly or handicapped persons from the requirement of having a color picture on licenses issued to them. The bill also provides that the Director of the Division of Motor Vehicles may provide for the electronic storage of the licensee's motor vehicle information, including the licensee's color picture and signature, in a bar code, magnetic strip or database.

The bill provides for a fee of \$6 for a digitized picture for each license, duplicate or renewal and establishes \$18 as the basic driver's license fee as well as providing for changes in other fees. The bill appropriates \$1.5 million to the Department of Transportation to implement the provisions of this bill and establishes a "Secure Driver's License Fund" to receive fees collected for the digitized pictures.

The bill also provides that if a person's authorization to be present in the United States expires before the expiration date of the license, the Director of the Division of Motor Vehicles shall make the expiration date of the license coincident with the expiration of the authorization to be present in the United States. The director may renew such licenses, only if it is demonstrated that the person's continued presence in the United States is authorized by federal law.

The operative dates of P.L.1999, c.28, except for section 14 thereof which took effect on February 25,1999, and of most of the sections of this bill are to occur 60 days after the Director of the Division of Motor Vehicles certifies that the division is prepared to issue licenses with the digitized pictures of the licensees. However, the operative dates may not extend later than January 1, 2003 and the director is to make every effort to provide the appropriate certification as soon as practicable.

As reported, this bill is identical to A-3955 (SCS) as also reported by the committee.

**FISCAL IMPACT:**

The DOT has indicated that fiscal estimates have not yet been completed for revenue increases which may be expected from new fees and increases in program costs. However, it is anticipated that any revenue would offset the additional program costs. This bill also appropriates from the General Fund \$1.5 million to DOT to implement this legislation.

# ASSEMBLY, No. 3955

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED NOVEMBER 29, 2001

**Sponsored by:**

**Assemblyman ALEX DECROCE**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

Requires four year digitized picture driver's license; permits enhanced data storage on license; appropriates \$1.5 million.

**CURRENT VERSION OF TEXT**

As introduced.



A3955 DECROCE

2

1 AN ACT concerning driver's licenses, amending the title and body of  
2 P.L.1999, c.28, amending various parts of the statutory law,  
3 supplementing chapter 3 of Title 39 of the Revised Statutes and  
4 making an appropriation.

5

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

8

9 1. The title of P.L.1999, c.28 is amended to read as follows:

10 AN ACT concerning [10] four year driver's licenses, amending various  
11 parts of the statutory law, supplementing chapter 3 of Title 39 of  
12 the Revised Statutes, and repealing various parts of the statutory  
13 law.

14 (cf: P.L.1999, c.28)

15

16 2. R.S.39:3-10 is amended as follows:

17 39:3-10. No person shall drive a motor vehicle on a public highway  
18 in this State unless in possession of a validated permit, or a provisional  
19 or basic driver's license issued to him in accordance with this article.

20 No person under 18 years of age shall be issued a basic license to  
21 drive motor vehicles, nor shall a person be issued a validated permit,  
22 including a validated examination permit, until he has passed a  
23 satisfactory examination and other requirements as to his ability as an  
24 operator. The examination shall include a test of the applicant's vision,  
25 his ability to understand traffic control devices, his knowledge of safe  
26 driving practices and of the effects that ingestion of alcohol or drugs  
27 has on a person's ability to operate a motor vehicle, his knowledge of  
28 such portions of the mechanism of motor vehicles as is necessary to  
29 insure the safe operation of a vehicle of the kind or kinds indicated by  
30 the applicant and of the laws and ordinary usages of the road. A road  
31 test shall be required for a provisional license and serve as a  
32 demonstration of the applicant's ability to operate a vehicle of the class  
33 designated. The road test shall be given on public streets, where  
34 practicable and feasible, but may be preceded by an off-street  
35 screening process to assess basic skills. The director shall approve  
36 locations for the road test which pose no more than a minimal risk of  
37 injury to the applicant, the examiner and other motorists. No new  
38 locations for the road test shall be approved unless the test can be  
39 given on public streets.

40 The director shall issue a basic driver's license to operate a motor  
41 vehicle other than a motorcycle to a person over 18 years of age who  
42 previously has not been licensed to drive a motor vehicle in this State  
43 or another jurisdiction only if that person has: (1) operated a passenger  
44 automobile in compliance with the requirements of this title for not

**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 less than one year, not including any period of suspension or  
2 postponement, either from the date of issuance of an examination  
3 permit pursuant to R.S.39:3-13 or a provisional license pursuant to  
4 section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed  
5 more than two motor vehicle points and has not been convicted in the  
6 previous year for a violation of R.S.39:4-50; section 2 of P.L.1981,  
7 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;  
8 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor  
9 vehicle-related violation the director determines to be significant and  
10 applicable pursuant to regulation; and (3) passed an examination of his  
11 ability to operate a motor vehicle pursuant to this section.

12 The director shall expand the driver's license examination by 20%.  
13 The additional questions to be added shall consist solely of questions  
14 developed in conjunction with the State Department of Health and  
15 Senior Services concerning the use of alcohol or drugs as related to  
16 highway safety. The director shall develop in conjunction with the  
17 State Department of Health and Senior Services supplements to the  
18 driver's manual which shall include information necessary to answer  
19 any question on the driver's license examination concerning alcohol or  
20 drugs as related to highway safety.

21 Up to 20 questions may be added to the examination on subjects to  
22 be determined by the director that are of particular relevance to  
23 youthful drivers, after consultation with the Director of the Office of  
24 Highway Traffic Safety.

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

31 Any person applying for a driver's license to operate a motor  
32 vehicle or motorized bicycle in this State shall surrender to the director  
33 any current driver's license issued to him by another state or  
34 jurisdiction upon his receipt of a driver's license for this State. The  
35 director shall refuse to issue a driver's license if the applicant fails to  
36 comply with this provision. An applicant for a permit or license who  
37 is less than 18 years of age, and who holds a permit or license for a  
38 passenger automobile issued by another state or country that is valid  
39 or has expired within a time period designated by the director, shall be  
40 subject to the permit and license requirements and penalties applicable  
41 to State permit and license applicants who are of the same age; except  
42 that if the other state or country has permit or license standards  
43 substantially similar to those of this State, the credentials of the other  
44 state or country shall be acceptable.

45 The director shall create classified licensing of drivers covering the  
46 following classifications:

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

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

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

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

12 Every applicant for a license under classification b. shall be a holder  
13 of a basic driver's license. Any issuance of a license under  
14 classification b. shall be by endorsement on the basic driver's license.

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

18 The director, upon payment of the lawful fee and after he or a  
19 person authorized by him has examined the applicant and is satisfied  
20 of the applicant's ability as an operator, may, in his discretion, issue a  
21 license to the applicant to drive a motor vehicle. The license shall  
22 authorize him to drive any registered vehicle, of the kind or kinds  
23 indicated, and shall expire, except as otherwise provided, on the last  
24 day of the ~~[120th]~~ 48th calendar month following the calendar month  
25 in which such license was issued.

26 The director may, at his discretion and for good cause shown, issue  
27 licenses which shall expire on a date fixed by him. The fee for licenses  
28 with expiration dates fixed by the director shall be fixed by the director  
29 in amounts proportionately less or greater than the fee herein  
30 established. The required fee for a license for the ~~[120-month]~~ 48-  
31 month period shall be as follows:

32 Motorcycle license or endorsement ~~[\$35]~~ \$18

33 Omnibus or school bus endorsement ~~[\$35]~~ \$18

34 Basic driver's license ~~[\$35]~~ \$18

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

41 The director shall issue licenses for the following license period on  
42 and after the first day of the calendar month immediately preceding the  
43 commencement of such period, such licenses to be effective  
44 immediately.

45 All applications for renewals of licenses shall be made in a manner  
46 prescribed by the director and in accordance with procedures

1 established by him.

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

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

14 If a person's authorization to be present in the United States will  
15 expire before the expiration date of the person's license, the director  
16 shall make the expiration date of the license coincident with the  
17 expiration of the authorization to be present in the United States. The  
18 director may renew such licenses, only if it is demonstrated that the  
19 person's continued presence in the United States is authorized by  
20 federal law.

21 A person violating this section shall be subject to a fine not  
22 exceeding \$500 or imprisonment in the county jail for not more than  
23 60 days, but if that person has never been licensed to drive in this  
24 State or any other jurisdiction, he shall be subject to a fine of not less  
25 than \$200 and, in addition, the court shall issue an order to the  
26 Director of the Division of Motor Vehicles requiring the director to  
27 refuse to issue a license to operate a motor vehicle to the person for  
28 a period of not less than 180 days. The penalties provided for by this  
29 paragraph shall not be applicable in cases where failure to have actual  
30 possession of the operator's license is due to an administrative or  
31 technical error by the Division of Motor Vehicles.

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

35 (cf: P.L.1999, c.28, s.2)

36

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

39 1. In addition to the requirements for the form and content of a  
40 motor vehicle driver's license under R.S.39:3-10, on and after  
41 [January 1, 2000] the operative date of P.L.2001, c. (C. ) (now  
42 before the Legislature as this bill), each initial New Jersey license and  
43 each renewal of a New Jersey driver's license shall be digitized and  
44 have a color picture of the licensee [except that a person born before  
45 January 1, 1939 or a handicapped person may elect to have a license  
46 issued that does not bear a color picture of the licensee]. All licenses

1 issued on and after January 1, 2000 shall be valid for a period of  
2 ~~[120]~~ 48 calendar months. However, the director may, at his  
3 discretion, issue licenses and endorsements which shall expire on a  
4 date fixed by him. The fee for such licenses or endorsements shall be  
5 fixed in amounts proportionately less or greater than the fee otherwise  
6 established. Notwithstanding the provisions of this section to the  
7 contrary, a person ~~[62]~~ 70 years of age or older ~~[or a handicapped~~  
8 ~~person]~~ may elect to have a license issued for a period of ~~[five or 10]~~  
9 two or four years, which election may not be altered by the director.  
10 The fee for the ~~[five-year]~~ two-year license shall be ~~[proportionately~~  
11 ~~less than the fee otherwise established]~~ \$9, in addition to the fee for  
12 a digitized picture established in section 4 of P.L.2001, c. (C. )(now  
13 before the Legislature as this bill).

14 Each initial motor vehicle license issued to a person under the age  
15 of 21 after the ~~[effective]~~ operative date of P.L.1999, c.28 shall be  
16 conspicuously distinct, through the use of color, from the driver's  
17 licenses issued to persons 21 years of age or older. The director, in  
18 consultation with the Superintendent of State Police, shall determine  
19 the color and the manner in which ~~[that color shall be used]~~ the  
20 license is designed to achieve this result. The license shall also bear  
21 the words "UNDER 21" in a conspicuous manner. The director shall  
22 provide that upon attaining the age of 21, a licensee shall be issued a  
23 replacement driver's license for a fee of \$5 in addition to the digitized  
24 picture fee. The licensee shall also have the choice of obtaining a four  
25 year license upon the payment of all required fees therefor.

26 As conditions for the renewal of a driver's license, the director shall  
27 provide that the picture of a licensee be updated ~~[except that in the~~  
28 ~~case of a person born before January 1, 1939 or a handicapped person,~~  
29 ~~the licensee may elect to have a license issued that does not bear a~~  
30 ~~color picture of the licensee]~~ except that the director may elect to use  
31 a stored picture to renew a license for a period not exceeding four  
32 additional years for \$18 in addition to the digitized picture fee.

33 Whenever a person has reconstructive or cosmetic surgery which  
34 significantly alters the person's facial features, the person shall notify  
35 the division and the director may require the picture of the licensee to  
36 be updated, for \$5 in addition to the digitized picture fee.

37 Nothing in this section shall be construed to alter or change any  
38 expiration date on any New Jersey driver's license issued prior to  
39 ~~[January 1, 2000]~~ the operative date of P.L. , c. (C. ) (now  
40 before the Legislature as this bill) and, unless a licensee's driving  
41 privileges are otherwise suspended or revoked, that license shall  
42 remain valid until that expiration date.

