

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: No

ASSEMBLY, No. 3241

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 22, 2001

Sponsored by:

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Assemblyman Cottrell

SYNOPSIS

Concerns graduated driver licensing and the responsibilities and standards of private driving schools.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/23/2001)

1 AN ACT concerning graduated driver licensing and drivers' schools
2 and amending R.S. 39:3-10, R.S.39:3-13, P.L.1998, c.108,
3 P.L.1977, c.23, P.L.1942, c.334, P.L.1977, c.25, P.L.1950, c.127,
4 P.L.1951, c.216 and supplementing chapter 3 and chapter 12 of
5 Title 39 of the Revised Statutes.

6

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

9

10 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read
11 as follows:

12 8. a. The Director of the Office of Highway Traffic Safety in the
13 Department of Law and Public Safety, after consultation with the
14 Director of the Division of Motor Vehicles in the Department of
15 Transportation and the **[Advisory Committee]** Review Board on
16 Driver Education established in section 10 of P.L.1998, c.108
17 (C.27:5F-43), shall develop curriculum guidelines for use by teachers
18 of approved classroom driver education courses. The course of
19 instruction for approved courses shall be no less than 30 hours in
20 length and be designed to develop and instill the knowledge and
21 attitudes necessary for the safe operation and driving of motor
22 vehicles. Defensive driving, highway courtesy, accident avoidance
23 **[and]**, understanding and respect for the State's motor vehicle laws,
24 insurance fraud and State requirements for and benefits of maintaining
25 automobile insurance shall be emphasized. The incorporation of these
26 curriculum guidelines in these classroom courses and the use of related
27 instructional materials shall be a requirement for approval of the
28 course by the Director of the Division of Motor Vehicles.

29 b. The Director of the Office of Highway Traffic Safety, in
30 consultation with the Director of the Division of Motor Vehicles, shall
31 produce an informational brochure for parents and guardians of
32 beginning drivers under the age of 18 years. The division shall ensure
33 that the parents or guardians of a permit holder receive these
34 brochures at the time a permit is issued to a beginning driver. The
35 brochures shall include, but not be limited to, the following
36 information:

- 37 (1) Setting an example for the beginning driver;
38 (2) Accident and fatality statistics about beginning drivers;
39 (3) Causes of accidents among beginning drivers;
40 (4) The need to supervise vehicle operation by a beginning driver;
41 (5) Methods to coach a beginning driver on how to reduce
42 accidents; **[and]**
43 (6) A description of the graduated driver's license program; and

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

Matter underlined thus is new matter.

1 (7) Benefits of classroom and behind-the-wheel driver education
2 under the direction of State certified or licensed driving instructors, as
3 the case may be.

4 (cf: P.L.1998, c.108, s.8)

5
6 2. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to read
7 as follows:

8 10. a. There is established a State [Advisory Committee] Review
9 Board on Driver Education. The Director of the Office of Highway
10 Traffic Safety or his designee shall be ex officio the chairman of the
11 board. The Governor shall appoint to the [committee] board a
12 certified secondary school driver education teacher and representatives
13 from the Department of Education, the Department of Transportation,
14 the [American Automobile Association] AAA Clubs of New Jersey,
15 the Driving School Association of New Jersey, the Insurance Council
16 of New Jersey, the New Jersey Association of Chiefs of Police, the
17 New Jersey State Safety Council and the New Jersey Traffic Safety
18 Officers Association. The [committee] board shall make
19 recommendations to the [Directors] Director of the Division of Motor
20 Vehicles [and the Office of Highway Traffic Safety] with respect to
21 rules and regulations promulgated under this act including, but not
22 limited to, the development of uniform curriculum guidelines for
23 approved classroom and behind-the-wheel driver education. Any
24 vacancies occurring in the membership shall be filled in the same
25 manner as the original appointments.

26 b. The course of instruction for behind-the-wheel driver education
27 shall be designed to develop the skills necessary for the safe and lawful
28 operation of a motor vehicle. Defensive driving, highway courtesy,
29 appropriate driving behavior and attitudes, accident avoidance, safe
30 passing and lane changing, and a general understanding of and respect
31 for the State's motor vehicle laws shall be emphasized.

32 (cf: P.L.1998, c.108, s.10)

33
34 3. R.S.39:3-10 is amended to read as follows:

35 39:3-10. No person shall drive a motor vehicle on a public highway
36 in this State unless the person is under supervision while participating
37 in a behind-the-wheel driving course pursuant to section 6 of
38 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated
39 permit, or a provisional or basic driver's license issued to him in
40 accordance with this article.

41 No person under 18 years of age shall be issued a basic license to
42 drive motor vehicles, nor shall a person be issued a validated permit,
43 including a validated examination permit, until he has passed a
44 satisfactory examination and other requirements as to his ability as an
45 operator. The examination shall include a test of the applicant's vision,
46 his ability to understand traffic control devices, his knowledge of safe

1 driving practices and of the effects that ingestion of alcohol or drugs
2 has on a person's ability to operate a motor vehicle, his knowledge of
3 such portions of the mechanism of motor vehicles as is necessary to
4 insure the safe operation of a vehicle of the kind or kinds indicated by
5 the applicant and of the laws and ordinary usages of the road. A road
6 test shall be required for a provisional license and serve as a
7 demonstration of the applicant's ability to operate a vehicle of the class
8 designated. The road test shall be given on public streets, where
9 practicable and feasible, but may be preceded by an off-street
10 screening process to assess basic skills. The director shall approve
11 locations for the road test which pose no more than a minimal risk of
12 injury to the applicant, the examiner and other motorists. No new
13 locations for the road test shall be approved unless the test can be
14 given on public streets.

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

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

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

45 The director shall expand the driver's license examination to include
46 a question asking whether the applicant is aware of the provisions of

1 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et
2 seq.) and the procedure for indicating on the driver's license the
3 intention to make a donation of body organs or tissues pursuant to
4 P.L.1978, c.181 (C.39:3-12.2).

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

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

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

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

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

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

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

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

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

46 The director may, at his discretion and for good cause shown, issue

1 licenses which shall expire on a date fixed by him. The fee for licenses
2 with expiration dates fixed by the director shall be fixed by the director
3 in amounts proportionately less or greater than the fee herein
4 established.

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

7

8	Motorcycle license or endorsement	\$35
9	Omnibus or school bus endorsement	\$35
10	Basic driver's license	\$35

11

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 license
26 to drive motor vehicles to a person who is, in his estimation, not a
27 proper person to be granted such a permit or license, but no defect of
28 the applicant shall debar him from receiving a permit or license unless
29 it can be shown by tests approved by the Director of the Division of
30 Motor Vehicles that the defect incapacitates him from safely operating
31 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 A person violating this section shall be subject to a fine not
38 exceeding \$500 or imprisonment in the county jail for not more than
39 60 days, but if that person has never been licensed to drive in this
40 State or any other jurisdiction, he shall be subject to a fine of not less
41 than \$200 and, in addition, the court shall issue an order to the
42 Director of the Division of Motor Vehicles requiring the director to
43 refuse to issue a license to operate a motor vehicle to the person for
44 a period of not less than 180 days. The penalties provided for by this
45 paragraph shall not be applicable in cases where failure to have actual
46 possession of the operator's license is due to an administrative or

1 technical error by the Division of Motor Vehicles.

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

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

6

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

9 1. ~~[All successful applicants]~~ An applicant for a motorcycle
10 license, ~~but not for a motorcycle endorsement to a basic license,~~ who
11 previously ~~[have]~~ has never been licensed to drive a motor vehicle in
12 this, or any other state, shall ~~[be licensed on a probationary basis for~~
13 ~~the two-year period following the issuance of their initial licenses. No~~
14 ~~such license shall physically differ by way of appearance from a~~
15 ~~nonprobationary license]~~, during the permit period, be subject to the
16 applicable restrictions and penalties for examination permit holders as
17 provided under R.S.39:3-13. Until the provisions of P.L.1998, c.108,
18 as amended by P.L. , c. (now pending before the Legislature as this
19 bill), are fully implemented, all holders of permits issued pursuant to
20 R.S.39:3-13 and section 6 of P.L.1977, c.25 (C.39:3-13.2a) shall be
21 subject to a probationary driver program for the two-year period
22 immediately following the issuance of the permits. This two-year
23 period shall not be altered if the permit holder obtains a provisional
24 driver's license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4).
25 All holders of permits issued on or after the date of full
26 implementation of P.L.1998, c.108, as amended by P.L. , c. (now
27 pending before the Legislature as this bill), shall not be subject to this
28 section.

29 (cf: P.L.1998, c.108, s.2)

30

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

33 1. Any person, under seventeen years of age and not under sixteen
34 years of age, may be licensed to drive motor vehicles in agricultural
35 pursuits as herein limited; provided such person has passed an
36 examination satisfactory to the director as to his ability as an operator.
37 The director, upon payment of the lawful fee and after he or a person
38 authorized by him has examined the applicant and is satisfied of the
39 applicant's ability as an operator, may, in his discretion, license the
40 applicant to drive any motor vehicle which is registered under the
41 provisions of R.S.39:3-24 and R.S.39:3-25. The holder of an
42 agricultural permit or license shall be subject to the applicable
43 requirements, restrictions and penalties for special learner's permit
44 holders provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a).
45 Such registration shall expire on March thirty-first of each year
46 terminating the period for which such license is issued. The annual

1 license fee for such license shall be one dollar (\$1.00), and is for the
2 limited use herein provided, and is not to be used in the operation of
3 any other vehicle and shall have the name of the licensee endorsed
4 thereon in his own handwriting. The holder of an agricultural license
5 shall be entitled to a provisional driver's license upon attaining the age
6 of 17 years and shall be subject to applicable restrictions and penalties
7 in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a
8 provisional driver's license holder.

9 (cf: P.L.1983, c.403, s.8)

10

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

12 39:3-13. The director may, in his discretion, issue to a person over
13 17 years of age an examination permit, under the hand and seal of the
14 director, allowing such person, for the purpose of fitting himself to
15 become a licensed driver, to operate a designated class of motor
16 vehicles other than passenger automobiles and motorcycles of persons
17 licensed to operate motorcycles only for a specified period of not
18 more than 90 days, while in the company and under the supervision of
19 a driver licensed to operate such designated class of motor vehicles.

20 The director, in his discretion, may issue for a specified period of
21 not less than one year [an examination permit to operate] a passenger
22 automobile or motorcycle-only examination permit to a person over 17
23 years of age regardless of whether a person has completed a course
24 of behind-the-wheel automobile driving education pursuant to section
25 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant
26 who is under 18 years of age shall obtain the signature of a parent or
27 guardian for submission to the division on a form prescribed by the
28 director. The director shall postpone for six months the driving
29 privileges of any person who submits a fraudulent signature for a
30 parent or guardian.