43 Specific use of the driver's license and any information stored or  
44 encoded, electronically or otherwise, in relation thereto shall be in  
45 accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal

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1 Driver's Privacy Protection Act of 1994, Pub. L.103-322.

2 To replace a photo-license issued prior to the effective date of this  
3 act for a licensee who is temporarily out of this State, the director may  
4 issue a "valid without picture" picture license for the unexpired term  
5 of the license.

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

9 (cf: P.L.1999, c.28, s.3)

10

11 4. (New section) The fee for a digitized picture shall be \$6 for  
12 each license, renewal or duplicate thereof, and shall be in addition to  
13 the fee presently authorized for the issuance of a driver's license  
14 pursuant to R.S.39:3-10.

15

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

18 3. The director shall provide for the use of a process or processes  
19 in the issuance of licenses with color pictures that prevent, to the  
20 extent possible, the alteration, delamination, duplication,  
21 counterfeiting, photographing, forging or other modification of the  
22 license and prevent the superimposition of a color picture other than  
23 the authorized original on such license. The director shall provide that  
24 material used for, and the manufacturing process of, the license shall  
25 prevent, to the greatest extent possible, any alteration, delamination,  
26 duplication, counterfeiting, photographing, forging or other  
27 modification of the license. The director may provide for the  
28 electronic storage of the licensee's motor vehicle information,  
29 including the licensee's color picture and signature, in a bar code,  
30 magnetic strip or database. In addition, the director may provide that  
31 the license include features to ensure the security and integrity of the  
32 license. Any information encoded in a bar code or magnetic stripe on  
33 the license shall be limited to the following: name, address,  
34 municipality of residence, state, zip code of residence, date of birth,  
35 under 21 until xx/xx/xx (date of licensee's 21st birthday), gender, color  
36 of eyes, height, driver's license number, date of issuance, expiration  
37 date, document type, class, endorsements and restrictions, organ donor  
38 status, identification of issuer, license fee, transaction number, and the  
39 licensee's digitized picture and digitized signature. Any information  
40 encoded in a bar code or magnetic stripe on the license shall be  
41 displayed on the driver's license, which may be done in abbreviated  
42 form.

43 (cf: P.L.1999, c.28, s.4)

44

45 6. Section 22 of P.L.1990, c.103 (C.39:3-10.30) is amended as  
46 follows:

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

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

18       In addition to fees for a basic driver license and any  
19 non-commercial endorsement and renewals thereof, the required fee  
20 for a [~~120-month~~] 48-month licensing period shall be [~~\$35~~] \$18 for  
21 each commercial driver license and renewal thereof and [~~\$10~~] \$2 for  
22 each endorsement and renewal thereof. In addition, the director shall  
23 charge a fee of \$6 for the actual digitized picture of the licensee.

24       The commercial driver license shall expire on the last day of the  
25 [~~120th~~] 48th calendar month following the calendar month in which  
26 the license was issued. However, the director may, at his discretion,  
27 issue licenses and endorsements which shall expire on a date fixed by  
28 him. The fee for such licenses or endorsements shall be fixed in  
29 amounts proportionately less or greater than the fee otherwise  
30 established.

31       Nothing in this section shall be construed to alter or change any  
32 expiration date on any New Jersey commercial driver license issued  
33 prior to [~~January 1, 2000 and~~] the operative date of P.L.2001, c.  
34 (C. \_\_\_\_\_) (now before the Legislature on this bill) and, unless a  
35 licensee's driving privileges are otherwise suspended or revoked, the  
36 license shall remain valid until its expiration date.

37 (cf: P.L.1999, c.28, s.5)

38

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

41       4. Each original identification card authorized by section 2 of this  
42 act shall, unless canceled earlier, be valid for [~~120~~] 48 calendar  
43 months from its date of issuance, and shall be renewable upon the  
44 request of the bearer of the card, pursuant to terms of license renewal  
45 established by the Division of Motor Vehicles, and upon payment of  
46 a fee as required by section 6 of this act. An identification card issued

1 pursuant to this act to an applicant who is blind, disabled, or  
 2 handicapped shall be valid for the life of the holder unless canceled by  
 3 the holder. Cards issued prior to October 16, 1989 and valid upon the  
 4 effective date of this amendatory act shall be valid for the life of the  
 5 holder unless canceled by the holder. Cards issued to blind, disabled  
 6 or handicapped persons between October 16, 1989 and the effective  
 7 date of this amendatory act, and which are valid on the effective date  
 8 of this act, shall be made valid for the life of the holder unless canceled  
 9 by the holder, upon presentation of proof that the blindness, disability,  
 10 or handicap existed at the time of the original application. The  
 11 director is authorized to require periodic verification of information  
 12 included on any identification card issued for or valid for the life of the  
 13 holder. Nothing in this section shall be construed to alter or change  
 14 any expiration date on any New Jersey identification card issued prior  
 15 to [January 1, 2000] the operative date of P.L.2001, c. (C. \_\_\_\_\_)  
 16 (now before the Legislature as this bill) and any such identification  
 17 card shall remain valid until its expiration date.

18 (cf: P.L.1999, c.28, s.8)

19

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

- 22 6. The Division of Motor Vehicles shall charge fees as follows:
- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| 23 Identification Card, Original  | <del>[\$35]</del> <u>\$18</u>       |
| 24 Identification Card, Duplicate | \$5 [with stored color              |
| 25                                | picture]                            |
| 26 [(Due to loss, stolen or       | [\$10 with new color                |
| 27 destroyed card)]               | picture]                            |
| 28 Identification Card, Renewal   | <del>[\$35]</del> <u>\$18</u>       |
| 29 <u>Digitized picture</u>       | <u>\$6, in addition to the fees</u> |
| 30                                | <u>required above</u>               |

31 (cf: P.L.1999, c.28, s.9)

32

33 9. R.S.39:3-31 is amended to read as follows:

34 39:3-31. The director, upon presentation of a statement duly sworn  
 35 to, stating that the original registration certificate or original  
 36 motorized bicycle registration certificate has been destroyed, lost or  
 37 stolen, may, if he is satisfied that the facts as set forth in the statement  
 38 are substantially true, issue a duplicate or amended registration  
 39 certificate or motorized bicycle registration certificate to the original  
 40 holder thereof, upon the payment to the director of a fee of \$5 for  
 41 each duplicate or amended registration certificate or motorized bicycle  
 42 registration certificate so issued. The director, upon presentation of  
 43 a statement, duly sworn to, stating that the original driver's license has  
 44 been destroyed, lost or stolen, or requesting a new color picture, may,  
 45 if he is satisfied that the facts as set forth in the statement are  
 46 substantially true, issue a duplicate driver's license to the original

1 holder thereof, upon payment to the director of a fee of \$5 [if the  
2 color picture used is a stored color picture or \$10 if the color picture  
3 used is a new color picture for each duplicate driver's license so  
4 issued] in addition to the digitized picture fee.

5 (cf: P.L.1999, c.28, s.10)

6

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

8 39:3-36. [The registered owner of a motor vehicle or a motorized  
9 bicycle and a licensed operator] A licensed operator shall notify the  
10 director of [a] any change in [his] residence within one week after the  
11 change is made. Notice shall be in such form and shall contain such  
12 information as the director may require. A person who violates this  
13 section shall be subject to a penalty of not more than [~~\$10~~] \$25.  
14 Upon notification, and payment of a fee of \$5 [if it involves a stored  
15 color picture or \$10 if it involves a new color picture] for the license  
16 in addition to the digitized picture fee, the director shall provide the  
17 [registered owner or] licensed operator [either] with a new license  
18 [or change the license currently held by that owner or operator  
19 pursuant to terms established by the Division of Motor Vehicles].

20 The registered owner of a motor vehicle or a motorized bicycle  
21 shall notify the director of any change in residence within one week  
22 after the change is made. Notice shall be in such form and shall  
23 contain such information as the director may require. A person who  
24 violates this section shall be subject to a penalty of not more than \$25.  
25 Upon notification, and payment of a fee of \$5, the director shall  
26 provide the registered owner with a new registration certificate.

27 (cf: P.L.1999, c.28, s.11)

28

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

31 4. a. The fee for a [~~120-month~~] 48-month power vessel operator's  
32 license required pursuant to section 3 of P.L.1995, c.401 (C.12:7-72)  
33 shall be [~~\$35~~] \$18 and shall be paid to the director for deposit into the  
34 State General Fund.

35 b. Each New Jersey power vessel operator's license issued pursuant  
36 to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a color picture  
37 of the licensee. In addition to the fee required pursuant to subsection  
38 a, of this section, the fee for the picture shall be \$6 for each license or  
39 renewal.

40 (cf: P.L.1999, c.28, s.13)

41

42 12. (New section) a. There is established in the General Fund a  
43 separate special non-lapsing account to be known as the "Secure  
44 Driver's License Fund." Revenues from the fees collected for the  
45 digitized picture provided for in this act shall be credited to the fund.





1 digitized picture driver's license and removes provisions exempting  
2 elderly or handicapped persons from the requirement of having a color  
3 picture on licenses issued to them. The bill also provides that the  
4 Director of the Division of Motor Vehicles may provide for the  
5 electronic storage of the licensee's motor vehicle information,  
6 including the licensee's color picture and signature, in a bar code,  
7 magnetic strip or database.

8 The bill provides for a fee of \$6 for a digitized picture for each  
9 license, duplicate or renewal and establishes \$18 as the basic driver's  
10 license fee as well as providing for changes in other fees. The bill  
11 appropriates \$1.5 million to the Department of Transportation to  
12 implement the provisions of this bill and establishes a "Secure Driver's  
13 License Fund" to receive fees collected for the digitized pictures.

14 The bill also provides that if a person's authorization to be present  
15 in the United States expires before the expiration date of the license,  
16 the Director of the Division of Motor Vehicles shall make the  
17 expiration date of the license coincident with the expiration of the  
18 authorization to be present in the United States. The director may  
19 renew such licenses, only if it is demonstrated that the person's  
20 continued presence in the United States is authorized by federal law.

21 The operative dates of P.L.1999, c.28, except for section 14 thereof  
22 which took effect on February 25,1999, and of most of the sections  
23 of this bill are to occur 60 days after the Director of the Division of  
24 Motor Vehicles certifies that the division is prepared to issue licenses  
25 with the digitized pictures of the licensees. However, the operative  
26 dates may not extend later than January 1, 2003 and the director is to  
27 make every effort to provide the appropriate certification as soon as  
28 practicable.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3955**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 6, 2001

The Assembly Transportation Committee reports favorably an Assembly committee substitute for Assembly Bill No. 3955.

This substitute bill changes the provisions of existing law, which provide for a 10-year driver's license, to require the issuance instead of a four-year driver's license with a digitized color picture and removes provisions exempting elderly or handicapped persons from the requirement of having a color picture on licenses issued to them. The substitute bill raises from 62 to 70 the age above which a senior operator becomes eligible to elect to be issued a license for one-half the standard term (now two years instead of five). The substitute bill provides that the digitized picture, or any access thereto or use thereof, shall not be sold, leased or exchanged for value. The Director of the Division of Motor Vehicles is required to provide that the license include features to ensure the security and integrity of the license; under current law, the director is authorized but not required to do so. The director may provide for the electronic storage of the licensee's motor vehicle information, including the licensee's picture and signature, in a bar code, magnetic stripe or data base. The substitute bill permits licenses composed of a composite material with lamination under certain circumstances.

The substitute bill provides for a fee of \$6 for a digitized picture for each license, duplicate or renewal and establishes \$18 as the basic driver's license fee, as well as providing for changes in other fees. The fee currently charged by the Division of Motor Vehicles is \$18 for a basic photo-license and \$16 for a nonphoto license endorsement. The substitute bill appropriates \$1.5 million to the Department of Transportation to implement the provisions of the legislation and establishes a "Secure Driver's License Fund" to receive fees collected for the digitized pictures.

Certain provisions of the substitute bill address concerns that have arisen since September 11, 2001, with respect to the use of illegally obtained drivers' licenses to establish legal identities. Since 1993, State law has required applicants for a driver's license or permit or nondriver identification card to submit proof that their presence in the United States is authorized under federal law. The Division of Motor

Vehicles (DMV) requires applicants for these licenses and permits who do not have a United States birth certificate to present a valid alien registration or work authorization (green) card. However, a serious problem exists with applicants who present expired, false or counterfeit documents. Also, in recent years it has become more difficult for DMV agency personnel to verify these documents with the United States Immigration and Naturalization Service.

This substitute bill grants clear statutory authority to the DMV to refuse to issue a license, permit or identification card in any case when a reasonable doubt exists as to the authenticity of the required documentation. The license, permit or card would be issued only after the document presented to establish legal residency is verified, to the satisfaction of the DMV, by the agency which issued the document.

The substitute bill also closes a loophole which has allowed certain aliens whose green cards have expired to retain a legal driver's license. The substitute bill would require any license or identification card issued to an alien to expire on the date the alien's authorization to be in the United States expires, if that date precedes the normal expiration date of the license or card. Presently, a person whose green card expires in less than four years may obtain a driver's license that is valid for four years. The substitute bill further requires a person to produce photo identification deemed acceptable by the director in order to sit for an examination for a permit or license or a road test; exceptions would be allowed in certain cases for high school students.

The provisions of the substitute bill tightening requirements for the issuance of drivers' licenses to legal aliens are to be operative immediately. The operative dates of the other provisions are in general to occur 60 days after the Director of the Division of Motor Vehicles certifies that the division is prepared to issue licenses with the digitized pictures of the licensees. However, the operative dates may not extend later than January 1, 2003 and the director is to make every effort to provide the appropriate certification as soon as practicable.

As reported by the committee, this committee substitute is identical to the Senate committee substitute for S-2708 and S-2630, released by the Senate Budget and Appropriations Committee on November 29, 2001.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3955**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED DECEMBER 6, 2001

**Sponsored by:**

**Assemblyman ALEX DECROCE**  
**District 26 (Essex, Morris and Passaic)**  
**Assemblyman GERALD H. ZECKER**  
**District 34 (Essex and Passaic)**  
**Assemblyman REED GUSCIORA**  
**District 15 (Mercer)**

**Co-Sponsored by:**

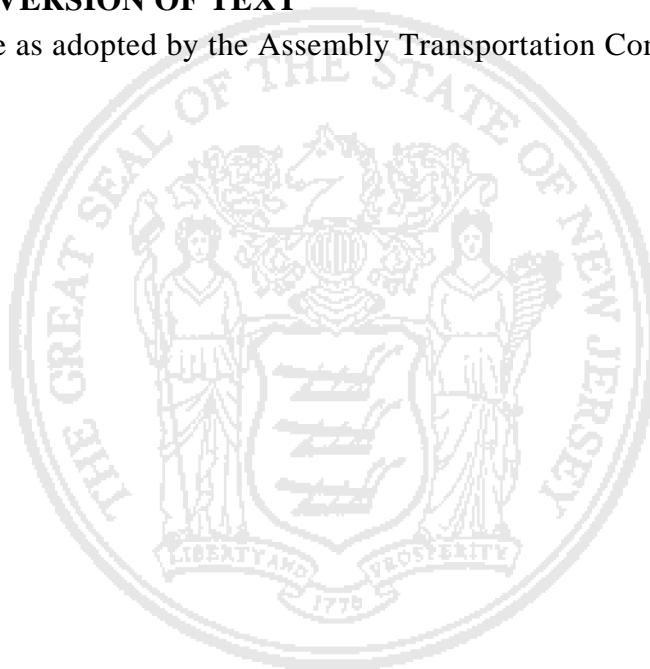
**Assemblyman Bodine, Assemblywoman Crecco, Assemblymen Wisniewski, Merkt, Assemblywomen Myers, Heck, Assemblyman Bagger and Assemblywoman Greenstein**

**SYNOPSIS**

Requires four year digitized picture driver's license; tightens requirements for issuance of driver's license to legal aliens; appropriates \$1.5 million.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Transportation Committee.



**(Sponsorship Updated As Of: 1/4/2002)**

1 **AN ACT** concerning driver's licenses and identification cards,  
2 amending the title and body of P.L.1999, c.28, amending various  
3 parts of the statutory law, supplementing chapter 3 of Title 39 of  
4 the Revised Statutes and making an appropriation.

5

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

8

9 1. The title of P.L.1999, c.28 is amended to read as follows:

10 **AN ACT** concerning [10] four year driver's licenses, amending various  
11 parts of the statutory law, supplementing chapter 3 of Title 39 of  
12 the Revised Statutes, and repealing various parts of the statutory  
13 law.

14 (cf: P.L.1999, c.28, title)

15

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

17 39:3-10. No person shall drive a motor vehicle on a public  
18 highway in this State unless in possession of a validated permit, or a  
19 provisional or basic driver's license issued to him in accordance with  
20 this article.

21 No person under 18 years of age shall be issued a basic license to  
22 drive motor vehicles, nor shall a person be issued a validated permit,  
23 including a validated examination permit, until he has passed a  
24 satisfactory examination and other requirements as to his ability as an  
25 operator. The examination shall include a test of the applicant's vision,  
26 his ability to understand traffic control devices, his knowledge of safe  
27 driving practices and of the effects that ingestion of alcohol or drugs  
28 has on a person's ability to operate a motor vehicle, his knowledge of  
29 such portions of the mechanism of motor vehicles as is necessary to  
30 insure the safe operation of a vehicle of the kind or kinds indicated by  
31 the applicant and of the laws and ordinary usages of the road. No  
32 person shall sit for an examination for any permit without exhibiting  
33 photo identification deemed acceptable by the director, unless that  
34 person is a high school student participating in a course of driving  
35 education approved by the State Department of Education and  
36 conducted in a public, parochial or private school of this State,  
37 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). A road test  
38 shall be required for a provisional license and serve as a demonstration  
39 of the applicant's ability to operate a vehicle of the class designated.  
40 No person shall sit for a road test unless that person exhibits photo  
41 identification deemed acceptable by the director. A high school  
42 student who has completed a course of behind-the-wheel automobile  
43 driving education approved by the State Department of Education and

**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 conducted in a public, parochial or private school of this State, who  
2 has been issued a special learner's permit pursuant to section 1 of  
3 P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be  
4 required to exhibit photo identification in order to sit for a road test.

5 The road test shall be given on public streets, where practicable and  
6 feasible, but may be preceded by an off-street screening process to  
7 assess basic skills. The director shall approve locations for the road  
8 test which pose no more than a minimal risk of injury to the applicant,  
9 the examiner and other motorists. No new locations for the road test  
10 shall be approved unless the test can be given on public streets.

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

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

36 Up to 20 questions may be added to the examination on subjects  
37 to be determined by the director that are of particular relevance to  
38 youthful drivers, after consultation with the Director of the Office of  
39 Highway Traffic Safety.

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

46 Any person applying for a driver's license to operate a motor

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

14 The director shall create classified licensing of drivers covering the  
15 following classifications:

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

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

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

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

27 Every applicant for a license under classification b. shall be a  
28 holder of a basic driver's license. Any issuance of a license under  
29 classification b. shall be by endorsement on the basic driver's license.

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

33 The director, upon payment of the lawful fee and after he or a  
34 person authorized by him has examined the applicant and is satisfied  
35 of the applicant's ability as an operator, may, in his discretion, issue a  
36 license to the applicant to drive a motor vehicle. The license shall  
37 authorize him to drive any registered vehicle, of the kind or kinds  
38 indicated, and shall expire, except as otherwise provided, on the last  
39 day of the [~~120th~~] 48th calendar month following the calendar month  
40 in which such license was issued.

41 The director may, at his discretion and for good cause shown, issue  
42 licenses which shall expire on a date fixed by him. If the director  
43 issues a license to a person who has demonstrated authorization to be  
44 present in the United States for a period of time shorter than the  
45 standard period of the license, the director shall fix the expiration date  
46 of the license at a date based on the period in which the person is



1 authorized to be present in the United States under federal  
2 immigration laws. The director may renew such a license only if it is  
3 demonstrated that the person's continued presence in the United States  
4 is authorized under federal law. The fee for licenses with expiration  
5 dates fixed by the director shall be fixed by the director in amounts  
6 proportionately less or greater than the fee herein established. The  
7 required fee for a license for the ~~120-month~~ 48-month period shall  
8 be as follows:

9	Motorcycle license or endorsement	<del>[\$35]</del> <u>\$18</u>
10	Omnibus or school bus endorsement	<del>[\$35]</del> <u>\$18</u>
11	Basic driver's license	<del>[\$35]</del> <u>\$18</u>

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

18 The director shall issue licenses for the following license period on  
19 and after the first day of the calendar month immediately preceding the  
20 commencement of such period, such licenses to be effective  
21 immediately.

22 All applications for renewals of licenses shall be made in a manner  
23 prescribed by the director and in accordance with procedures  
24 established by him.

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

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

37 If the director has reasonable cause to suspect that any document  
38 presented by an applicant as proof of identity, age or legal residency  
39 is altered, false or otherwise invalid, the director shall refuse to grant  
40 the permit or license until such time as the document may be verified  
41 by the issuing agency to the director's satisfaction.

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

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

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

10 (cf: P.L.1999, c.28, s.2)

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

14 1. In addition to the requirements for the form and content of a  
15 motor vehicle driver's license under R.S.39:3-10, on and after  
16 [January 1, 2000] the operative date of P.L.2001, c. (C. ) (now  
17 before the Legislature as this bill), each initial New Jersey license and  
18 each renewal of a New Jersey driver's license shall have a digitized  
19 color picture of the licensee [except that a person born before January  
20 1, 1939 or a handicapped person may elect to have a license issued  
21 that does not bear a color picture of the licensee]. All licenses issued  
22 on and after January 1, 2000 shall be valid for a period of [120] 48  
23 calendar months. However, the director may, at his discretion, issue  
24 licenses and endorsements which shall expire on a date fixed by him.  
25 The fee for such licenses or endorsements shall be fixed in amounts  
26 proportionately less or greater than the fee otherwise established.  
27 Notwithstanding the provisions of this section to the contrary, a  
28 person [62] 70 years of age or older [or a handicapped person] may  
29 elect to have a license issued for a period of [five or 10] two or four  
30 years, which election may not be altered by the director. The fee for  
31 the [five-year] two-year license shall be [proportionately less than the  
32 fee otherwise established] \$9, in addition to the fee for a digitized  
33 picture established in section 4 of P.L.2001, c. (C. )(now before the  
34 Legislature as this bill).

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

1 fee.

2 As conditions for the renewal of a driver's license, the director  
3 shall provide that the picture of a licensee be updated [except that in  
4 the case of a person born before January 1, 1939 or a handicapped  
5 person, the licensee may elect to have a license issued that does not  
6 bear a color picture of the licensee] except that the director may elect  
7 to use a stored picture to renew a license for a period not exceeding  
8 four additional years for \$18 in addition to the digitized picture fee.

9 Whenever a person has reconstructive or cosmetic surgery which  
10 significantly alters the person's facial features, the person shall notify  
11 the division and the director may require the picture of the licensee to  
12 be updated, for \$5 in addition to the digitized picture fee.

13 Nothing in this section shall be construed to alter or change any  
14 expiration date on any New Jersey driver's license issued prior to  
15 [January 1, 2000] the operative date of P.L.2001, c. (C. ) (now  
16 before the Legislature as this bill) and, unless a licensee's driving  
17 privileges are otherwise suspended or revoked, except as provided in  
18 R.S.39:3-10, that license shall remain valid until that expiration date.