31 For six months immediately following the [issuance] validation of
32 an examination permit, and until the holder passes the road test, the
33 holder who is less than 21 years of age shall operate the passenger
34 automobile or motorcycle only when accompanied by, and under the
35 supervision of, a New Jersey licensed driver who is at least 21 years
36 of age and has been licensed to drive a passenger automobile or
37 motorcycle, as the case may be, for not less than three years. The
38 holder of an examination permit who is at least 21 years of age shall
39 operate the passenger automobile or motorcycle for the first three
40 months under such supervision and until the holder passes the road
41 test. The supervising driver of the passenger automobile shall sit in the
42 front seat of the vehicle. Whenever operating a vehicle while in
43 possession of an examination permit, the holder of the permit shall
44 operate the passenger automobile with only one additional passenger
45 in the vehicle excluding persons with whom the holder resides, except
46 that this passenger restriction shall not apply when either the permit

1 holder or one other passenger is at least 21 years of age. Further, the
2 holder of the permit who is less than 21 years of age shall not drive
3 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
4 that this condition may be waived for an emergency which, in the
5 judgment of local police, is of sufficient severity and magnitude to
6 substantially endanger the health, safety, welfare or property of a
7 person, or for any bona fide employment or religion-related activity if
8 the employer or appropriate religious authority provides written
9 verification of such activity in a manner provided for by the director.
10 The permit holder shall not use a cellular telephone while operating a
11 moving passenger automobile on a public road or highway. "Use"
12 shall include, but not be limited to talking or listening to another
13 person on the telephone or operating its keys, buttons or other
14 controls. The passenger automobile permit holder shall [also] ensure
15 that all occupants of the vehicle are secured in a properly adjusted and
16 fastened seat belt or child restraint system.

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

1 an examination permit holder has been convicted of any alcohol or
2 drug-related offense unrelated to the operation of a motor vehicle and
3 is not otherwise subject to any other suspension penalty therefor, the
4 director shall, without the exercise of discretion or a hearing, suspend
5 the examination permit for six months. [A fine of \$100 shall be
6 imposed for any other violation of the conditions of the examination
7 permit.]

8 An examination permit for a motorcycle or a commercial motor
9 vehicle issued to a handicapped person, as determined by the Division
10 of Motor Vehicles after consultation with the Department of
11 Education, shall be valid for nine months or until the completion of the
12 road test portion of his license examination, whichever period is
13 shorter.

14 Each permit shall be sufficient license for the person to operate
15 such designated class of motor vehicles in this State during the period
16 specified, while in the company of and under the control of a driver
17 licensed by this State to operate such designated class of motor
18 vehicles, or, in the case of a commercial driver license permit, while in
19 the company of and under the control of a holder of a valid
20 commercial driver license for the appropriate license class and with the
21 appropriate endorsements issued by this or any other state. Such
22 person, as well as the licensed driver, except for a motor vehicle
23 examiner administering a driving skills test, shall be held accountable
24 for all violations of this subtitle committed by such person while in the
25 presence of the licensed driver. In addition to requiring an applicant
26 for an examination permit to submit satisfactory proof of identity and
27 age, the director also shall require the applicant to provide, as a
28 condition for obtaining the permit, satisfactory proof that the
29 applicant's presence in the United States is authorized under federal
30 law.

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

1 examination permit to qualify for an omnibus endorsement or an
2 articulated vehicle endorsement shall be a holder of a valid basic
3 driver's license.

4 The required fees for special learners' permits and examination
5 permits shall be as follows:

6		
7	Basic driver's license.....	up to \$10
8	Motorcycle license or endorsement.....	\$5
9	Omnibus or school bus endorsement.....	\$25
10	Articulated vehicle endorsement.....	\$15

11

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

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

25

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

28 6. Any person to whom a special learner's permit has been issued
29 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
30 successful completion of a State approved written examination, eye
31 examination and an approved minimum six-hour behind-the-wheel
32 driving course conducted by a licensed drivers' school or [of] a public,
33 parochial or private school [driving education course], shall be
34 entitled to retain the special learner's permit in his own possession.
35 The special learner's permit shall be considered validated for the
36 purpose of driving a motor vehicle on a public highway in this State
37 after the holder has successfully met the necessary examination
38 requirements, and upon the successful completion of a
39 behind-the-wheel driving course. Such person may operate a motor
40 vehicle of the class for which a basic driver's license is required except
41 during the hours between 11:01 p.m. and 5:00 a.m. while in the
42 company and under the supervision, from the front passenger seat, of
43 a licensed motor vehicle driver of this State who is over 21 years of
44 age and has been licensed to drive a passenger automobile for at least
45 three years. Such special permit shall be valid until such person's
46 seventeenth birthday or until he qualifies for a provisional license.

1 Except during an instructional period of a behind-the-wheel driving
2 course, the holder of a special permit shall operate a passenger
3 automobile with only the following passengers: (1) the supervising
4 passenger; (2) persons who share the permit holder's residence; and (3)
5 one additional passenger who does not reside with the permit holder.
6 The permit holder shall not use a cellular telephone while operating a
7 moving passenger automobile on a public road or highway. "Use"
8 shall include, but not be limited to talking or listening to another
9 person on the telephone or operating its keys, buttons or other
10 controls. All occupants of the automobile shall be secured in a
11 properly adjusted and fastened seat belt or child restraint system.

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

1 learner's permit for six months. [A fine of \$100 shall be imposed for
2 any other violations of the conditions of the special learner's permit.]
3 (cf: P.L.1998, c.108, s.5)

4

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

7 4. The holder of a special learner's permit shall be entitled to a
8 provisional driver's license (1) upon attaining the age of 17 years, (2)
9 upon the satisfactory completion of an approved behind-the-wheel
10 automobile driving education course as indicated upon the face of the
11 special permit over the signature of the principal of the school or the
12 person operating the drivers' school in which the course was
13 conducted,(3) upon the completion of six months' driving experience
14 with a validated special learner's permit in compliance with the
15 provisions of section 6 of P.L.1977, c.25 (C.39:3-13.2a) and (4) upon
16 passing the road test pursuant to R.S.39:3-10.

17 The holder of a provisional license shall be permitted to operate the
18 passenger automobile with only one additional passenger in the vehicle
19 besides persons with whom the holder resides, except that this
20 passenger restriction shall not apply when either the holder of the
21 provisional license or one other passenger is at least 21 years of age.
22 Further, the holder of the provisional license who is under 21 years of
23 age shall not drive during the hours between 12:01 a.m. and 5 a.m.;
24 provided however, that this condition may be waived for an emergency
25 which, in the judgment of local police, is of sufficient severity and
26 magnitude to substantially endanger the health, safety, welfare or
27 property of a person or for any bona fide employment or
28 religion-related activity if the employer or appropriate religious
29 authority provides written verification of such activity in a manner
30 provided for by the director. The holder of the provisional license
31 shall not use a cellular telephone while operating a moving passenger
32 automobile on a public road or highway. "Use" shall include, but not
33 be limited to talking or listening to another person on the telephone or
34 operating its keys, buttons or other controls. In addition, the holder
35 of the provisional license shall ensure that all occupants of the vehicle
36 are secured in a properly adjusted and fastened seat belt or child
37 restraint system. In addition to any other penalties provided under
38 law, the holder of a provisional license who accumulates more than
39 two motor vehicle points or is convicted of a violation of R.S.39:4-50;
40 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189
41 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
42 N.J.S.2C:12-1 or any other motor vehicle law the director deems to be
43 significant and applicable pursuant to regulation shall, for the first
44 violation, be required to satisfactorily complete a remedial training
45 course of not less than four hours [and remit] which may be given by
46 the division, a drivers' school licensed by the director pursuant to

1 section 2 of P.L.1951, c.216 (C.39:12-2) or any statewide safety
2 organization approved by the director. The course shall be subject to
3 oversight by the division according to its guidelines. The permit
4 holder shall also remit a course fee [prescribed by the director] prior
5 to the commencement of the course. When notified by a court of
6 competent jurisdiction that a provisional license holder has been
7 convicted of a second or subsequent violation, in addition to any other
8 penalties provided under law, the director shall, without the exercise
9 of discretion or a hearing, suspend the provisional license for three
10 months and shall postpone eligibility for a basic license for an
11 equivalent period. In addition, when the director is notified by a court
12 of competent jurisdiction that a provisional license holder has been
13 convicted of any alcohol or drug-related offense unrelated to the
14 operation of a motor vehicle, and he is not otherwise subject to any
15 other suspension penalty therefor, the director shall, without the
16 exercise of discretion or a hearing, suspend the provisional license for
17 six months. [A provisional license holder who violates other
18 conditions of the license shall be fined \$100.]

19 A provisional license may be sent by mail and shall be clearly
20 identifiable and distinguishable in appearance from a basic license by
21 any name, mark, color or device deemed appropriate by the director.
22 (cf: P.L.1998, c.108, s.7)

23
24 9. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as
25 follows:

26 2. No person shall engage in the business of conducting a drivers'
27 school without being licensed therefor by the Director of Motor
28 Vehicles. Application therefor shall be in writing and contain such
29 information therein as he shall require on initial and renewal
30 applications, including the applicant's Federal Tax Identification
31 number, State tax identification number and proof of workers'
32 compensation insurance coverage by a mutual association or stock
33 company authorized to write coverage on such risks in this State or
34 written authorization by the Commissioner of Banking and Insurance
35 to self-insure for workers' compensation pursuant to R.S.34:15-77.
36 The applicant shall file a non-cancelable surety bond in the amount of
37 \$10,000 issued by a company authorized to transact surety business in
38 this State and payable to the division. An initial license shall not be
39 issued unless an owner of the drivers' school or the general manager
40 thereof, who shall not be employed by any other drivers' school which
41 is not under the same ownership except with the express consent of an
42 owner of the first drivers' school, is a drivers' school instructor
43 licensed by the division for the previous two years, and has
44 successfully provided a minimum of 500 hours of behind-the-wheel
45 instruction. The applicant shall furnish satisfactory evidence of
46 completing a three credit New Jersey driver education college course.

1 If the application is approved, the applicant shall be granted a license
2 to teach approved courses in classroom and behind-the-wheel driver
3 education upon the payment of a fee of \$250.00; provided, however,
4 no license fee shall be charged for the issuance of a license to any
5 board of education, school board, public, private or parochial school,
6 which conducts a course in driver education, approved by the State
7 Department of Education. A license so issued shall be valid during the
8 calendar year. The annual fee for renewal shall be \$200. The director
9 shall issue a license certificate or license certificates to each licensee,
10 one of which shall be displayed in each place of business of the
11 licensee.

12 In case of the loss, mutilation or destruction of a certificate, the
13 director shall issue a duplicate upon proof of the facts and the payment
14 of a fee of \$5.

15 (cf: P.L.1994, c.60, s.29)

16

17 10. (New section) The director shall make or cause to be made a
18 full and complete inspection, at least annually, of the premises of each
19 licensee at reasonable hours as the director may deem necessary to be
20 assured that the licensee and the premises comply at all times with the
21 provisions of this title governing drivers' schools, as well as the rules
22 and regulations and the minimum standards established thereunder. A
23 violation of such rules, regulations and standards sufficient to be
24 considered more than de minimis shall result in a fine for the first
25 violation of no less than \$500 or more than \$1,500; for a second
26 violation, a fine of no less than \$1,500 or more than \$2,500; and for
27 a third or subsequent violation, the suspension or revocation by the
28 director of the license of any drivers' school.