19 Specific use of the driver's license and any information stored or  
20 encoded, electronically or otherwise, in relation thereto shall be in  
21 accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal  
22 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 To replace a photo-license issued prior to the effective date of this  
27 act for a licensee who is temporarily out of this State, the director may  
28 issue a "valid without picture" picture license for the unexpired term  
29 of the license.

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

33 (cf: P.L.1999, c.28, s.3)

34

35 4. (New section) The fee for a digitized picture shall be \$6 for  
36 each license, renewal or duplicate thereof, and shall be in addition to  
37 the fee presently authorized for the issuance of a driver's license  
38 pursuant to R.S.39:3-10.

39

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

42 3. The director shall provide for the use of a process or processes  
43 in the issuance of licenses with digitized color pictures that prevent,  
44 to the extent possible, the alteration, delamination, duplication,  
45 counterfeiting, photographing, forging or other modification of the  
46 license and prevent the superimposition of a digitized color picture

1 other than the authorized original on such license. The director shall  
2 provide that material used for, and the manufacturing process, of, the  
3 license shall prevent, to the greatest extent possible, any alteration,  
4 delamination, duplication, counterfeiting, photographing, forging or  
5 other modification of the license. A license that consists of a  
6 composite material that does not use lamination and offers at least the  
7 same level of security as that required by the director for  
8 noncomposite material may fulfill the requirements of this section. The  
9 director may provide for the electronic storage of the licensee's motor  
10 vehicle information, including the licensee's digitized picture and  
11 digitized signature, in a bar code, magnetic stripe or database. In  
12 addition, the director [may] shall provide that the license include  
13 features to ensure the security and integrity of the license. Any  
14 information encoded in a bar code or magnetic stripe on the license  
15 shall be limited to the following: name, address, municipality of  
16 residence, state, zip code of residence, date of birth, under 21 until  
17 xx/xx/xx (date of licensee's 21st birthday), gender, color of eyes,  
18 height, driver's license number, date of issuance, expiration date,  
19 document type, class, endorsements and restrictions, organ donor  
20 status, identification of issuer, license fee, transaction number, and the  
21 licensee's digitized picture and digitized signature. Any information  
22 encoded in a bar code or magnetic stripe on the license shall be  
23 displayed on the driver's license, which may be done in abbreviated  
24 form.

25 (cf: P.L.1999, c.28, s.4)

26

27 6. Section 22 of P.L.1990, c.103 (C.39:3-10.30) is amended to  
28 read as follows:

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

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

46 In addition to fees for a basic driver license and any

1 non-commercial endorsement and renewals thereof, the required fee  
2 for a ~~[120-month]~~ 48-month licensing period shall be ~~[\$35]~~ \$18 for  
3 each commercial driver license and renewal thereof and ~~[\$10]~~ \$2 for  
4 each endorsement and renewal thereof. In addition, the director shall  
5 charge a fee of \$6 for a digitized picture of the licensee.

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

13 Nothing in this section shall be construed to alter or change any  
14 expiration date on any New Jersey commercial driver license issued  
15 prior to ~~[January 1, 2000 and]~~ the operative date of P.L.2001, c.  
16 C.\_\_\_\_\_ ) (now before the Legislature as this bill) and, unless a  
17 licensee's driving privileges are otherwise suspended or revoked,  
18 except as provided in R.S.39:3-10, the license shall remain valid until  
19 its expiration date.

20 (cf: P.L.1999, c.28, s.5)

21  
22 7. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read  
23 as follows:

24 4. ~~[Each]~~ a. Except as provided in subsection b. of this section,  
25 each original identification card authorized by section 2 of this act  
26 shall, unless canceled earlier, be valid for ~~[120]~~ 48 calendar months  
27 from its date of issuance, and shall be renewable upon the request of  
28 the bearer of the card, pursuant to terms of license renewal established  
29 by the Division of Motor Vehicles, and upon payment of a fee as  
30 required by section 6 of this act. An identification card issued  
31 pursuant to this act to an applicant who is blind, disabled, or  
32 handicapped shall be valid for the life of the holder unless canceled by  
33 the holder. Cards issued prior to October 16, 1989 and valid upon the  
34 effective date of this amendatory act shall be valid for the life of the  
35 holder unless canceled by the holder. Cards issued to blind, disabled  
36 or handicapped persons between October 16, 1989 and the effective  
37 date of this amendatory act, and which are valid on the effective date  
38 of this act, shall be made valid for the life of the holder unless canceled  
39 by the holder, upon presentation of proof that the blindness, disability,  
40 or handicap existed at the time of the original application. The  
41 director is authorized to require periodic verification of information  
42 included on any identification card issued for or valid for the life of the  
43 holder. Nothing in this section shall be construed to alter or change  
44 any expiration date on any New Jersey identification card issued prior  
45 to ~~[January 1, 2000]~~ the operative date of P.L.2001, c. (C.\_\_\_\_\_ )  
46 (now before the Legislature as this bill) and any such identification

1 card shall remain valid until its expiration date.

2 b. If the director issues an identification card to a person who has  
 3 demonstrated authorization to be present in the United States for a  
 4 period of time shorter than the standard periods of such cards, the  
 5 director shall fix the expiration date of the identification card at a date  
 6 based on the period in which the person is authorized to be present in  
 7 the United States under federal immigration laws. The director may  
 8 renew such an identification card only if it is demonstrated that the  
 9 person's continued presence in the United States is authorized under  
 10 federal law.

11 (cf: P.L.1999, c.28, s.8)

12

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

15 6. The Division of Motor Vehicles shall charge fees as follows:

16 Identification Card, Original	[\$35] <u>\$18</u>
17 Identification Card, Duplicate	\$5 [with stored color
18	picture]
19 [(Due to loss, stolen or	[\$10 with new color
20 destroyed card)]	picture]
21 Identification Card, Renewal	[\$35] <u>\$18</u>
22 <u>Digitized picture</u>	<u>\$6, in addition to the</u>
23	<u>fees required above</u>

24 (cf: P.L.1999, c.28, s.9)

25

26 9. R.S.39:3-31 is amended to read as follows:

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

44 (cf: P.L.1999, c.28, s.10)

45

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

1        39:3-36. [The registered owner of a motor vehicle or a motorized  
2 bicycle and a licensed operator] A licensed operator shall notify the  
3 director of [a] any change in [his] residence within one week after  
4 the change is made. Notice shall be in such form and shall contain  
5 such information as the director may require. [A person who violates  
6 this section shall be subject to a penalty of not more than \$10.] Upon  
7 notification, and payment of a fee of \$5 [if it involves a stored color  
8 picture or \$10 if it involves a new color picture] for the license in  
9 addition to the digitized picture fee, the director shall provide the  
10 [registered owner or] licensed operator [either] with a new license  
11 [or change the license currently held by that owner or operator  
12 pursuant to terms established by the Division of Motor Vehicles].

13        The registered owner of a motor vehicle or a motorized bicycle  
14 shall notify the director of any change in residence within one week  
15 after the change is made. Notice shall be in such form and shall  
16 contain such information as the director may require. Upon  
17 notification, and payment of a fee of \$5, the director shall provide the  
18 registered owner with a new registration certificate.

19        A person who violates this section shall be subject to a penalty of  
20 not more than \$25.

21 (cf: P.L.1999, c.28, s.11)

22

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

25        4. a. The fee for a [120-month] 48-month power vessel  
26 operator's license required pursuant to section 3 of P.L.1995, c.401  
27 (C.12:7-72) shall be [\$35] \$18 and shall be paid to the director for  
28 deposit into the State General Fund.

29        b. Each New Jersey power vessel operator's license issued  
30 pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a  
31 digitized color picture of the licensee. In addition to the fee required  
32 pursuant to subsection a. of this section, the fee for the digitized color  
33 picture shall be \$6 for each license or renewal.

34 (cf: P.L.1999, c.28, s.13)

35

36        12. R.S.39:3-13 is amended to read as follows:

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

44        The director, in his discretion, may issue for a specified period of  
45 not less than one year an examination permit to operate a passenger

1 automobile to a person over 17 years of age regardless of whether a  
2 person has completed a course of behind-the-wheel automobile driving  
3 education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). An  
4 examination permit applicant who is under 18 years of age shall obtain  
5 the signature of a parent or guardian for submission to the division on  
6 a form prescribed by the director. The director shall postpone for six  
7 months the driving privileges of any person who submits a fraudulent  
8 signature for a parent or guardian.

9 For six months immediately following the issuance of an  
10 examination permit, the holder who is less than 21 years of age shall  
11 operate the passenger automobile only when accompanied by, and  
12 under the supervision of, a New Jersey licensed driver who is at least  
13 21 years of age and has been licensed to drive a passenger automobile  
14 for not less than three years. The holder of an examination permit who  
15 is at least 21 years of age shall operate the passenger automobile for  
16 the first three months under such supervision. The supervising driver  
17 shall sit in the front seat of the vehicle. Whenever operating a vehicle  
18 while in possession of an examination permit, the holder of the permit  
19 shall operate the passenger automobile with only one additional  
20 passenger in the vehicle excluding persons with whom the holder  
21 resides, except that this passenger restriction shall not apply when  
22 either the permit holder or one other passenger is at least 21 years of  
23 age. Further, the holder of the permit who is less than 21 years of age  
24 shall not drive during the hours between 12:01 a.m. and 5 a.m.;  
25 provided, however, that this condition may be waived for an  
26 emergency which, in the judgment of local police, is of sufficient  
27 severity and magnitude to substantially endanger the health, safety,  
28 welfare or property of a person, or for any bona fide employment or  
29 religion-related activity if the employer or appropriate religious  
30 authority provides written verification of such activity in a manner  
31 provided for by the director. The permit holder shall also ensure that  
32 all occupants of the vehicle are secured in a properly adjusted and  
33 fastened seat belt or child restraint system.

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



1 remits a course fee prescribed by the director. The director also shall  
2 postpone without the exercise of discretion or a hearing the issuance  
3 of a basic license for 90 days if the director is notified by a court of  
4 competent jurisdiction that the examination permit holder, after  
5 completion of the remedial training course, has been convicted of any  
6 motor vehicle violation which results in the imposition of any motor  
7 vehicle points or has been convicted of a violation of R.S.39:4-50;  
8 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182  
9 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of  
10 N.J.S.2C:12-1 or any other motor vehicle-related law the director  
11 deems significant and applicable pursuant to regulation. When the  
12 director is notified by a court of competent jurisdiction that an  
13 examination permit holder has been convicted of any alcohol or  
14 drug-related offense unrelated to the operation of a motor vehicle and  
15 is not otherwise subject to any other suspension penalty therefor, the  
16 director shall, without the exercise of discretion or a hearing, suspend  
17 the examination permit for six months. A fine of \$100 shall be  
18 imposed for any other violation of the conditions of the examination  
19 permit.

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

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

1 The holder of an examination permit shall be required to take a  
 2 road test in order to obtain a basic driver's license. No road test for  
 3 any person who has been issued an examination permit to operate a  
 4 passenger vehicle shall be given unless the person has met the  
 5 requirements of this section. No road test for a basic driver's license  
 6 shall be given unless the applicant has first secured an examination  
 7 permit and no such road test shall be scheduled for an applicant who  
 8 has secured an examination permit for a passenger vehicle until at least  
 9 one year shall have elapsed following the validation of the examination  
 10 permit for practice driving or, in the case of an examination permit for  
 11 other vehicles, until 20 days has elapsed, except that in the case of an  
 12 omnibus endorsement or school bus no road test shall be scheduled  
 13 until at least 10 days shall have elapsed. Every applicant for an  
 14 examination permit to qualify for an omnibus endorsement or an  
 15 articulated vehicle endorsement shall be a holder of a valid basic  
 16 driver's license.

17 The required fees for special learners' permits and examination  
 18 permits shall be as follows:

19 Basic driver's license.....	up to \$10
20 Motorcycle license or endorsement.....	\$5
21 Omnibus or school bus endorsement.....	\$25
22 Articulated vehicle endorsement.....	\$15

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

29 The specified period for which a permit is issued may be extended  
 30 for not more than an additional 60 days, without payment of added  
 31 fee, upon application made by the holder thereof, where the holder has  
 32 applied to take the examination for a driver's license prior to the  
 33 expiration of the original period for which the permit was issued and  
 34 the director was unable to schedule an examination during said period.  
 35 (cf: P.L.1998, c.108, s.3)

36  
 37 13. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to read  
 38 as follows:

39 1. The Director of the Division of Motor Vehicles may issue to a  
 40 person over 16 years of age a special learner's permit, under the hand  
 41 and seal of the director, allowing such person, for the purpose of  
 42 preparing himself to qualify for a provisional license for a passenger  
 43 automobile by operating a dual pedal controlled motor vehicle while  
 44 taking a required course of behind-the-wheel automobile driving  
 45 education approved by the State Department of Education and  
 46 conducted in a public, parochial or private school of this State or a

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

15 The special learner's permit described above, when issued to a  
16 person taking a course of behind-the-wheel driving education  
17 conducted in a public, parochial or private school, shall be retained in  
18 the office of the school principal at all times except during such time  
19 as the person to whom the permit is issued is undergoing  
20 behind-the-wheel automobile driving instruction. The director may  
21 make such rules and regulations as he may deem necessary to carry out  
22 the provisions of this section.

23 (cf: P.L.1998, c.108, s.4)

24

25 14. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read  
26 as follows:

27 2. The Division of Motor Vehicles shall issue an identification  
28 card to any resident of the State who is 17 years of age or older and  
29 who is not the holder of a valid learner's permit or a valid driver's  
30 license. The identification card shall attest to the true name, correct  
31 age, and other identifying data as certified by the applicant for such  
32 identification card. Every application for an identification card shall be  
33 signed and verified by the applicant and shall be supported by such  
34 documentary evidence of the age and identity, or blindness, disability,  
35 or handicap, of such person as the division may require. In addition  
36 to requiring an applicant for an identification card to submit  
37 satisfactory proof of identity and age, the director also shall require  
38 the applicant to provide, as a condition for obtaining the card,  
39 satisfactory proof that the applicant's presence in the United States is  
40 authorized under federal law. If the director has reasonable cause to  
41 suspect that any document presented by an applicant as proof of  
42 identity, age or legal residency is altered, false or otherwise invalid,  
43 the director shall refuse to grant the identification card until such time  
44 as the document may be verified by the issuing agency to the director's  
45 satisfaction.

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

1       15. (New section) a. There is established in the General Fund a  
2 separate special non-lapsing account to be known as the "Secure  
3 Driver's License Fund." Revenues from the fees collected for the  
4 digitized picture provided for in this act shall be credited to the fund.

5       b. Moneys in the fund shall be appropriated to the Department of  
6 Transportation for the purposes of ensuring secure driver's license  
7 documents and the handling thereof including the review, processing,  
8 production and distribution of a secure driver's license, identification  
9 card, or any related support documents required by or in relation to  
10 this act.

11       c. Any revenue credited to the fund but not appropriated to the  
12 department shall remain in the fund exclusively for the purposes set  
13 forth in this act.

14

15       16. There is hereby appropriated to the Department of  
16 Transportation from the General Fund the sum of \$1,500,000 for the  
17 cost of implementing the provisions of this act.

18

19       17. (New section) Notwithstanding the provisions of P.L.1999,  
20 c.28 (C.39:3-10f1 et al.) to the contrary, the Director of the Division  
21 of Motor Vehicles may delay the implementation of the provisions of  
22 that act, other than those set forth in section 14 thereof, until the 60th  
23 day after the director certifies to the Commissioner of Transportation  
24 that the division is prepared to issue drivers' licenses with digitized  
25 pictures of licensees, but such implementing date shall be not later than  
26 January 1, 2003. The director shall make every effort to provide the  
27 certification required for P.L.1999, c.28 to be implemented as soon as  
28 practicable.

29

30       18. This act shall take effect immediately, except that sections 3,  
31 5, 6, 8, 9, 10, 11, and the required fees for the 48-month license added  
32 to R.S.39:3-10 by section 2 of this act shall remain inoperative until  
33 the 60th day after the Director of the Division of Motor Vehicles in  
34 the Department of Transportation certifies to the Commissioner of  
35 Transportation that the division is prepared to issue drivers' licenses  
36 with digitized pictures of licensees, but such operative date shall be no  
37 later than January 1, 2003.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

**ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 3955**

**STATE OF NEW JERSEY**

DATED: DECEMBER 20, 2001

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3955 (ACS).

Assembly Bill No. 3955 (ACS) changes the provisions of existing law, which provides for a 10 year driver's license, to require the issuance of a four year digitized picture driver's license and removes provisions exempting elderly or handicapped persons from the requirement of having a color picture on licenses issued to them. The bill also provides that the Director of the Division of Motor Vehicles may provide for the electronic storage of the licensee's motor vehicle information, including the licensee's color picture and signature, in a bar code, magnetic strip or database.

The bill provides for a fee of \$6 for a digitized picture for each license, duplicate or renewal and establishes \$18 as the basic driver's license fee as well as providing for changes in other fees. The bill appropriates \$1.5 million to the Department of Transportation to implement the provisions of this bill and establishes a "Secure Driver's License Fund" to receive fees collected for the digitized pictures.

The bill also provides that if a person's authorization to be present in the United States expires before the expiration date of the license, the Director of the Division of Motor Vehicles shall make the expiration date of the license coincident with the expiration of the authorization to be present in the United States. The director may renew such licenses, only if it is demonstrated that the person's continued presence in the United States is authorized by federal law.

The operative dates of P.L.1999, c.28, except for section 14 thereof which took effect on February 25,1999, and of most of the sections of this bill are to occur 60 days after the Director of the Division of Motor Vehicles certifies that the division is prepared to issue licenses with the digitized pictures of the licensees. However, the operative dates may not extend later than January 1, 2003 and the director is to make every effort to provide the appropriate certification as soon as practicable.

As reported, this bill is identical to S-2708/2630 (SCS) as also reported by the committee.

**FISCAL IMPACT:**

The DOT has indicated that fiscal estimates have not yet been completed for revenue increases which may be expected from new fees and increases in program costs. However, it is anticipated that any revenue would offset the additional program costs. This bill also appropriates from the General Fund \$1.5 million to DOT to implement this legislation.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 3955**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: JANUARY 10, 2002

**SUMMARY**

**Synopsis:** Requires four year digitized picture driver's license; permits enhanced data storage on license; appropriates \$1.5 million.

**Type of Impact:** New expenditure from General Fund offset by new revenue.

**Agencies Affected:** Division of Motor Vehicles (DMV), Department of Transportation.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	\$1,500,000	Not Yet Determined--See Comments Below	
<b>State Revenue</b>	\$0	Not Yet Determined--See Comments Below	

- ! Requires four year driver's license instead of 10 year driver's license.
- ! Provides for electronic storage of licensee's digitized color picture and digitized signature in a bar code, magnetic stripe or database.
- ! Provides for a fee of \$6 for digitized color picture and \$18 as fee for basic, four year driver's license. Current fees for a driver license picture and a four year driver's license are \$2 and \$16, respectively.
- ! Establishes "Secure Driver's License Fund" which is to be credited with revenue collected from digitized picture fees.
- ! Provides that driver's license issued to person authorized by federal law to be present in the United States shall expire on the date coincident with expiration of authorization to be in the United States.
- ! Appropriates \$1.5 million from General Fund to implement the provisions of the bill.
- ! Provides that bill takes affect immediately when enacted but remains inoperative until 60 days after the Director of the Division of Motor Vehicles (DMV) certifies that DMV is prepared to issue licenses with digitized pictures, provided, however, the operative date shall not be later than January 1, 2003.

## **BILL DESCRIPTION**

Assembly Committee Substitute for Assembly Bill No. 3955 of 2001 requires that a four year driver's license be issued instead of a 10 year driver's license. In addition, the bill provides for the electronic storage of a licensee's digitized color picture and digitized signature in a bar code, magnetic stripe or database.

A fee of \$18 would be charged for a basic, four year driver's license and an additional \$6 for a digitized, color picture. The revenue received from the fees collected from digitized color pictures would be credited to the "Secure Driver's License Fund." The monies in the fund are to be used for the security and handling of driver's license documents and any related support documents.

The bill further stipulates that a driver's license issued to a person authorized by federal law to be present in the United States shall expire on the date coincident with the expiration of the authorization to be in the United States.

The bill also appropriates \$1.5 million from the General Fund to implement the provisions contained in the bill.

Finally, the bill would take affect immediately when enacted but would remain inoperative until 60 days after the Director of the Division of Motor Vehicles certifies that DMV is prepared to issue licenses with digitized pictures, provided, however, that the operative date shall not be later than January 1, 2003.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) has informally discussed the fiscal impact of this bill with the Department of Transportation. Since the bill changes the fees charged for licenses and digitized pictures, additional revenues would be generated. There are also likely to be additional program costs in future years. However, because the bill would remain inoperative until a certain condition is met or January 1, 2003 at the latest, DMV currently estimates a need for \$1.5 million to meet FY 2002 program costs; no new revenue is expected to be generated in the current fiscal year. OLS would anticipate that no later than January 1, 2003 and based on approximately 1.8 million annual driver license transactions the new revenue generated in future fiscal years by the additional \$4 from driver license pictures and \$2 from four year driver licenses may produce about \$11 million on an annualized basis. OLS would further anticipate that the new revenue would offset the additional program costs.



ACS for A3955

3

Analyst: *Rusty Lachenauer*  
*Lead Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

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

§4 - C.39:3-10f4  
§15 - C.39:3-10f5  
§16 - Approp.  
§17 - T&E &  
Note to  
C.39:3-10f1 et al.  
§18 - Note to §§1-17

P.L. 2001, CHAPTER 391, *approved January 8, 2002*  
Senate Committee Substitute for  
Senate, Nos. 2708 and 2630

1 AN ACT concerning driver's licenses and identification cards,  
2 amending the title and body of P.L.1999, c.28, amending various  
3 parts of the statutory law, supplementing chapter 3 of Title 39 of  
4 the Revised Statutes and making an appropriation.

5

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

8

9 1. The title of P.L.1999, c.28 is amended to read as follows:

10 **ANACT** concerning [10] four year driver's licenses, amending various  
11 parts of the statutory law, supplementing chapter 3 of Title 39 of  
12 the Revised Statutes, and repealing various parts of the statutory  
13 law.

14 (cf: P.L.1999, c.28, title)

15

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

17 39:3-10. No person shall drive a motor vehicle on a public  
18 highway in this State unless in possession of a validated permit, or a  
19 provisional or basic driver's license issued to him in accordance with  
20 this article.