29

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

33 a. supervision requirements for permit holders;

34 b. passenger restrictions;

35 c. hours of operation;

36 d. seat belt requirements;

37 e. cellular telephone use restrictions; or

38 f. any other violation of the conditions of a permit or provisional
39 license as the director may designate.

40

41 12. This act shall take effect immediately and shall apply to any
42 applicant for an initial special learner's permit or examination permit
43 on the effective date of this act.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

This bill modifies the State's graduated driver licensing (GDL) law which became effective January 1, 2001. Most of the GDL-related changes were requested by the Division of Motor Vehicles (DMV). This bill also enhances the responsibilities of the State's private driving schools and their instructors and increases standards for operation of these driving schools.

Section 2 expands the membership of a newly-named State Review Board on Driver Education to include a representative of the Insurance Council of New Jersey and a certified secondary school driver education teacher. The Director of the Office of Highway Traffic Safety or his designee would become the chairman. The board would report its findings to the Director of the DMV.

Sections 4 and 6 bring motorcycle permit holders under many of the same restrictions and penalties applicable to holders of examination permits for passenger motor vehicles, including remedial courses, fines and suspensions for a variety of motor vehicle offenses. For example, an alcohol or drug-related offense unrelated to the operation of the motorcycle could result in a six-month suspension. Motorcyclists would also become subject to the new minimum age licensing requirements and driving curfews. Presently, a person may qualify for a motorcycle license at age 17. The bill's provisions would not apply to an applicant for a motorcycle endorsement to a basic automobile license.

Section 5 would make certain pertinent provisions of the GDL law apply to young persons who can now obtain agricultural permits and licenses at age 16 for travel, in some cases, on public highways. A young person could continue to receive an agricultural permit and license at age 16 but would then be subject to the law's provisions for a provisional and basic license at ages 17 and 18, respectively, including the applicable requirements, restrictions and penalties for persons holding provisional licenses. This provision is designed to prevent young farm workers from circumventing the protections of the graduated driver license law.

Section 6 also amends the provision that governs the timing of the road test for holders of the examination permit, the "alternate route" for obtaining a basic license for persons age 17 years or older. The current law requires that a road test be administered no sooner than one year from the date the permit is validated for practice driving. Applicants under 21 require supervision for the first six months and applicants age 21 or older require supervision for the first three months. This bill moves up the timing of the road test so it may be given immediately after the period of supervision. The permit holder would continue to be supervised until he passes the road test. Qualifying for a provisional license will be a new third step in the

1 alternate route. This new step will assist the State in complying with
2 requirements established by the National Highway Traffic Safety
3 Administration for incentive grants and make it easier for the law
4 enforcement community to identify the driving stage of permit holders.
5 It will, however, delay the issuance of the basic (unrestricted license)
6 for this group of first-time drivers 17 years old or over by another
7 year, to at least age 19. This is because such drivers would operate
8 under a provisional license for at least a year following the permit
9 period in order to obtain a basic license. This section also provides
10 for the supervision of motorcycle examination permit holders as if they
11 were passenger automobile examination permit holders. The latter
12 would be supervised for three months if age 21 and over and for six
13 months if under age 21.

14 Section 12 modifies the coverage of the GDL law's effective date
15 for new permit applicants. The law would apply to any applicant for
16 such a permit as of the date of enactment. The law would therefore
17 cover all persons applying for first-time special learner's and
18 examination permits even if they would not have been covered by the
19 law earlier on the basis of their age. This will permit the DMV to
20 more readily identify the GDL drivers.

21 The bill would also consolidate fines, in one new section 11, for
22 violating the principal conditions for persons holding special learner's
23 permits, examination permits, and provisional driver's licenses. This
24 will better enable DMV to input statistical data from local traffic
25 citations for program evaluation purposes. The violations now include
26 requirements for seat belt use, hours of operation, passenger
27 restrictions, and supervision. A new ban on the use of cellular
28 telephones in moving vehicles by permit holders and provisional
29 license holders is also included here.

30 Section 4 would also allow the current remedial program, known as
31 the Probationary Driver Program (PDP), to continue for all new
32 drivers until the remedial program provided for under the GDL law is
33 implemented. Without this change, no remedial program will be in
34 place for basic auto license permit holders. A person who begins his
35 driving career under the PDP will fall under the requirements of the
36 PDP until he has been issued a basic driver's license.

37 With respect to driving schools, the bill provides for the following
38 changes:

39 Section 1 provides for the development of behind-the-wheel
40 instruction guidelines designed to develop the skills necessary for the
41 safe and lawful operation and driving of motor vehicles. This section
42 clearly authorizes instructors of private driving schools to teach the
43 minimum 30-hour theory classroom course. The benefits of classroom
44 and behind-the-wheel driver education are added to the content of the
45 informational brochure to be issued to parents and guardians of
46 beginning drivers under age 18. It further provides that the course of

1 instruction for classroom driver education would be no less than
2 30 hours and would include information concerning insurance fraud
3 and the State requirements for and benefits of maintaining automobile
4 insurance.

5 Section 7 requires all approved behind-the-wheel driving courses
6 leading to a special learner's permit to include a minimum of six hours
7 instruction.

8 In sections 6 and 8, a remedial DMV training course, of a minimum
9 of four hours, already required of certain GDL permit and provisional
10 license holders, could now be given by private drivers' schools and
11 statewide safety organizations such as the AAA Clubs of New Jersey
12 and the New Jersey State Safety Council. Such courses would operate
13 under the oversight of the DMV and pursuant to its guidelines.

14 Section 9 requires applicants for drivers' school licenses to file a
15 \$10,000 bond, provide 500 hours of behind-the-wheel instruction and
16 have two years experience as a licensed drivers' school instructor.
17 They must also complete a three credit driver education college course
18 and, if a general manager, not be employed by any other drivers'
19 school unless it is under the same ownership. This section also
20 requires that initial and renewal applications for drivers' school
21 licenses contain both Federal and State Tax identification numbers and
22 proof of workers' compensation insurance coverage.

23 In section 10, the Division of Motor Vehicles would be required to
24 inspect each drivers' school at least once a year to ensure compliance
25 with all State standards. New penalties are added for private driving
26 schools that violate more than de minimis rules, regulations and
27 standards applicable to them: \$500 to \$1,500 for a first offense,
28 \$1,500 to \$2,500 for a second offense, and license suspension or
29 revocation for a third or subsequent offense.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3241

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 22, 2001

The Assembly Transportation Committee reports favorably and with committee amendments Assembly Bill No. 3241.

This amended bill modifies the State's graduated driver licensing (GDL) law which became effective January 1, 2001. This amended bill also enhances the responsibilities of the State's private driving schools and their instructors and increases standards for operation of these driving schools.

Section 2 expands the membership of a newly-named State Review Board on Driver Education to include a representative of the Insurance Council of New Jersey and a certified secondary school driver education teacher. The Director of the Office of Highway Traffic Safety or his designee would become the chairman. The board would report its findings to the Director of the DMV.

Sections 4 and 6 bring motorcycle permit holders under many of the same restrictions and penalties applicable to holders of examination permits for passenger motor vehicles, including remedial courses, fines and suspensions for a variety of motor vehicle offenses. For example, an alcohol or drug-related offense unrelated to the operation of the motorcycle could result in a six-month suspension. Motorcyclists would also become subject to the new minimum age licensing requirements and driving curfews. Presently, a person may qualify for a motorcycle license at age 17. The amended bill's provisions would not apply to an applicant for a motorcycle endorsement to a basic automobile license.

Section 5 would make certain pertinent provisions of the GDL law apply to young persons who can now obtain agricultural permits and licenses at age 16 for travel, in some cases, on public highways. A young person could continue to receive an agricultural permit and license at age 16 but would then be subject to the law's provisions for a provisional and basic license at ages 17 and 18, respectively, including the applicable requirements, restrictions and penalties for persons holding provisional licenses. This provision is designed to prevent young farm workers from circumventing the protections of the graduated driver license law.

Section 6 also amends the provision that governs the timing of the road test for holders of the examination permit. The current law requires that a road test be administered no sooner than one year from the date the permit is validated for practice driving. Applicants under 21 require supervision for the first six months and applicants age 21 or older require supervision for the first three months. This amended bill moves up the timing of the road test so it may be given immediately after the period of supervision. The permit holder would continue to be supervised until he passes the road test. Qualifying for a provisional license and driving with such license for a minimum of one year will be a new third step for holders of an examination permit. This new step will assist the State in complying with requirements established by the National Highway Traffic Safety Administration for incentive grants and make it easier for the law enforcement community to identify the driving stage of permit holders. Consequently, the three step licensing procedure for holders of an examination permit will delay the issuance of the basic (unrestricted) license for first-time drivers who are at least 17 years old to at least age 18 years, 6 months. Permit holders at least 21 years of age would be delayed until at least the age of 22 years, 3 months before being eligible to be issued a basic license. This section also provides for the supervision of motorcycle examination permit holders as if they were passenger automobile examination permit holders. The latter would be supervised for three months if age 21 and over and for six months if under age 21.

Section 12 modifies the coverage of the GDL law's effective date for new permit applicants. The law would apply to any applicant for such a permit as of the date of enactment of this amended bill. The law would therefore cover all persons applying for first-time special learner's and examination permits even if they would not have been covered by the law earlier on the basis of their age. This will permit the DMV to more readily identify the GDL drivers.

The amended bill would also consolidate fines, in one new section 11, for violating the principal conditions for persons holding special learner's permits, examination permits, and provisional driver's licenses. This will better enable DMV to input statistical data from local traffic citations for program evaluation purposes. The violations now include requirements for seat belt use, hours of operation, passenger restrictions, and supervision. A new ban on the use of any wireless communication device in moving vehicles by permit holders and provisional license holders is also included as a violation.

Section 4 would also allow the current remedial program, known as the Probationary Driver Program (PDP), to continue for all new drivers until the remedial program provided for under the GDL law is implemented. Without this change, no remedial program will be in place for basic auto license permit holders. A person who begins his driving career under the PDP will fall under the requirements of the PDP until he has been issued a basic driver's license.

With respect to driving schools, the amended bill provides for the

following changes:

Section 1 provides for the development of behind-the-wheel instruction guidelines designed to develop the skills necessary for the safe and lawful operation and driving of motor vehicles. This section clearly authorizes instructors of private driving schools to teach the minimum 30-hour theory classroom course. The benefits of classroom and behind-the-wheel driver education are added to the content of the informational brochure being issued to parents and guardians of beginning drivers under age 18. It further provides that the course of instruction for classroom driver education would be no less than 30 hours and would include information concerning insurance fraud and the State requirements for and benefits of maintaining automobile insurance. However, this would not preclude driver education programs from being offered by a public, parochial or private school.