21 No person under 18 years of age shall be issued a basic license to  
22 drive motor vehicles, nor shall a person be issued a validated permit,  
23 including a validated examination permit, until he has passed a  
24 satisfactory examination and other requirements as to his ability as an  
25 operator. The examination shall include a test of the applicant's vision,  
26 his ability to understand traffic control devices, his knowledge of safe  
27 driving practices and of the effects that ingestion of alcohol or drugs  
28 has on a person's ability to operate a motor vehicle, his knowledge of  
29 such portions of the mechanism of motor vehicles as is necessary to  
30 insure the safe operation of a vehicle of the kind or kinds indicated by  
31 the applicant and of the laws and ordinary usages of the road. No  
32 person shall sit for an examination for any permit without exhibiting  
33 photo identification deemed acceptable by the director, unless that  
34 person is a high school student participating in a course of driving  
35 education approved by the State Department of Education and

**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 conducted in a public, parochial or private school of this State,  
2 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). A road test  
3 shall be required for a provisional license and serve as a demonstration  
4 of the applicant's ability to operate a vehicle of the class designated.  
5 No person shall sit for a road test unless that person exhibits photo  
6 identification deemed acceptable by the director. A high school  
7 student who has completed a course of behind-the-wheel automobile  
8 driving education approved by the State Department of Education and  
9 conducted in a public, parochial or private school of this State, who  
10 has been issued a special learner's permit pursuant to section 1 of  
11 P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be  
12 required to exhibit photo identification in order to sit for a road test.  
13 The road test shall be given on public streets, where practicable and  
14 feasible, but may be preceded by an off-street screening process to  
15 assess basic skills. The director shall approve locations for the road  
16 test which pose no more than a minimal risk of injury to the applicant,  
17 the examiner and other motorists. No new locations for the road test  
18 shall be approved unless the test can be given on public streets.

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

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

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

1 Highway Traffic Safety.

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

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

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

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

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

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

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

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

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

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

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

3 The director may, at his discretion and for good cause shown, issue  
4 licenses which shall expire on a date fixed by him. If the director  
5 issues a license to a person who has demonstrated authorization to be  
6 present in the United States for a period of time shorter than the  
7 standard period of the license, the director shall fix the expiration date  
8 of the license at a date based on the period in which the person is  
9 authorized to be present in the United States under federal  
10 immigration laws. The director may renew such a license only if it is  
11 demonstrated that the person's continued presence in the United States  
12 is authorized under federal law. The fee for licenses with expiration  
13 dates fixed by the director shall be fixed by the director in amounts  
14 proportionately less or greater than the fee herein established. The  
15 required fee for a license for the [~~120-month~~] 48-month period shall  
16 be as follows:

17	Motorcycle license or endorsement	<del>[\$35]</del> <u>\$18</u>
18	Omnibus or school bus endorsement	<del>[\$35]</del> <u>\$18</u>
19	Basic driver's license	<del>[\$35]</del> <u>\$18</u>

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

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

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

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

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

45 If the director has reasonable cause to suspect that any document  
46 presented by an applicant as proof of identity, age or legal residency

1 is altered, false or otherwise invalid, the director shall refuse to grant  
2 the permit or license until such time as the document may be verified  
3 by the issuing agency to the director's satisfaction.

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

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

18 (cf: P.L.1999, c.28, s.2)

19

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

22 1. In addition to the requirements for the form and content of a  
23 motor vehicle driver's license under R.S.39:3-10, on and after  
24 [January 1, 2000] the operative date of P.L.2001, c. (C. ) (now  
25 before the Legislature as this bill), each initial New Jersey license and  
26 each renewal of a New Jersey driver's license shall have a digitized  
27 color picture of the licensee [except that a person born before January  
28 1, 1939 or a handicapped person may elect to have a license issued  
29 that does not bear a color picture of the licensee]. All licenses issued  
30 on and after January 1, 2000 shall be valid for a period of [120] 48  
31 calendar months. However, the director may, at his discretion, issue  
32 licenses and endorsements which shall expire on a date fixed by him.  
33 The fee for such licenses or endorsements shall be fixed in amounts  
34 proportionately less or greater than the fee otherwise established.  
35 Notwithstanding the provisions of this section to the contrary, a  
36 person [62] 70 years of age or older [or a handicapped person] may  
37 elect to have a license issued for a period of [five or 10] two or four  
38 years, which election may not be altered by the director. The fee for  
39 the [five-year] two-year license shall be [proportionately less than the  
40 fee otherwise established] \$9, in addition to the fee for a digitized  
41 picture established in section 4 of P.L.2001, c. (C. )(now before the  
42 Legislature as this bill).

43 Each initial motor vehicle license issued to a person under the age  
44 of 21 after the effective date of P.L.1999, c.28 shall be conspicuously  
45 distinct, through the use of color and design, from the driver's licenses  
46 issued to persons 21 years of age or older. The director, in

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

9 As conditions for the renewal of a driver's license, the director  
10 shall provide that the picture of a licensee be updated [except that in  
11 the case of a person born before January 1, 1939 or a handicapped  
12 person, the licensee may elect to have a license issued that does not  
13 bear a color picture of the licensee] except that the director may elect  
14 to use a stored picture to renew a license for a period not exceeding  
15 four additional years for \$18 in addition to the digitized picture fee.

16 Whenever a person has reconstructive or cosmetic surgery which  
17 significantly alters the person's facial features, the person shall notify  
18 the division and the director may require the picture of the licensee to  
19 be updated, for \$5 in 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  
22 [January 1, 2000] the operative date of P.L.2001, c. (C. ) (now  
23 before the Legislature as this bill) and, unless a licensee's driving  
24 privileges are otherwise suspended or revoked, except as provided in  
25 R.S.39:3-10, that license shall remain valid until 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 may  
35 issue a "valid without picture" picture license for the unexpired term  
36 of the license.

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

40 (cf: P.L.1999, c.28, s.3)

41

42 4. (New section) The fee for a digitized picture shall be \$6 for  
43 each license, renewal or duplicate thereof, and shall be in addition to  
44 the fee presently authorized for the issuance of a driver's license  
45 pursuant to R.S.39:3-10.

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

3       3. The director shall provide for the use of a process or processes  
4 in the issuance of licenses with digitized color pictures that prevent,  
5 to the extent possible, the alteration, delamination, duplication,  
6 counterfeiting, photographing, forging or other modification of the  
7 license and prevent the superimposition of a digitized color picture  
8 other than the authorized original on such license. The director shall  
9 provide that material used for, and the manufacturing process, of, the  
10 license shall prevent, to the greatest extent possible, any alteration,  
11 delamination, duplication, counterfeiting, photographing, forging or  
12 other modification of the license. A license that consists of a  
13 composite material that does not use lamination and offers at least the  
14 same level of security as that required by the director for  
15 noncomposite material may fulfill the requirements of this section. The  
16 director may provide for the electronic storage of the licensee's motor  
17 vehicle information, including the licensee's digitized picture and  
18 digitized signature, in a bar code, magnetic stripe or database. In  
19 addition, the director [may] shall provide that the license include  
20 features to ensure the security and integrity of the license. Any  
21 information encoded in a bar code or magnetic stripe on the license  
22 shall be limited to the following: name, address, municipality of  
23 residence, state, zip code of residence, date of birth, under 21 until  
24 xx/xx/xx (date of licensee's 21st birthday), gender, color of eyes,  
25 height, driver's license number, date of issuance, expiration date,  
26 document type, class, endorsements and restrictions, organ donor  
27 status, identification of issuer, license fee, transaction number, and the  
28 licensee's digitized picture and digitized signature. Any information  
29 encoded in a bar code or magnetic stripe on the license shall be  
30 displayed on the driver's license, which may be done in abbreviated  
31 form.

32 (cf: P.L.1999, c.28, s.4)

33

34       6. Section 22 of P.L.1990, c.103 (C.39:3-10.30) is amended to  
35 read as follows:

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



1 or learner's permit issued on or after April 1, 1992, the director may  
2 limit the permit's validity to a specific length of time or number of  
3 testing opportunities.

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

7 In addition to fees for a basic driver license and any  
8 non-commercial endorsement and renewals thereof, the required fee  
9 for a [120-month] 48-month licensing period shall be [\$35] \$18 for  
10 each commercial driver license and renewal thereof and [\$10] \$2 for  
11 each endorsement and renewal thereof. In addition, the director shall  
12 charge a fee of \$6 for a digitized picture of the licensee.

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

20 Nothing in this section shall be construed to alter or change any  
21 expiration date on any New Jersey commercial driver license issued  
22 prior to [January 1, 2000 and] the operative date of P.L.2001, c.  
23 C. \_\_\_\_\_ (now before the Legislature as this bill) and, unless a  
24 licensee's driving privileges are otherwise suspended or revoked,  
25 except as provided in R.S.39:3-10, the license shall remain valid until  
26 its expiration date.

27 (cf: P.L.1999, c.28, s.5)

28

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

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

1 or handicap existed at the time of the original application. The  
 2 director is authorized to require periodic verification of information  
 3 included on any identification card issued for or valid for the life of the  
 4 holder. Nothing in this section shall be construed to alter or change  
 5 any expiration date on any New Jersey identification card issued prior  
 6 to [January 1, 2000] the operative date of P.L.2001, c. (C. \_\_\_\_\_)  
 7 (now before the Legislature as this bill) and any such identification  
 8 card shall remain valid until its expiration date.

9 b. If the director issues an identification card to a person who has  
 10 demonstrated authorization to be present in the United States for a  
 11 period of time shorter than the standard periods of such cards, the  
 12 director shall fix the expiration date of the identification card at a date  
 13 based on the period in which the person is authorized to be present in  
 14 the United States under federal immigration laws. The director may  
 15 renew such an identification card only if it is demonstrated that the  
 16 person's continued presence in the United States is authorized under  
 17 federal law.

18 (cf: P.L.1999, c.28, s.8)

19  
 20 8. Section 6 of P.L.1980, c.47 (C.39:3-29.7) is amended to read  
 21 as follows:

22 6. The Division of Motor Vehicles shall charge fees as follows:

23 Identification Card, Original	<del>[\$35]</del> <u>\$18</u>
24 Identification Card, Duplicate	\$5 [with stored color 25 picture]
26 [(Due to loss, stolen or 27 destroyed card)]	[\$10 with new color picture]
28 Identification Card, Renewal	<del>[\$35]</del> <u>\$18</u>
29 Digitized picture	<u>\$6, in addition to the</u> 30 <u>fees required above</u>

31 (cf: P.L.1999, c.28, s.9)

32  
 33 9. R.S.39:3-31 is amended to read as follows:

34 39:3-31. The director, upon presentation of a statement duly  
 35 sworn to, stating that the original registration certificate or original  
 36 motorized bicycle registration certificate has been destroyed, lost or  
 37 stolen, may, if he is satisfied that the facts as set forth in the statement  
 38 are substantially true, issue a duplicate or amended registration  
 39 certificate or motorized bicycle registration certificate to the original  
 40 holder thereof, upon the payment to the director of a fee of \$5 for  
 41 each duplicate or amended registration certificate or motorized bicycle  
 42 registration certificate so issued. The director, upon presentation of  
 43 a statement, duly sworn to, stating that the original driver's license has  
 44 been destroyed, lost or stolen, or requesting a new color picture, may,  
 45 if he is satisfied that the facts as set forth in the statement are  
 46 substantially true, issue a duplicate driver's license to the original

1 holder thereof, upon payment to the director of a fee of \$5 [if the  
2 color picture used is a stored color picture or \$10 if the color picture  
3 used is a new color picture for each duplicate driver's license so  
4 issued] in addition to the digitized picture fee.

5 (cf: P.L.1999, c.28, s.10)

6

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

8 39:3-36. [The registered owner of a motor vehicle or a motorized  
9 bicycle and a licensed operator] A licensed operator shall notify the  
10 director of [a] any change in [his] residence within one week after the  
11 change is made. Notice shall be in such form and shall contain such  
12 information as the director may require. [A person who violates this  
13 section shall be subject to a penalty of not more than \$10.] Upon  
14 notification, and payment of a fee of \$5 [if it involves a stored color  
15 picture or \$10 if it involves a new color picture] for the license in  
16 addition to the digitized picture fee, the director shall provide the  
17 [registered owner or] licensed operator [either] with a new license  
18 [or change the license currently held by that owner or operator  
19 pursuant to terms established by the Division of Motor Vehicles].

20 The registered owner of a motor vehicle or a motorized bicycle  
21 shall notify the director of any change in residence within one week  
22 after the change is made. Notice shall be in such form and shall  
23 contain such information as the director may require. Upon  
24 notification, and payment of a fee of \$5, the director shall provide the  
25 registered owner with a new registration certificate.

26 A person who violates this section shall be subject to a penalty of  
27 not more than \$25.

28 (cf: P.L.1999, c.28, s.11)

29

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

32 4. a. The fee for a [~~120-month~~] 48-month power vessel  
33 operator's license required pursuant to section 3 of P.L.1995, c.401  
34 (C.12:7-72) shall be [~~\$35~~] \$18 and shall be paid to the director for  
35 deposit into the State General Fund.

36 b. Each New Jersey power vessel operator's license issued  
37 pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a  
38 digitized color picture of the licensee. In addition to the fee required  
39 pursuant to subsection a. of this section, the fee for the digitized color  
40 picture shall be \$6 for each license or renewal.

41 (cf: P.L.1999, c.28, s.13)

42

43 12. R.S.39:3-13 is amended to read as follows:

44 39:3-13. The director may, in his discretion, issue to a person over  
45 17 years of age an examination permit, under the hand and seal of the

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

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

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

41 When notified by a court of competent jurisdiction that an  
42 examination permit holder has been convicted of a violation which  
43 causes the permit holder to accumulate more than two motor vehicle  
44 points or has been convicted of a violation of R.S.39:4-50; section 2  
45 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);  
46 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any

1 other motor vehicle-related law the director deems significant and  
2 applicable pursuant to regulation, in addition to any other penalty that  
3 may be imposed, the director shall, without the exercise of discretion  
4 or a hearing, suspend the examination permit holder's examination  
5 permit for 90 days. The director shall restore the permit following the  
6 term of the permit suspension if the permit holder satisfactorily  
7 completes a remedial training course of not less than four hours and  
8 remits a course fee prescribed by the director. The director also shall  
9 postpone without the exercise of discretion or a hearing the issuance  
10 of a basic license for 90 days if the director is notified by a court of  
11 competent jurisdiction that the examination permit holder, after  
12 completion of the remedial training course, has been convicted of any  
13 motor vehicle violation which results in the imposition of any motor  
14 vehicle points or has been convicted of a violation of R.S.39:4-50;  
15 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182  
16 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of  
17 N.J.S.2C:12-1 or any other motor vehicle-related law the director  
18 deems significant and applicable pursuant to regulation. When the  
19 director is notified by a court of competent jurisdiction that an  
20 examination permit holder has been convicted of any alcohol or  
21 drug-related offense unrelated to the operation of a motor vehicle and  
22 is not otherwise subject to any other suspension penalty therefor, the  
23 director shall, without the exercise of discretion or a hearing, suspend  
24 the examination permit for six months. A fine of \$100 shall be  
25 imposed for any other violation of the conditions of the examination  
26 permit.

27 An examination permit for a motorcycle or a commercial motor  
28 vehicle issued to a handicapped person, as determined by the Division  
29 of Motor Vehicles after consultation with the Department of  
30 Education, shall be valid for nine months or until the completion of the  
31 road test portion of his license examination, whichever period is  
32 shorter.

33 Each permit shall be sufficient license for the person to operate  
34 such designated class of motor vehicles in this State during the period  
35 specified, while in the company of and under the control of a driver  
36 licensed by this State to operate such designated class of motor  
37 vehicles, or, in the case of a commercial driver license permit, while in  
38 the company of and under the control of a holder of a valid  
39 commercial driver license for the appropriate license class and with the  
40 appropriate endorsements issued by this or any other state. Such  
41 person, as well as the licensed driver, except for a motor vehicle  
42 examiner administering a driving skills test, shall be held accountable  
43 for all violations of this subtitle committed by such person while in the  
44 presence of the licensed driver. In addition to requiring an applicant  
45 for an examination permit to submit satisfactory proof of identity and  
46 age, the director also shall require the applicant to provide, as a

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

8 The holder of an examination permit shall be required to take a  
9 road test in order to obtain a basic driver's license. No road test for  
10 any person who has been issued an examination permit to operate a  
11 passenger vehicle shall be given unless the person has met the  
12 requirements of this section. No road test for a basic driver's license  
13 shall be given unless the applicant has first secured an examination  
14 permit and no such road test shall be scheduled for an applicant who  
15 has secured an examination permit for a passenger vehicle until at least  
16 one year shall have elapsed following the validation of the examination  
17 permit for practice driving or, in the case of an examination permit for  
18 other vehicles, until 20 days has elapsed, except that in the case of an  
19 omnibus endorsement or school bus no road test shall be scheduled  
20 until at least 10 days shall have elapsed. Every applicant for an  
21 examination permit to qualify for an omnibus endorsement or an  
22 articulated vehicle endorsement shall be a holder of a valid basic  
23 driver's license.

24 The required fees for special learners' permits and examination  
25 permits shall be as follows:

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

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

36 The specified period for which a permit is issued may be extended  
37 for not more than an additional 60 days, without payment of added  
38 fee, upon application made by the holder thereof, where the holder has  
39 applied to take the examination for a driver's license prior to the  
40 expiration of the original period for which the permit was issued and  
41 the director was unable to schedule an examination during said period.  
42 (cf: P.L.1998, c.108, s.3)

43

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

46 1. The Director of the Division of Motor Vehicles may issue to a

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

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

30 (cf: P.L.1998, c.108, s.4)

31

32 14. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read  
33 as follows:

34 2. The Division of Motor Vehicles shall issue an identification  
35 card to any resident of the State who is 17 years of age or older and  
36 who is not the holder of a valid learner's permit or a valid driver's  
37 license. The identification card shall attest to the true name, correct  
38 age, and other identifying data as certified by the applicant for such  
39 identification card. Every application for an identification card shall be  
40 signed and verified by the applicant and shall be supported by such  
41 documentary evidence of the age and identity, or blindness, disability,  
42 or handicap, of such person as the division may require. In addition  
43 to requiring an applicant for an identification card to submit  
44 satisfactory proof of identity and age, the director also shall require  
45 the applicant to provide, as a condition for obtaining the card,  
46 satisfactory proof that the applicant's presence in the United States is

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

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

8

9 15. (New section) a. There is established in the General Fund a  
10 separate special non-lapsing account to be known as the "Secure  
11 Driver's License Fund." Revenues from the fees collected for the  
12 digitized picture provided for in this act shall be credited to the fund.

13 b. Moneys in the fund shall be appropriated to the Department of  
14 Transportation for the purposes of ensuring secure driver's license  
15 documents and the handling thereof including the review, processing,  
16 production and distribution of a secure driver's license, identification  
17 card, or any related support documents required by or in relation to  
18 this act.

19 c. Any revenue credited to the fund but not appropriated to the  
20 department shall remain in the fund exclusively for the purposes set  
21 forth in this act.

22

23 16. There is hereby appropriated to the Department of  
24 Transportation from the General Fund the sum of \$1,500,000 for the  
25 cost of implementing the provisions of this act.

26

27 17. (New section) Notwithstanding the provisions of P.L.1999,  
28 c.28 (C.39:3-10f1 et al.) to the contrary, the Director of the Division  
29 of Motor Vehicles may delay the implementation of the provisions of  
30 that act, other than those set forth in section 14 thereof, until the 60th  
31 day after the director certifies to the Commissioner of Transportation  
32 that the division is prepared to issue drivers' licenses with digitized  
33 pictures of licensees, but such implementing date shall be not later than  
34 January 1, 2003. The director shall make every effort to provide the  
35 certification required for P.L.1999, c.28 to be implemented as soon as  
36 practicable.

37

38 18. This act shall take effect immediately, except that sections 3,  
39 5, 6, 8, 9, 10, 11, and the required fees for the 48-month license added  
40 to R.S. 39:3-10 by section 2 of this act shall remain inoperative until  
41 the 60th day after the Director of the Division of Motor Vehicles in  
42 the Department of Transportation certifies to the Commissioner of  
43 Transportation that the division is prepared to issue drivers' licenses  
44 with digitized pictures of licensees, but such operative date shall be no  
45 later than January 1, 2003.



1

2

3 Requires four year digitized picture driver's license; tightens  
4 requirements for issuance of driver's license to legal aliens;  
5 appropriates \$1.5 million.

## CHAPTER 391

**AN ACT** concerning driver's licenses and identification cards, amending the title and body of P.L.1999, c.28, amending various parts of the statutory law, supplementing chapter 3 of Title 39 of the Revised Statutes and making an appropriation.

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

1. The title of P.L.1999, c.28 is amended to read as follows:

Title amended.

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

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

Licensing of drivers; classifications.

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

No person under 18 years of age shall be issued a basic license to drive motor vehicles, nor shall a person be issued a validated permit, including a validated examination permit, until he has passed a satisfactory examination and other requirements as to his ability as an operator. The examination shall include a test of the applicant's vision, his ability to understand traffic control devices, his knowledge of safe driving practices and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, his knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road. No person shall sit for an examination for any permit without exhibiting photo identification deemed acceptable by the director, unless that person is a high school student participating in a course of driving education approved by the State Department of Education and conducted in a public, parochial or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). A road test shall be required for a provisional license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. No person shall sit for a road test unless that person exhibits photo identification deemed acceptable by the director. A high school student who has completed a course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial or private school of this State, who has been issued a special learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be required to exhibit photo identification in order to sit for a road test. The road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The director shall approve locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner and other motorists. No new locations for the road test shall be approved unless the test can be given on public streets.

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

The director shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the State Department

of Health and Senior Services concerning the use of alcohol or drugs as related to highway safety. The director shall develop in conjunction with the State Department of Health and Senior Services supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

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

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

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

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

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

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

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

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

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

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

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

The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. If the director issues a license to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard period of the license, the director shall fix the expiration date of the license at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The director may renew such a license only if it is demonstrated that the person's continued presence in the United States is authorized under federal law. The fee for licenses with expiration dates fixed by the director shall be fixed by the director in amounts proportionately less or greater than the fee herein established. The required fee for a license for the 48-month period shall be as follows:

Motorcycle license or endorsement	\$18
Omnibus or school bus endorsement	\$18

Basic driver's license

\$18

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

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

All applications for renewals of licenses shall be made in a manner prescribed by the director and in accordance with procedures established by him.

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

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

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

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

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

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

C.39:3-10f Initial license, renewal, digitized color picture of licensee required.

1. In addition to the requirements for the form and content of a motor vehicle driver's license under R.S.39:3-10, on and after the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.), each initial New Jersey license and each renewal of a New Jersey driver's license shall have a digitized color picture of the licensee. All licenses issued on and after January 1, 2000 shall be valid for a period of 48 calendar months. However, the director may, at his discretion, issue licenses and endorsements which shall expire on a date fixed by him. The fee for such licenses or endorsements shall be fixed in amounts proportionately less or greater than the fee otherwise established. Notwithstanding the provisions of this section to the contrary, a person 70 years of age or older may elect to have a license issued for a period of two or four years, which election may not be altered by the director. The fee for the two-year license shall be \$9, in addition to the fee for a digitized picture established in section 4 of P.L.2001, c.391 (C.39:3-10f4).

Each initial motor vehicle license issued to a person under the age of 21 after the effective date of P.L.1999, c.28 shall be conspicuously distinct, through the use of color and design, from the driver's licenses issued to persons 21 years of age or older. The director, in consultation with the Superintendent of State Police, shall determine the color and the manner in which the license is designed to achieve this result. The license shall also bear the words "UNDER 21" in a

conspicuous manner. The director shall provide that upon attaining the age of 21, a licensee shall be issued a replacement driver's license or a new license, as appropriate. The fee for a replacement license shall be \$5 in addition to the digitized picture fee.

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

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

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

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

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

#### C.39:3-10f4 Fee for digitized picture.

4. The fee for a digitized picture shall be \$6 for each license, renewal or duplicate thereof, and shall be in addition to the fee presently authorized for the issuance of a driver's license pursuant to R.S.39:3-10.