Section 7 requires all approved behind-the-wheel driving courses leading to a special learner's permit to include a minimum of six hours instruction.

In sections 6 and 8, a remedial DMV training course, of a minimum of four hours, already required of certain GDL permit and provisional license holders, could now be given by private drivers' schools and statewide safety organizations such as the AAA Clubs of New Jersey and the New Jersey State Safety Council. Such courses would operate under the oversight of the DMV and pursuant to its guidelines.

Section 9 requires applicants for drivers' school licenses to file a \$10,000 bond, and employ a supervising instructor who: (a) successfully provided 500 hours of behind-the-wheel instruction; (b) has at least two years experience as a licensed drivers' school instructor; (c) has completed a three credit driver education college course; and (d) is not employed by any other drivers' school unless it is under the same ownership except with the express consent of the first drivers' school. This section also requires that initial and renewal applications for drivers' school licenses contain both Federal and State Tax identification numbers and proof of workers' compensation insurance coverage.

In section 10, the Division of Motor Vehicles would be required to inspect each drivers' school at least once a year to ensure compliance with all State standards. New penalties are added for private driving schools that violate more than de minimis rules, regulations and standards applicable to them: \$500 to \$1,500 for a first offense, \$1,500 to \$2,500 for a second offense, and license suspension or revocation for a third or subsequent offense.

The committee amended the bill to:

(1) modify the prohibition in the bill on the use of cellular telephones by permit holders and provisional licensees to include the use of any wireless communication device while operating a moving passenger automobile on a public road or highway. Youthful motorists would still be able to use such devices while the car is stationary and would afford them the opportunity to call for help in accident

situations or other emergencies;

(2) ensure that the special learner's permit is validated by the DMV upon the completion of a behind-the-wheel driving course;

(3) permit commercial driving schools to conduct the State's written and eye examinations. The schools would pay an annual fee to the DMV in an amount determined by the director;

(4) require that drivers' schools as a condition of licensure by the DMV employ a supervising instructor who: (a) has been licensed as a driver's school instructor by the division for the previous two years; (b) successfully provided at least 500 hours of behind-the-wheel instruction; (c) furnishes satisfactory evidence of the completion of a three credit New Jersey driver education college course; and (d) is not employed by any other drivers' school unless it is under the same ownership except with the express consent of the first drivers' school. The owner or general manager of the school would not be subject to these requirements; and

(5) clarify the original statement to the bill concerning the minimum age at which a basic (unrestricted) license may be issued. For permit holders beginning to drive at 17 years of age, a basic license would not be issued until the holder completes at least six months under an examination permit, then passes a road test, and then completes at least one year under a provisional license; this would delay issuance of a basic license to these drivers to at least 18 years, 6 months of age. For permit holders at least 21 years of age, only three months under an examination permit would be required. Consequently, such older drivers could be issued a basic license at age 22 years, 3 months.

[First Reprint]

ASSEMBLY, No. 3241

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 22, 2001

Sponsored by:

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

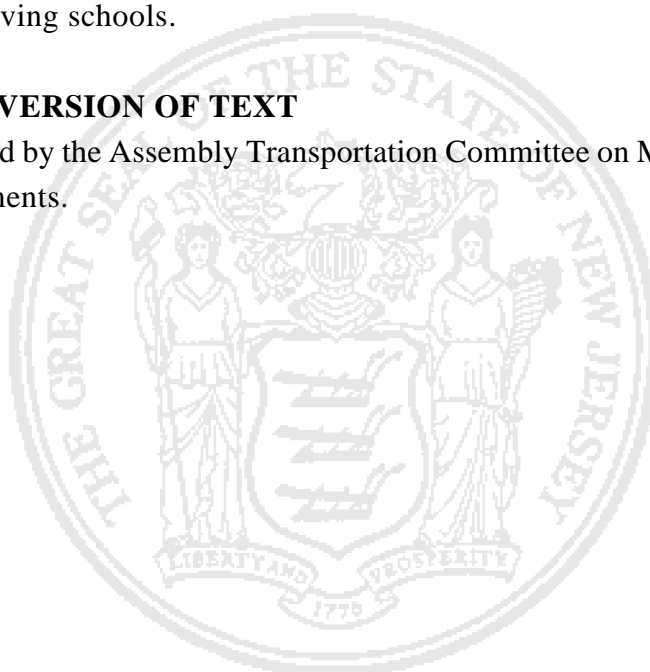
Assemblyman Cottrell

SYNOPSIS

Concerns graduated driver licensing and the responsibilities and standards of private driving schools.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation Committee on March 22, 2001, with amendments.



(Sponsorship Updated As Of: 2/23/2001)

1 AN ACT concerning graduated driver licensing and drivers' schools
2 and amending R.S. 39:3-10, R.S.39:3-13, P.L.1998, c.108,
3 P.L.1977, c.23, P.L.1942, c.334, P.L.1977, c.25, P.L.1950, c.127,
4 P.L.1951, c.216 and supplementing chapter 3 and chapter 12 of
5 Title 39 of the Revised Statutes.

6

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

9

10 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read
11 as follows:

12 8. a. The Director of the Office of Highway Traffic Safety in the
13 Department of Law and Public Safety, after consultation with the
14 Director of the Division of Motor Vehicles in the Department of
15 Transportation and the **[Advisory Committee]** Review Board on
16 Driver Education established in section 10 of P.L.1998, c.108
17 (C.27:5F-43), shall develop curriculum guidelines for use by teachers
18 of approved classroom driver education courses. The course of
19 instruction for approved courses shall be no less than 30 hours in
20 length and be designed to develop and instill the knowledge and
21 attitudes necessary for the safe operation and driving of motor
22 vehicles. Defensive driving, highway courtesy, accident avoidance
23 **[and]**, understanding and respect for the State's motor vehicle laws,
24 insurance fraud and State requirements for and benefits of maintaining
25 automobile insurance shall be emphasized. The incorporation of these
26 curriculum guidelines in these classroom courses and the use of related
27 instructional materials shall be a requirement for approval of the
28 course by the Director of the Division of Motor Vehicles.

29 b. The Director of the Office of Highway Traffic Safety, in
30 consultation with the Director of the Division of Motor Vehicles, shall
31 produce an informational brochure for parents and guardians of
32 beginning drivers under the age of 18 years. The division shall ensure
33 that the parents or guardians of a permit holder receive these
34 brochures at the time a permit is issued to a beginning driver. The
35 brochures shall include, but not be limited to, the following
36 information:

- 37 (1) Setting an example for the beginning driver;
38 (2) Accident and fatality statistics about beginning drivers;
39 (3) Causes of accidents among beginning drivers;
40 (4) The need to supervise vehicle operation by a beginning driver;
41 (5) Methods to coach a beginning driver on how to reduce

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATR committee amendments adopted March 22, 2001.

1 accidents; ~~[and]~~

2 (6) A description of the graduated driver's license program; and

3 (7) Benefits of classroom and behind-the-wheel driver education
4 under the direction of State certified or licensed driving instructors, as
5 the case may be.

6 (cf: P.L.1998, c.108, s.8)

7

8 2. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to read
9 as follows:

10 10. a. There is established a State ~~[Advisory Committee]~~ Review
11 Board on Driver Education. The Director of the Office of Highway
12 Traffic Safety or his designee shall be ex officio the chairman of the
13 board. The Governor shall appoint to the ~~[committee]~~ board a
14 certified secondary school driver education teacher and representatives
15 from the Department of Education, the Department of Transportation,
16 the ~~[American Automobile Association]~~ AAA Clubs of New Jersey,
17 the Driving School Association of New Jersey, the Insurance Council
18 of New Jersey, the New Jersey Association of Chiefs of Police, the
19 New Jersey State Safety Council and the New Jersey Traffic Safety
20 Officers Association. The ~~[committee]~~ board shall make
21 recommendations to the ~~[Directors]~~ Director of the Division of Motor
22 Vehicles ~~[and the Office of Highway Traffic Safety]~~ with respect to
23 rules and regulations promulgated under this act including, but not
24 limited to, the development of uniform curriculum guidelines for
25 approved classroom and behind-the-wheel driver education. Any
26 vacancies occurring in the membership shall be filled in the same
27 manner as the original appointments.

28 b. The course of instruction for behind-the-wheel driver education
29 shall be designed to develop the skills necessary for the safe and lawful
30 operation of a motor vehicle. Defensive driving, highway courtesy,
31 appropriate driving behavior and attitudes, accident avoidance, safe
32 passing and lane changing, and a general understanding of and respect
33 for the State's motor vehicle laws shall be emphasized.

34 (cf: P.L.1998, c.108, s.10)

35

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

37 39:3-10. No person shall drive a motor vehicle on a public highway
38 in this State unless the person is under supervision while participating
39 in a behind-the-wheel driving course pursuant to section 6 of
40 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated
41 permit, or a provisional or basic driver's license issued to him in
42 accordance with this article.

43 No person under 18 years of age shall be issued a basic license to
44 drive motor vehicles, nor shall a person be issued a validated permit,
45 including a validated examination permit, until he has passed a
46 satisfactory examination and other requirements as to his ability as an

1 operator. The examination shall include a test of the applicant's vision,
2 his ability to understand traffic control devices, his knowledge of safe
3 driving practices and of the effects that ingestion of alcohol or drugs
4 has on a person's ability to operate a motor vehicle, his knowledge of
5 such portions of the mechanism of motor vehicles as is necessary to
6 insure the safe operation of a vehicle of the kind or kinds indicated by
7 the applicant and of the laws and ordinary usages of the road. A road
8 test shall be required for a provisional license and serve as a
9 demonstration of the applicant's ability to operate a vehicle of the class
10 designated. The road test shall be given on public streets, where
11 practicable and feasible, but may be preceded by an off-street
12 screening process to assess basic skills. The director shall approve
13 locations for the road test which pose no more than a minimal risk of
14 injury to the applicant, the examiner and other motorists. No new
15 locations for the road test shall be approved unless the test can be
16 given on public streets.

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

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

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

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

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

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

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

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

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

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

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

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

40 The director, upon payment of the lawful fee and after he or a
41 person authorized by him has examined the applicant and is satisfied
42 of the applicant's ability as an operator, may, in his discretion, issue a
43 license to the applicant to drive a motor vehicle. The license shall
44 authorize him to drive any registered vehicle, of the kind or kinds
45 indicated, and shall expire, except as otherwise provided, on the last
46 day of the 120th calendar month following the calendar month in

1 which such license was issued.

2 The director may, at his discretion and for good cause shown, issue
3 licenses which shall expire on a date fixed by him. The fee for licenses
4 with expiration dates fixed by the director shall be fixed by the director
5 in amounts proportionately less or greater than the fee herein
6 established.