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

#### C.39:3-10h Process to prevent forgery, alteration.

3. The director shall provide for the use of a process or processes in the issuance of licenses with digitized color pictures that prevent, to the extent possible, the alteration, delamination, duplication, counterfeiting, photographing, forging or other modification of the license and prevent the superimposition of a digitized color picture other than the authorized original on such license. The director shall provide that material used for, and the manufacturing process, of, the license shall prevent, to the greatest extent possible, any alteration, delamination, duplication, counterfeiting, photographing, forging or other modification of the license. A license that consists of a composite material that does not use lamination and offers at least the same level of security as that required by the director for noncomposite material may fulfill the requirements of this section. The director may provide for the electronic storage of the licensee's motor vehicle information, including the licensee's digitized picture and digitized signature, in a bar code, magnetic stripe or database. In addition, the director shall provide that the license include features to ensure the security and integrity of the license. Any information encoded in a bar code or magnetic stripe on the license shall be limited to the following: name, address, municipality of residence, state, zip code of residence, date of birth, under 21 until xx/xx/xx (date of licensee's 21st birthday), gender, color of eyes, height, driver's license number, date of issuance, expiration date, document type, class, endorsements and restrictions, organ donor status, identification of issuer, license fee, transaction number, and the licensee's digitized picture and digitized signature. Any information encoded in a bar code or magnetic stripe on the license shall be displayed on the driver's license, which may be done in abbreviated form.

6. Section 22 of P.L.1990, c.103 (C.39:3-10.30) is amended to read as follows:

#### C.39:3-10.30 Fees; duration of commercial driver license.

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

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

In addition to fees for a basic driver license and any non-commercial endorsement and renewals thereof, the required fee for a 48-month licensing period shall be \$18 for each commercial driver license and renewal thereof and \$2 for each endorsement and renewal thereof. In addition, the director shall charge a fee of \$6 for a digitized picture of the licensee.

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

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

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

C.39:3-29.5 Expiration of card; renewal cards for blind, handicapped valid for life, authorized presence in U.S. required for renewal.

4. a. Except as provided in subsection b. of this section, each original identification card authorized by section 2 of this act shall, unless canceled earlier, be valid for 48 calendar months from its date of issuance, and shall be renewable upon the request of the bearer of the card, pursuant to terms of license renewal established by the Division of Motor Vehicles, and upon payment of a fee as required by section 6 of this act. An identification card issued pursuant to this act to an applicant who is blind, disabled, or handicapped shall be valid for the life of the holder unless canceled by the holder. Cards issued prior to October 16, 1989 and valid upon the effective date of this amendatory act shall be valid for the life of the holder unless canceled by the holder. Cards issued to blind, disabled or handicapped persons between October 16, 1989 and the effective date of this amendatory act, and which are valid on the effective date of this act, shall be made valid for the life of the holder unless canceled by the holder, upon presentation of proof that the blindness, disability, or handicap existed at the time of the original application. The director is authorized to require periodic verification of information included on any identification card issued for or valid for the life of the holder. Nothing in this section shall be construed to alter or change any expiration date on any New Jersey identification card issued prior to the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.) and any such identification card shall remain valid until its expiration date.

b. If the director issues an identification card to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard periods of such cards, the director shall fix the expiration date of the identification card at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The director may renew such an identification card only if it is demonstrated that the person's continued presence in the United States is authorized under federal law.

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

C.39:3-29.7 Fees.

6. The Division of Motor Vehicles shall charge fees as follows:

Identification Card, Original	\$18
Identification Card, Duplicate	\$5
Identification Card, Renewal	\$18
Digitized picture	\$6, in addition to the fees required above

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

Duplicate certificate; licenses; new pictures; fees.

39:3-31. The director, upon presentation of a statement duly sworn to, stating that the original registration certificate or original motorized bicycle registration certificate has been destroyed, lost or stolen, may, if he is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate or amended registration certificate or motorized bicycle registration certificate to the original holder thereof, upon the payment to the director of a fee of \$5 for each duplicate or amended registration certificate or motorized bicycle registration certificate so issued. The director, upon presentation of a statement, duly sworn to, stating that the original driver's license has been destroyed, lost or stolen, or requesting a new color picture, may, if he is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate driver's license to the original holder thereof, upon payment to the director of a fee of \$5 in addition to the digitized picture fee.

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

Notification of change of residence; fees, penalties.

39:3-36. A licensed operator shall notify the director of any change in residence within one week after the change is made. Notice shall be in such form and shall contain such information as the director may require. Upon notification, and payment of a fee of \$5 for the license in addition to the digitized picture fee, the director shall provide the licensed operator with a new license.

The registered owner of a motor vehicle or a motorized bicycle shall notify the director of any change in residence within one week after the change is made. Notice shall be in such form and shall contain such information as the director may require. Upon notification, and payment of a fee of \$5, the director shall provide the registered owner with a new registration certificate.

A person who violates this section shall be subject to a penalty of not more than \$25.

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

C.12:7-73 Fees for power vessel operator's license, digitized picture.

4. a. The fee for a 48-month power vessel operator's license required pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall be \$18 and shall be paid to the director for deposit into the State General Fund.

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

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

Examination permits.

39:3-13. The director may, in his discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the director, allowing such person, for the purpose of fitting himself to become a licensed driver, to operate a designated class of motor vehicles other than passenger automobiles for a specified period of not more than 90 days, while in the company and under the supervision of a driver licensed to operate such designated class of motor vehicles.

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

For six months immediately following the issuance of an examination permit, the holder who is less than 21 years of age shall operate the passenger automobile only when accompanied by, and under the supervision of, a New Jersey licensed driver who is at least 21 years of age and has been licensed to drive a passenger automobile for not less than three years. The holder of an examination permit who is at least 21 years of age shall operate the passenger automobile for the first three months under such supervision. The supervising driver shall sit in the front seat of the vehicle. Whenever operating a vehicle while in possession of an examination permit, the holder of the permit shall operate the passenger automobile with only one additional passenger in the vehicle excluding persons with whom the holder resides, except that this passenger restriction shall not apply when either the permit holder or one other passenger is at least 21 years of age. Further, the holder of the permit who is less than 21 years of age shall not drive during the hours between 12:01 a.m. and 5 a.m.; provided, however, that this condition may be waived for an emergency which, in the judgment of local police, is of sufficient severity and magnitude to substantially endanger the health, safety, welfare or property of a person, or for any bona fide employment or religion-related activity if the employer or appropriate religious authority provides written verification of such activity in a manner provided for by the director. The permit holder shall also ensure that all occupants of the vehicle are secured in a properly adjusted and fastened seat belt or child restraint system.

When notified by a court of competent jurisdiction that an examination permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law the director deems significant and applicable pursuant to regulation, in addition to any other penalty that may be imposed, the director shall, without the exercise of discretion or a hearing, suspend the examination permit holder's examination permit for 90 days. The director shall restore the permit following the term of the permit suspension if the permit holder satisfactorily completes a remedial training course of not less than four hours and remits a course fee prescribed by the director. The director also shall postpone without the exercise of discretion or a hearing the issuance of a basic license for 90 days if the director is notified by a court of competent jurisdiction that the examination permit holder, after completion of the remedial training course, has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law the director deems significant and applicable pursuant to regulation.

When the director is notified by a court of competent jurisdiction that an examination permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and is not otherwise subject to any other suspension penalty therefor, the director shall, without the exercise of discretion or a hearing, suspend the examination permit for six months. A fine of \$100 shall be imposed for any other violation of the conditions of the examination permit.



An examination permit for a motorcycle or a commercial motor vehicle issued to a handicapped person, as determined by the Division of Motor Vehicles after consultation with the Department of Education, shall be valid for nine months or until the completion of the road test portion of his license examination, whichever period is shorter.

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

The holder of an examination permit shall be required to take a road test in order to obtain a basic driver's license. No road test for any person who has been issued an examination permit to operate a passenger vehicle shall be given unless the person has met the requirements of this section. No road test for a basic driver's license shall be given unless the applicant has first secured an examination permit and no such road test shall be scheduled for an applicant who has secured an examination permit for a passenger vehicle until at least one year shall have elapsed following the validation of the examination permit for practice driving or, in the case of an examination permit for other vehicles, until 20 days has elapsed, except that in the case of an omnibus endorsement or school bus no road test shall be scheduled until at least 10 days shall have elapsed. Every applicant for an examination permit to qualify for an omnibus endorsement or an articulated vehicle endorsement shall be a holder of a valid basic driver's license.

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

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

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

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

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

C.39:3-13.1 Issuance of special learner's permit.

1. The Director of the Division of Motor Vehicles may issue to a person over 16 years of age a special learner's permit, under the hand and seal of the director, allowing such person, for the purpose of preparing himself to qualify for a provisional license for a passenger automobile by operating a dual pedal controlled motor vehicle while taking a required course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial or private school of this State or a course of

behind-the-wheel automobile driving instruction conducted by a drivers' school duly licensed pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.). The special learner's permit shall be issued in lieu of the examination permit provided for in R.S.39:3-13. In addition to requiring an applicant for a permit to submit satisfactory proof of identity and age, the director also shall require the applicant to provide, as a condition for obtaining a permit, satisfactory proof that the applicant's presence in the United States is authorized under federal law. If the director has reasonable cause to suspect that any document presented by an applicant as proof of identity, age or legal residency is altered, false or otherwise invalid, the director shall refuse to grant the permit until such time as the document may be verified by the issuing agency to the director's satisfaction.

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

14. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read as follows:

C.39:3-29.3 Identification cards, issuance contents.

2. The Division of Motor Vehicles shall issue an identification card to any resident of the State who is 17 years of age or older and who is not the holder of a valid learner's permit or a valid driver's license. The identification card shall attest to the true name, correct age, and other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant and shall be supported by such documentary evidence of the age and identity, or blindness, disability, or handicap, of such person as the division may require. In addition to requiring an applicant for an identification card to submit satisfactory proof of identity and age, the director also shall require the applicant to provide, as a condition for obtaining the card, satisfactory proof that the applicant's presence in the United States is authorized under federal law. If the director has reasonable cause to suspect that any document presented by an applicant as proof of identity, age or legal residency is altered, false or otherwise invalid, the director shall refuse to grant the identification card until such time as the document may be verified by the issuing agency to the director's satisfaction.

C.39:3-10f5 "Secure Driver's License Fund;" use.

15. a. There is established in the General Fund a separate special non-lapsing account to be known as the "Secure Driver's License Fund." Revenues from the fees collected for the digitized picture provided for in this act shall be credited to the fund.

b. Moneys in the fund shall be appropriated to the Department of Transportation for the purposes of ensuring secure driver's license documents and the handling thereof including the review, processing, production and distribution of a secure driver's license, identification card, or any related support documents required by or in relation to this act.

c. Any revenue credited to the fund but not appropriated to the department shall remain in the fund exclusively for the purposes set forth in this act.

16. There is hereby appropriated to the Department of Transportation from the General Fund the sum of \$1,500,000 for the cost of implementing the provisions of this act.

17. Notwithstanding the provisions of P.L.1999, c.28 (C.39:3-10f1 et al.) to the contrary, the Director of the Division of Motor Vehicles may delay the implementation of the provisions of that act, other than those set forth in section 14 thereof, until the 60th day after the director certifies to the Commissioner of Transportation that the division is prepared to issue drivers' licenses with digitized pictures of licensees, but such implementing date shall be not later than January 1, 2003. The director shall make every effort to provide the certification required for P.L.1999, c.28 to be implemented as soon as practicable.

18. This act shall take effect immediately, except that sections 3, 5, 6, 8, 9, 10, 11, and the required fees for the 48-month license added to R.S. 39:3-10 by section 2 of this act shall remain inoperative until the 60th day after the Director of the Division of Motor Vehicles in the Department of Transportation certifies to the Commissioner of Transportation that the division is prepared to issue drivers' licenses with digitized pictures of licensees, but such operative date shall be no later than January 1, 2003.

Approved January 8, 2002.