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

9

10	Motorcycle license or endorsement	\$35
11	Omnibus or school bus endorsement	\$35
12	Basic driver's license	\$35

13

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

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

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

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

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

39 A person violating this section shall be subject to a fine not
40 exceeding \$500 or imprisonment in the county jail for not more than
41 60 days, but if that person has never been licensed to drive in this
42 State or any other jurisdiction, he shall be subject to a fine of not less
43 than \$200 and, in addition, the court shall issue an order to the
44 Director of the Division of Motor Vehicles requiring the director to
45 refuse to issue a license to operate a motor vehicle to the person for
46 a period of not less than 180 days. The penalties provided for by this

1 paragraph shall not be applicable in cases where failure to have actual
2 possession of the operator's license is due to an administrative or
3 technical error by the Division of Motor Vehicles.

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

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

8

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

11 1. ~~【All successful applicants】~~ An applicant for a motorcycle
12 license, ~~but not for a motorcycle endorsement to a basic license,~~ who
13 previously ~~【have】~~ has never been licensed to drive a motor vehicle in
14 this, or any other state, shall ~~【be licensed on a probationary basis for~~
15 ~~the two-year period following the issuance of their initial licenses. No~~
16 ~~such license shall physically differ by way of appearance from a~~
17 ~~nonprobationary license】~~, during the permit period, be subject to the
18 applicable restrictions and penalties for examination permit holders as
19 provided under R.S.39:3-13. Until the provisions of P.L.1998, c.108,
20 as amended by P.L. , c. (now pending before the Legislature as this
21 bill), are fully implemented, all holders of permits issued pursuant to
22 R.S.39:3-13 and section 6 of P.L.1977, c.25 (C.39:3-13.2a) shall be
23 subject to a probationary driver program for the two-year period
24 immediately following the issuance of the permits. This two-year
25 period shall not be altered if the permit holder obtains a provisional
26 driver's license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4).
27 All holders of permits issued on or after the date of full
28 implementation of P.L.1998, c.108, as amended by P.L. , c. (now
29 pending before the Legislature as this bill), shall not be subject to this
30 section.

31 (cf: P.L.1998, c.108, s.2)

32

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

35 1. Any person, under seventeen years of age and not under sixteen
36 years of age, may be licensed to drive motor vehicles in agricultural
37 pursuits as herein limited; provided such person has passed an
38 examination satisfactory to the director as to his ability as an operator.
39 The director, upon payment of the lawful fee and after he or a person
40 authorized by him has examined the applicant and is satisfied of the
41 applicant's ability as an operator, may, in his discretion, license the
42 applicant to drive any motor vehicle which is registered under the
43 provisions of R.S.39:3-24 and R.S.39:3-25. The holder of an
44 agricultural permit or license shall be subject to the applicable
45 requirements, restrictions and penalties for special learner's permit
46 holders provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a).

1 Such registration shall expire on March thirty-first of each year
2 terminating the period for which such license is issued. The annual
3 license fee for such license shall be one dollar (\$1.00), and is for the
4 limited use herein provided, and is not to be used in the operation of
5 any other vehicle and shall have the name of the licensee endorsed
6 thereon in his own handwriting. The holder of an agricultural license
7 shall be entitled to a provisional driver's license upon attaining the age
8 of 17 years and shall be subject to applicable restrictions and penalties
9 in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a
10 provisional driver's license holder.

11 (cf: P.L.1983, c.403, s.8)

12

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

14 39:3-13. The director may, in his discretion, issue to a person over
15 17 years of age an examination permit, under the hand and seal of the
16 director, allowing such person, for the purpose of fitting himself to
17 become a licensed driver, to operate a designated class of motor
18 vehicles other than passenger automobiles and motorcycles of persons
19 licensed to operate motorcycles only for a specified period of not more
20 than 90 days, while in the company and under the supervision of a
21 driver licensed to operate such designated class of motor vehicles.

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

33 For six months immediately following the [issuance] validation of
34 an examination permit, and until the holder passes the road test, the
35 holder who is less than 21 years of age shall operate the passenger
36 automobile or motorcycle only when accompanied by, and under the
37 supervision of, a New Jersey licensed driver who is at least 21 years
38 of age and has been licensed to drive a passenger automobile or
39 motorcycle, as the case may be, for not less than three years. The
40 holder of an examination permit who is at least 21 years of age shall
41 operate the passenger automobile or motorcycle for the first three
42 months under such supervision and until the holder passes the road
43 test. The supervising driver of the passenger automobile shall sit in the
44 front seat of the vehicle. Whenever operating a vehicle while in
45 possession of an examination permit, the holder of the permit shall
46 operate the passenger automobile with only one additional passenger

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

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

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

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

21 Each permit shall be sufficient license for the person to operate
22 such designated class of motor vehicles in this State during the period
23 specified, while in the company of and under the control of a driver
24 licensed by this State to operate such designated class of motor
25 vehicles, or, in the case of a commercial driver license permit, while in
26 the company of and under the control of a holder of a valid
27 commercial driver license for the appropriate license class and with the
28 appropriate endorsements issued by this or any other state. Such
29 person, as well as the licensed driver, except for a motor vehicle
30 examiner administering a driving skills test, shall be held accountable
31 for all violations of this subtitle committed by such person while in the
32 presence of the licensed driver. In addition to requiring an applicant
33 for an examination permit to submit satisfactory proof of identity and
34 age, the director also shall require the applicant to provide, as a
35 condition for obtaining the permit, satisfactory proof that the
36 applicant's presence in the United States is authorized under federal
37 law.

38 The holder of an examination permit shall be required to take a road
39 test in order to obtain a [basic driver's] provisional license. No road
40 test for any person who has been issued an examination permit to
41 operate a passenger vehicle shall be given unless the person has met
42 the requirements of this section. No road test for a [basic driver's]
43 provisional license shall be given unless the applicant has first secured
44 an examination permit and no such road test shall be scheduled for an
45 applicant who has secured an examination permit for a passenger
46 vehicle or a motorcycle for which an endorsement is not required until

1 at least ~~[one year]~~ six months for an applicant under 21 years of age
 2 or three months for an applicant 21 years of age or older shall have
 3 elapsed following the validation of the examination permit for practice
 4 driving or, in the case of an examination permit for other vehicles,
 5 until 20 days ~~[has]~~ have elapsed~~[, except that in]~~. In the case of an
 6 omnibus endorsement or school bus, no road test shall be scheduled
 7 until at least 10 days shall have elapsed. Every applicant for an
 8 examination permit to qualify for an omnibus endorsement or an
 9 articulated vehicle endorsement shall be a holder of a valid basic
 10 driver's license.

11 The required fees for special learners' permits and examination
 12 permits shall be as follows:

13

14 Basic driver's license.....	up to \$10
15 Motorcycle license or endorsement.....	\$ 5
16 Omnibus or school bus endorsement.....	\$25
17 Articulated vehicle endorsement.....	\$15

18

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

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

32

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

35 6. Any person to whom a special learner's permit has been issued
 36 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
 37 successful completion of a State approved written examination, eye
 38 examination and an approved minimum six-hour behind-the-wheel
 39 driving course conducted by a licensed drivers' school ¹, approved to
 40 give such examinations and subject to a fee and annual renewal thereof
 41 in an amount determined appropriate by the director, ¹ or [of] a public,
 42 parochial or private school [driving education course], shall be
 43 entitled to retain the special learner's permit in his own possession.
 44 The special learner's permit shall be ¹[considered] ¹validated ¹by the
 45 division¹ for the purpose of driving a motor vehicle on a public
 46 highway in this State after the holder has successfully met the

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

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

1 jurisdiction that the special learner's permit holder has been convicted
2 of any motor vehicle violation which results in the imposition of any
3 motor vehicle points or has been convicted of a violation of
4 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
5 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
6 N.J.S.2C:12-1 or any other motor vehicle-related law the director
7 deems significant and applicable pursuant to regulation, the director,
8 without the exercise of discretion or a hearing, shall also postpone the
9 issuance of a basic license for 90 days. When the director is notified
10 by a court of competent jurisdiction that a special learner's permit
11 holder has been convicted of any alcohol or drug-related offense
12 unrelated to the operation of a motor vehicle and he is not otherwise
13 subject to any other suspension penalty therefor, the director shall,
14 without the exercise of discretion or a hearing, suspend the special
15 learner's permit for six months. [A fine of \$100 shall be imposed for
16 any other violations of the conditions of the special learner's permit.]
17 (cf: P.L.1998, c.108, s.5)

18

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

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

31 The holder of a provisional license shall be permitted to operate the
32 passenger automobile with only one additional passenger in the vehicle
33 besides persons with whom the holder resides, except that this
34 passenger restriction shall not apply when either the holder of the
35 provisional license or one other passenger is at least 21 years of age.
36 Further, the holder of the provisional license who is under 21 years of
37 age shall not drive during the hours between 12:01 a.m. and 5 a.m.;
38 provided however, that this condition may be waived for an emergency
39 which, in the judgment of local police, is of sufficient severity and
40 magnitude to substantially endanger the health, safety, welfare or
41 property of a person or for any bona fide employment or
42 religion-related activity if the employer or appropriate religious
43 authority provides written verification of such activity in a manner
44 provided for by the director. ¹[The holder of the provisional license
45 shall not use a cellular telephone while operating a moving passenger
46 automobile on a public road or highway. "Use" shall include, but not

1 be limited to talking or listening to another person on the telephone or
2 operating its keys, buttons or other controls.] The holder of the
3 provisional license shall not use any wireless communication device
4 while operating a moving passenger automobile on a public road or
5 highway. "Use" shall include, but not be limited to, talking or listening
6 on any wireless communication device or operating its keys, buttons
7 or other controls.¹ In addition, the holder of the provisional license
8 shall ensure that all occupants of the vehicle are secured in a properly
9 adjusted and fastened seat belt or child restraint system. In addition
10 to any other penalties provided under law, the holder of a provisional
11 license who accumulates more than two motor vehicle points or is
12 convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512
13 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;
14 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any other motor
15 vehicle law the director deems to be significant and applicable
16 pursuant to regulation shall, for the first violation, be required to
17 satisfactorily complete a remedial training course of not less than four
18 hours [and remit] which may be given by the division, a drivers'
19 school licensed by the director pursuant to section 2 of P.L.1951,
20 c.216 (C.39:12-2) or any statewide safety organization approved by
21 the director. The course shall be subject to oversight by the division
22 according to its guidelines. The permit holder shall also remit a
23 course fee [prescribed by the director] prior to the commencement of
24 the course. When notified by a court of competent jurisdiction that a
25 provisional license holder has been convicted of a second or
26 subsequent violation, in addition to any other penalties provided under
27 law, the director shall, without the exercise of discretion or a hearing,
28 suspend the provisional license for three months and shall postpone
29 eligibility for a basic license for an equivalent period. In addition,
30 when the director is notified by a court of competent jurisdiction that
31 a provisional license holder has been convicted of any alcohol or
32 drug-related offense unrelated to the operation of a motor vehicle, and
33 he is not otherwise subject to any other suspension penalty therefor,
34 the director shall, without the exercise of discretion or a hearing,
35 suspend the provisional license for six months. [A provisional license
36 holder who violates other conditions of the license shall be fined
37 \$100.]

38 A provisional license may be sent by mail and shall be clearly
39 identifiable and distinguishable in appearance from a basic license by
40 any name, mark, color or device deemed appropriate by the director.
41 (cf: P.L.1998, c.108, s.7)

42

43 9. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as
44 follows:

45 2. No person shall engage in the business of conducting a drivers'
46 school without being licensed therefor by the Director of Motor

1 Vehicles. Application therefor shall be in writing and contain such
2 information therein as he shall require on initial and renewal
3 applications, including the applicant's Federal Tax Identification
4 number, State tax identification number and proof of workers'
5 compensation insurance coverage by a mutual association or stock
6 company authorized to write coverage on such risks in this State or
7 written authorization by the Commissioner of Banking and Insurance
8 to self-insure for workers' compensation pursuant to R.S.34:15-77.
9 The applicant shall file a non-cancelable surety bond in the amount of
10 \$10,000 issued by a company authorized to transact surety business in
11 this State and payable to the division. An initial license shall not be
12 issued¹ or renewed¹ unless¹ [an owner of the drivers' school or the
13 general manager thereof, who] the applicant employs a person in
14 responsible charge of the instructors of the licensed drivers' school.
15 This person, a supervising instructor,¹ shall not be employed by any
16 other drivers' school which is not under the same ownership except
17 with the express consent of an owner of the first drivers' school¹ [.
18 is]. The supervising instructor shall be¹ a drivers' school instructor
19 licensed by the division for the previous two years, and¹ [has] have¹
20 successfully provided a minimum of 500 hours of behind-the-wheel
21 instruction. The applicant shall furnish satisfactory evidence of
22 ¹[completing] the completion by the supervising instructor of¹ a three
23 credit New Jersey driver education college course. If the application
24 is approved, the applicant shall be granted a license to teach approved
25 courses in classroom and behind-the-wheel driver education upon the
26 payment of a fee of \$250.00; provided, however, no license fee shall
27 be charged for the issuance of a license to any board of education,
28 school board, public, private or parochial school, which conducts a
29 course in driver education, approved by the State Department of
30 Education. A license so issued shall be valid during the calendar year.
31 The annual fee for renewal shall be \$200. The director shall issue a
32 license certificate or license certificates to each licensee, one of which
33 shall be displayed in each place of business of the licensee.

34 In case of the loss, mutilation or destruction of a certificate, the
35 director shall issue a duplicate upon proof of the facts and the payment
36 of a fee of \$5.

37 (cf: P.L.1994, c.60, s.29)

38

39 10. (New section) The director shall make or cause to be made a
40 full and complete inspection, at least annually, of the premises of each
41 licensee at reasonable hours as the director may deem necessary to be
42 assured that the licensee and the premises comply at all times with the
43 provisions of this title governing drivers' schools, as well as the rules
44 and regulations and the minimum standards established thereunder. A
45 violation of such rules, regulations and standards sufficient to be
46 considered more than de minimis shall result in a fine for the first

1 violation of no less than \$500 or more than \$1,500; for a second
2 violation, a fine of no less than \$1,500 or more than \$2,500; and for
3 a third or subsequent violation, the suspension or revocation by the
4 director of the license of any drivers' school.

5

6 11. (New section) A fine of \$100 shall be imposed for violating
7 the following conditions of a special learners permit, an examination
8 permit or a provisional driver's license:

9 a. supervision requirements for permit holders;

10 b. passenger restrictions;

11 c. hours of operation;

12 d. seat belt requirements;

13 e. ¹[cellular telephone] wireless communication device use
14 restrictions; or

15 f. any other violation of the conditions of a permit or provisional
16 license as the director may designate.

17

18 12. This act shall take effect immediately and shall apply to any
19 applicant for an initial special learner's permit or examination permit
20 on ¹or after¹ the effective date of this act.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3241

STATE OF NEW JERSEY

209th LEGISLATURE

DATED: APRIL 16, 2001

SUMMARY

Synopsis: Concerns graduated driver licensing and the responsibilities and standards of private driving schools.

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

Agencies Affected: Division of Motor Vehicles, Department of Transportation

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$200,000+	\$150,000+	\$150,000+
State Revenue	Unknown	Unknown	Unknown

- ! Establishes 10 member State Review Board on Driver Education.
- ! Brings motorcycle permit holders under many of same restrictions and penalties applicable to holders of examination permits.
- ! Applies pertinent provisions of graduated driver license law to persons who obtain agricultural permits and licenses at 16 years of age.
- ! Creates provisional license as new requirement after supervised driving on examination permit for at least six months before qualifying to receive basic (unrestricted) driver license.
- ! Precludes use of wireless communication device by holder of examination permit, special learner's permit, and provisional license while operating a moving passenger automobile.
- ! Permits licensed driving schools to give State approved written and eye examinations, and remedial training courses.
- ! Establishes certain additional requirements for the licensing of a drivers' school.
- ! Authorizes fees to be imposed on driving schools that give examinations.
- ! Imposes fines for violating conditions of special learner's permit, examination permit, or provisional driver's license.

BILL DESCRIPTION

Assembly Bill No. 3241 (1R) of 2001 modifies the State's graduated driver licensing law. The bill also enhances the responsibilities of the State's private driving schools and their instructors and increases standards for operation of these schools.

The bill makes various changes to the issuance of a motorcycle license, special learner's permit, examination permit, and provisional driver license. These changes are intended to insure that the increasingly complex driving tasks confronting young drivers occur under supervised conditions.

Further, the bill allows licensed drivers' schools to give certain written and eye examinations, and remedial training courses. Additional requirements for licensing such schools are also established. These changes are intended to insure that private drivers' schools continue to play an important role in the development of the skills needed by young drivers for the safe and lawful operation of a motor vehicle.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services has informally discussed the fiscal impact of Assembly Bill No. 3241 (1R) with the Department of Transportation. Although the department has not completed its assessment of the bill, the department has identified several areas that are likely to require additional funding. First, the Division of Motor Vehicles (DMV) is required to make a full and complete inspection, at least annually, of each licensed driving school to insure compliance with the provisions of the bill. Since the division estimates there are about 200 driving schools, there is an anticipated need for three new auditors and support equipment that would include vehicles, computers, and other office related furnishings. One-time equipment costs could amount to \$50,000 while on-going personnel costs could be in the \$150,000 range.

A second area that could require new expenditures concerns written and eye examinations that could be given by the drivers' schools. If these tests were given by driving schools but linked by a computer to a master test at DMV, new, but not yet quantified, data processing costs would be incurred. Also, since the division gives exams in languages other than English, it has not been determined if a master, computerized test would also be in other languages.

A third area relates to changes in revenues. Although there would be new revenue from fees imposed by DMV on licensed drivers' schools that would give written and eye examinations, the amount of the fee has not yet been determined by the director. An offset to this new revenue is the potential loss of revenue to DMV provided by drivers who now attend DMV remedial training courses but who could attend such courses in the future at a licensed driving school.

Consequently, the \$200,000 estimate for Year 1 and the \$150,000 amount for succeeding years may be understated.

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 LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3241

STATE OF NEW JERSEY

DATED: MAY 31, 2001

The Senate Law and Public Safety Committee reports without recommendation and with committee amendments Assembly Bill No. 3241(1R).

This bill modifies the State's graduated driver licensing (GDL) law which became effective January 1, 2001. The bill also enhances the responsibilities of the State's private driving schools and their instructors and increases standards for operation of these driving schools.

Section 2 expands the membership of a newly-named State Review Board on Driver Education to include a representative of the Insurance Council of New Jersey and a certified secondary school driver education teacher. The Director of the Office of Highway Traffic Safety or his designee would become the chairman. The board would report its findings to the Director of the Division of Motor Vehicles (DMV).

Sections 4 and 6 bring motorcycle permit holders under many of the same restrictions and penalties applicable to holders of examination permits for passenger motor vehicles, including remedial courses, fines and suspensions for a variety of motor vehicle offenses. For example, an alcohol or drug-related offense unrelated to the operation of the motorcycle could result in a six-month suspension. Motorcyclists would also become subject to the new minimum age licensing requirements and driving curfews. At present, a person may qualify for a motorcycle license at age 17. The bill's provisions would not apply to an applicant for a motorcycle endorsement to a basic automobile license.

Section 5 makes certain pertinent provisions of the GDL law apply to young persons who can now obtain agricultural permits and licenses at age 16 for travel, in some cases, on public highways. A young person could continue to receive an agricultural permit and license at age 16 but would then be subject to the law's provisions for a provisional and basic license at ages 17 and 18, respectively, including the applicable requirements, restrictions and penalties for persons holding provisional licenses. This provision is designed to prevent young farm workers from circumventing the protections of the

graduated driver license law.

Section 6 also amends the provision that governs the timing of the road test for holders of the examination permit. The current law requires that a road test be administered no sooner than one year from the date the permit is validated for practice driving. Applicants under 21 require supervision for the first six months and applicants age 21 or older require supervision for the first three months. This bill moves up the timing of the road test so it may be given immediately after the period of supervision. The permit holder would continue to be supervised until he passes the road test. Qualifying for a provisional license and driving with such license for a minimum of one year will be a new third step for holders of an examination permit. This new step will assist the State in complying with requirements established by the National Highway Traffic Safety Administration for incentive grants and make it easier for the law enforcement community to identify the driving stage of permit holders. Consequently, the three step licensing procedure for holders of an examination permit will delay the issuance of the basic (unrestricted) license for first-time drivers who are at least 17 years old to at least age 18 years, 6 months. Permit holders at least 21 years of age would be delayed until at least the age of 22 years, 3 months before being eligible to be issued a basic license. This section also provides for the supervision of motorcycle examination permit holders as if they were passenger automobile examination permit holders. The latter would be supervised for three months if age 21 and over and for six months if under age 21.

Section 12 modifies the coverage of the GDL law's effective date for new permit applicants. The law would apply to any applicant for such a permit as of the date of enactment of this bill. The law would therefore cover all persons applying for first-time special learner's and examination permits even if they would not have been covered by the law earlier on the basis of their age. This will permit the DMV to more readily identify the GDL drivers.

The bill also consolidates fines, in one new section 11, for violating the principal conditions for persons holding special learner's permits, examination permits, and provisional driver's licenses. This will better enable DMV to input statistical data from local traffic citations for program evaluation purposes. The violations now include requirements for seat belt use, hours of operation, passenger restrictions, and supervision. A new ban on the use of any wireless communication device in moving vehicles by permit holders and provisional license holders is also included as a violation.

Section 4 also allows the current remedial program, known as the Probationary Driver Program (PDP), to continue for all new drivers until the remedial program provided for under the GDL law is implemented. Without this change, no remedial program will be in place for basic auto license permit holders. A person who begins his driving career under the PDP will fall under the requirements of the PDP until he has been issued a basic driver's license.

With respect to driving schools, the bill provides for the following changes:

Section 1 provides for the development of behind-the-wheel instruction guidelines designed to develop the skills necessary for the safe and lawful operation and driving of motor vehicles. This section clearly authorizes instructors of private driving schools to teach the minimum 30-hour theory classroom course. The benefits of classroom and behind-the-wheel driver education are added to the content of the informational brochure being issued to parents and guardians of beginning drivers under age 18. It further provides that the course of instruction for classroom driver education would be no less than 30 hours and would include information concerning insurance fraud and the State requirements for and benefits of maintaining automobile insurance. However, this would not preclude driver education programs from being offered by a public, parochial or private school.

Section 7 requires all approved behind-the-wheel driving courses leading to a special learner's permit to include a minimum of six hours instruction.

In sections 6 and 8, a remedial DMV training course, of a minimum of four hours, already required of certain GDL permit and provisional license holders, could now be given by private drivers' schools and statewide safety organizations such as the AAA Clubs of New Jersey and the New Jersey State Safety Council. Such courses would operate under the oversight of the DMV and pursuant to its guidelines.

Section 9 requires applicants for drivers' school licenses to file a \$10,000 bond, and employ a supervising instructor who: (a) successfully provided 500 hours of behind-the-wheel instruction; (b) has at least two years experience as a licensed drivers' school instructor; (c) has completed a three credit driver education college course; and (d) is not employed by any other drivers' school unless it is under the same ownership except with the express consent of the first drivers' school. This section also requires that initial and renewal applications for drivers' school licenses contain both Federal and State Tax identification numbers and proof of workers' compensation insurance coverage.

In section 10, the Division of Motor Vehicles is required to inspect each drivers' school at least once a year to ensure compliance with all State standards. New penalties are added for private driving schools for other than de minimis violations of rules, regulations and standards applicable to them: \$500 to \$1,500 for a first offense, \$1,500 to \$2,500 for a second offense, and license suspension or revocation for a third or subsequent offense.

The committee amended the bill to modify the prohibition on the use of wireless communication devices by permit holders and provisional licensees while operating a moving passenger automobile on a public road or highway. The amendments clarify that the prohibition is applicable only to interactive wireless communication devices and provide that such devices may be used in an emergency.

The committee also added language to the bill stating that its provisions are not intended as a basis for privatizing existing services or programs or for reducing the number of driver testing employees in the DMV.

The committee also wishes to clarify the original statement to the bill concerning the minimum age at which a basic (unrestricted) license may be issued. It is the committee's understanding that for permit holders beginning to drive at 17 years of age, a basic license would not be issued until the holder completes at least six months under an examination permit, then passes a road test, and then completes at least one year under a provisional license; this would delay issuance of a basic license to these drivers to at least 18 years, 6 months of age. For permit holders at least 21 years of age, only three months under an examination permit would be required. Consequently, such older drivers could be issued a basic license at age 22 years, 3 months.

As amended and released by the committee, this bill is identical to Senate Bill No. 2146, which also was amended and released by the committee on this same date.

[Second Reprint]

ASSEMBLY, No. 3241

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 22, 2001

Sponsored by:

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

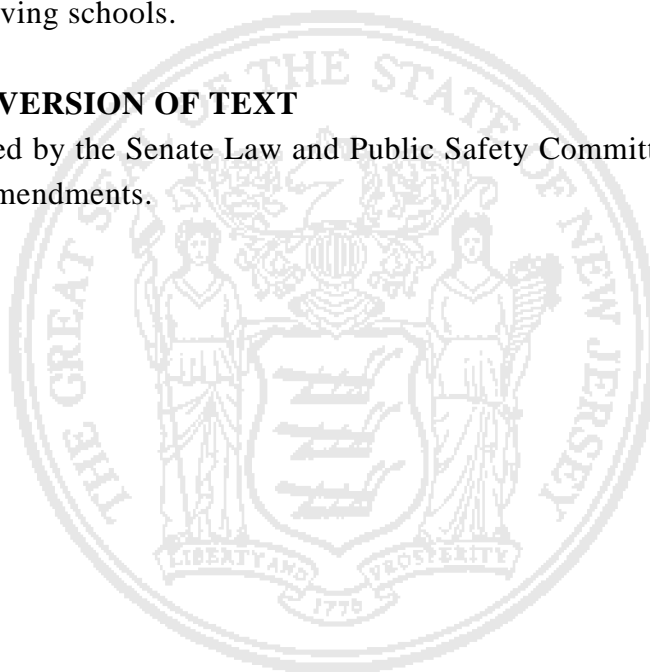
Assemblyman Cottrell

SYNOPSIS

Concerns graduated driver licensing and the responsibilities and standards of private driving schools.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on May 31, 2001, with amendments.



(Sponsorship Updated As Of: 2/23/2001)

1 AN ACT concerning graduated driver licensing and drivers' schools
2 and amending R.S.39:3-10, R.S.39:3-13, P.L.1998, c.108,
3 P.L.1977, c.23, P.L.1942, c.334, P.L.1977, c.25, P.L.1950, c.127,
4 P.L.1951, c.216 and supplementing chapter 3 and chapter 12 of
5 Title 39 of the Revised Statutes.

6

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

9

10 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read
11 as follows:

12 8. a. The Director of the Office of Highway Traffic Safety in the
13 Department of Law and Public Safety, after consultation with the
14 Director of the Division of Motor Vehicles in the Department of
15 Transportation and the **[Advisory Committee]** Review Board on
16 Driver Education established in section 10 of P.L.1998, c.108
17 (C.27:5F-43), shall develop curriculum guidelines for use by teachers
18 of approved classroom driver education courses. The course of
19 instruction for approved courses shall be no less than 30 hours in
20 length and be designed to develop and instill the knowledge and
21 attitudes necessary for the safe operation and driving of motor
22 vehicles. Defensive driving, highway courtesy, accident avoidance
23 **[and]**, understanding and respect for the State's motor vehicle laws,
24 insurance fraud and State requirements for and benefits of maintaining
25 automobile insurance shall be emphasized. The incorporation of these
26 curriculum guidelines in these classroom courses and the use of related
27 instructional materials shall be a requirement for approval of the
28 course by the Director of the Division of Motor Vehicles.

29 b. The Director of the Office of Highway Traffic Safety, in
30 consultation with the Director of the Division of Motor Vehicles, shall
31 produce an informational brochure for parents and guardians of
32 beginning drivers under the age of 18 years. The division shall ensure
33 that the parents or guardians of a permit holder receive these
34 brochures at the time a permit is issued to a beginning driver. The
35 brochures shall include, but not be limited to, the following
36 information:

- 37 (1) Setting an example for the beginning driver;
38 (2) Accident and fatality statistics about beginning drivers;
39 (3) Causes of accidents among beginning drivers;
40 (4) The need to supervise vehicle operation by a beginning driver;
41 (5) Methods to coach a beginning driver on how to reduce

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATR committee amendments adopted March 22, 2001.

² Senate SLP committee amendments adopted May 31, 2001.

1 accidents; ~~[and]~~

2 (6) A description of the graduated driver's license program; ~~and~~

3 (7) Benefits of classroom and behind-the-wheel driver education
4 under the direction of State certified or licensed driving instructors, as
5 the case may be.

6 (cf: P.L.1998, c.108, s.8)

7

8 2. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to read
9 as follows:

10 10. a. There is established a State ~~[Advisory Committee]~~ Review
11 Board on Driver Education. ~~The Director of the Office of Highway~~
12 Traffic Safety or his designee shall be ex officio the chairman of the
13 board. The Governor shall appoint to the ~~[committee]~~ board a
14 certified secondary school driver education teacher and representatives
15 from the Department of Education, the Department of Transportation,
16 the ~~[American Automobile Association]~~ AAA Clubs of New Jersey,
17 the Driving School Association of New Jersey, the Insurance Council
18 of New Jersey, the New Jersey Association of Chiefs of Police, the
19 New Jersey State Safety Council and the New Jersey Traffic Safety
20 Officers Association. The ~~[committee]~~ board shall make
21 recommendations to the ~~[Directors]~~ Director of the Division of Motor
22 Vehicles ~~[and the Office of Highway Traffic Safety]~~ with respect to
23 rules and regulations promulgated under this act including, but not
24 limited to, the development of uniform curriculum guidelines for
25 approved classroom and behind-the-wheel driver education. Any
26 vacancies occurring in the membership shall be filled in the same
27 manner as the original appointments.

28 b. The course of instruction for behind-the-wheel driver education
29 shall be designed to develop the skills necessary for the safe and lawful
30 operation of a motor vehicle. Defensive driving, highway courtesy,
31 appropriate driving behavior and attitudes, accident avoidance, safe
32 passing and lane changing, and a general understanding of and respect
33 for the State's motor vehicle laws shall be emphasized.

34 (cf: P.L.1998, c.108, s.10)

35

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

37 39:3-10. No person shall drive a motor vehicle on a public highway
38 in this State unless the person is under supervision while participating
39 in a behind-the-wheel driving course pursuant to section 6 of
40 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated
41 permit, or a provisional or basic driver's license issued to him in
42 accordance with this article.

43 No person under 18 years of age shall be issued a basic license to
44 drive motor vehicles, nor shall a person be issued a validated permit,
45 including a validated examination permit, until he has passed a
46 satisfactory examination and other requirements as to his ability as an

1 operator. The examination shall include a test of the applicant's vision,
2 his ability to understand traffic control devices, his knowledge of safe
3 driving practices and of the effects that ingestion of alcohol or drugs
4 has on a person's ability to operate a motor vehicle, his knowledge of
5 such portions of the mechanism of motor vehicles as is necessary to
6 insure the safe operation of a vehicle of the kind or kinds indicated by
7 the applicant and of the laws and ordinary usages of the road. A road
8 test shall be required for a provisional license and serve as a
9 demonstration of the applicant's ability to operate a vehicle of the class
10 designated. The road test shall be given on public streets, where
11 practicable and feasible, but may be preceded by an off-street
12 screening process to assess basic skills. The director shall approve
13 locations for the road test which pose no more than a minimal risk of
14 injury to the applicant, the examiner and other motorists. No new
15 locations for the road test shall be approved unless the test can be
16 given on public streets.

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

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

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

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

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

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

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

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

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

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

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

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

40 The director, upon payment of the lawful fee and after he or a
41 person authorized by him has examined the applicant and is satisfied
42 of the applicant's ability as an operator, may, in his discretion, issue a
43 license to the applicant to drive a motor vehicle. The license shall
44 authorize him to drive any registered vehicle, of the kind or kinds
45 indicated, and shall expire, except as otherwise provided, on the last
46 day of the 120th calendar month following the calendar month in

1 which such license was issued.

2 The director may, at his discretion and for good cause shown, issue
3 licenses which shall expire on a date fixed by him. The fee for licenses
4 with expiration dates fixed by the director shall be fixed by the director
5 in amounts proportionately less or greater than the fee herein
6 established.

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

9

10	Motorcycle license or endorsement	\$35
11	Omnibus or school bus endorsement	\$35
12	Basic driver's license	\$35

13

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

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

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

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

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

39 A person violating this section shall be subject to a fine not
40 exceeding \$500 or imprisonment in the county jail for not more than
41 60 days, but if that person has never been licensed to drive in this
42 State or any other jurisdiction, he shall be subject to a fine of not less
43 than \$200 and, in addition, the court shall issue an order to the
44 Director of the Division of Motor Vehicles requiring the director to
45 refuse to issue a license to operate a motor vehicle to the person for
46 a period of not less than 180 days. The penalties provided for by this

1 paragraph shall not be applicable in cases where failure to have actual
2 possession of the operator's license is due to an administrative or
3 technical error by the Division of Motor Vehicles.

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

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

8

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

11 1. ~~【All successful applicants】~~ An applicant for a motorcycle
12 license, ~~but not for a motorcycle endorsement to a basic license,~~ who
13 previously ~~【have】~~ has never been licensed to drive a motor vehicle in
14 this, or any other state, shall ~~【be licensed on a probationary basis for~~
15 ~~the two-year period following the issuance of their initial licenses. No~~
16 ~~such license shall physically differ by way of appearance from a~~
17 ~~nonprobationary license】~~, during the permit period, be subject to the
18 applicable restrictions and penalties for examination permit holders as
19 provided under R.S.39:3-13. Until the provisions of P.L.1998, c.108,
20 as amended by P.L. , c. (now pending before the Legislature as this
21 bill), are fully implemented, all holders of permits issued pursuant to
22 R.S.39:3-13 and section 6 of P.L.1977, c.25 (C.39:3-13.2a) shall be
23 subject to a probationary driver program for the two-year period
24 immediately following the issuance of the permits. This two-year
25 period shall not be altered if the permit holder obtains a provisional
26 driver's license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4).
27 All holders of permits issued on or after the date of full
28 implementation of P.L.1998, c.108, as amended by P.L. , c. (now
29 pending before the Legislature as this bill), shall not be subject to this
30 section.

31 (cf: P.L.1998, c.108, s.2)

32

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

35 1. Any person, under seventeen years of age and not under sixteen
36 years of age, may be licensed to drive motor vehicles in agricultural
37 pursuits as herein limited; provided such person has passed an
38 examination satisfactory to the director as to his ability as an operator.
39 The director, upon payment of the lawful fee and after he or a person
40 authorized by him has examined the applicant and is satisfied of the
41 applicant's ability as an operator, may, in his discretion, license the
42 applicant to drive any motor vehicle which is registered under the
43 provisions of R.S.39:3-24 and R.S.39:3-25. The holder of an
44 agricultural permit or license shall be subject to the applicable
45 requirements, restrictions and penalties for special learner's permit
46 holders provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a).

1 Such registration shall expire on March thirty-first of each year
2 terminating the period for which such license is issued. The annual
3 license fee for such license shall be one dollar (\$1.00), and is for the
4 limited use herein provided, and is not to be used in the operation of
5 any other vehicle and shall have the name of the licensee endorsed
6 thereon in his own handwriting. The holder of an agricultural license
7 shall be entitled to a provisional driver's license upon attaining the age
8 of 17 years and shall be subject to applicable restrictions and penalties
9 in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a
10 provisional driver's license holder.

11 (cf: P.L.1983, c.403, s.8)

12

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

14 39:3-13. The director may, in his discretion, issue to a person over
15 17 years of age an examination permit, under the hand and seal of the
16 director, allowing such person, for the purpose of fitting himself to
17 become a licensed driver, to operate a designated class of motor
18 vehicles other than passenger automobiles and motorcycles of persons
19 licensed to operate motorcycles only for a specified period of not more
20 than 90 days, while in the company and under the supervision of a
21 driver licensed to operate such designated class of motor vehicles.

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

33 For six months immediately following the [issuance] validation of
34 an examination permit, and until the holder passes the road test, the
35 holder who is less than 21 years of age shall operate the passenger
36 automobile or motorcycle only when accompanied by, and under the
37 supervision of, a New Jersey licensed driver who is at least 21 years
38 of age and has been licensed to drive a passenger automobile or
39 motorcycle, as the case may be, for not less than three years. The
40 holder of an examination permit who is at least 21 years of age shall
41 operate the passenger automobile or motorcycle for the first three
42 months under such supervision and until the holder passes the road
43 test. The supervising driver of the passenger automobile shall sit in the
44 front seat of the vehicle. Whenever operating a vehicle while in
45 possession of an examination permit, the holder of the permit shall
46 operate the passenger automobile with only one additional passenger

1 in the vehicle excluding persons with whom the holder resides, except
2 that this passenger restriction shall not apply when either the permit
3 holder or one other passenger is at least 21 years of age. Further, the
4 holder of the permit who is less than 21 years of age shall not drive
5 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
6 that this condition may be waived for an emergency which, in the
7 judgment of local police, is of sufficient severity and magnitude to
8 substantially endanger the health, safety, welfare or property of a
9 person, or for any bona fide employment or religion-related activity if
10 the employer or appropriate religious authority provides written
11 verification of such activity in a manner provided for by the director.
12 ¹[The permit holder shall not use a cellular telephone while operating
13 a moving passenger automobile on a public road or highway. "Use"
14 shall include, but not be limited to: talking or listening to another
15 person on the telephone or operating its keys, buttons or other
16 controls.] The holder of the examination permit shall not use any
17 ²interactive² wireless communication device ² except in an
18 emergency,² while operating a moving passenger automobile on a
19 public road or highway. "Use" shall include, but not be limited to,
20 talking or listening on any ²interactive² wireless communication device
21 or operating its keys, buttons or other controls.¹ The passenger
22 automobile permit holder shall [also] ensure that all occupants of the
23 vehicle are secured in a properly adjusted and fastened seat belt or
24 child restraint system.

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

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

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

22 Each permit shall be sufficient license for the person to operate
23 such designated class of motor vehicles in this State during the period
24 specified, while in the company of and under the control of a driver
25 licensed by this State to operate such designated class of motor
26 vehicles, or, in the case of a commercial driver license permit, while in
27 the company of and under the control of a holder of a valid
28 commercial driver license for the appropriate license class and with the
29 appropriate endorsements issued by this or any other state. Such
30 person, as well as the licensed driver, except for a motor vehicle
31 examiner administering a driving skills test, shall be held accountable
32 for all violations of this subtitle committed by such person while in the
33 presence of the licensed driver. In addition to requiring an applicant
34 for an examination permit to submit satisfactory proof of identity and
35 age, the director also shall require the applicant to provide, as a
36 condition for obtaining the permit, satisfactory proof that the
37 applicant's presence in the United States is authorized under federal
38 law.

39 The holder of an examination permit shall be required to take a road
40 test in order to obtain a [basic driver's] provisional license. No road
41 test for any person who has been issued an examination permit to
42 operate a passenger vehicle shall be given unless the person has met
43 the requirements of this section. No road test for a [basic driver's]
44 provisional license shall be given unless the applicant has first secured
45 an examination permit and no such road test shall be scheduled for an
46 applicant who has secured an examination permit for a passenger

1 vehicle or a motorcycle for which an endorsement is not required until
 2 at least ~~[one year]~~ six months for an applicant under 21 years of age
 3 or three months for an applicant 21 years of age or older shall have
 4 elapsed following the validation of the examination permit for practice
 5 driving or, in the case of an examination permit for other vehicles,
 6 until 20 days ~~[has]~~ have elapsed~~[, except that in]~~. In the case of an
 7 omnibus endorsement or school bus, no road test shall be scheduled
 8 until at least 10 days shall have elapsed. Every applicant for an
 9 examination permit to qualify for an omnibus endorsement or an
 10 articulated vehicle endorsement shall be a holder of a valid basic
 11 driver's license.

12 The required fees for special learners' permits and examination
 13 permits shall be as follows:

14		
15	Basic driver's license.....	up to \$10
16	Motorcycle license or endorsement.....	\$ 5
17	Omnibus or school bus endorsement.....	\$25
18	Articulated vehicle endorsement.....	\$15
19		

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

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

33
 34 7. Section 6 of P.L.1977, c. 25 (C.39:3-13.2a) is amended to read
 35 as follows:

36 6. Any person to whom a special learner's permit has been issued
 37 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
 38 successful completion of a State approved written examination, eye
 39 examination and an approved minimum six-hour behind-the-wheel
 40 driving course conducted by a licensed drivers' school ¹, approved to
 41 give such examinations and subject to a fee and annual renewal thereof
 42 in an amount determined appropriate by the director. ¹ or [of] a public,
 43 parochial or private school [driving education course], shall be
 44 entitled to retain the special learner's permit in his own possession.
 45 The special learner's permit shall be ¹[considered]¹ validated ¹by the
 46 division¹ for the purpose of driving a motor vehicle on a public

1 highway in this State after the holder has successfully met the
2 necessary examination requirements, and upon the successful
3 completion of a behind-the-wheel driving course. Such person may
4 operate a motor vehicle of the class for which a basic driver's license
5 is required except during the hours between 11:01 p.m. and 5:00 a.m.
6 while in the company and under the supervision, from the front
7 passenger seat, of a licensed motor vehicle driver of this State who is
8 over 21 years of age and has been licensed to drive a passenger
9 automobile for at least three years. Such special permit shall be valid
10 until such person's seventeenth birthday or until he qualifies for a
11 provisional license. Except during an instructional period of a
12 behind-the-wheel driving course, the holder of a special permit shall
13 operate a passenger automobile with only the following passengers:
14 (1) the supervising passenger; (2) persons who share the permit
15 holder's residence; and (3) one additional passenger who does not
16 reside with the permit holder. ¹[The permit holder shall not use a
17 cellular telephone while operating a moving passenger automobile on
18 a public road or highway. "Use" shall include, but not be limited to
19 talking or listening to another person on the telephone or operating its
20 keys, buttons or other controls.] The holder of the special learner's
21 permit shall not use any ²interactive² wireless communication device
22 ², except in an emergency,² while operating a moving passenger
23 automobile on a public road or highway. "Use" shall include, but not
24 be limited to, talking or listening on any ²interactive² wireless
25 communication device or operating its keys, buttons or other
26 controls.¹ All occupants of the automobile shall be secured in a
27 properly adjusted and fastened seat belt or child restraint system.

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

1 commencement of the course. If, after completion of the remedial
2 training course, the director is notified by a court of competent
3 jurisdiction that the special learner's permit holder has been convicted
4 of any motor vehicle violation which results in the imposition of any
5 motor vehicle points or has been convicted of a violation of
6 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
7 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
8 N.J.S.2C:12-1 or any other motor vehicle-related law the director
9 deems significant and applicable pursuant to regulation, the director,
10 without the exercise of discretion or a hearing, shall also postpone the
11 issuance of a basic license for 90 days. When the director is notified
12 by a court of competent jurisdiction that a special learner's permit
13 holder has been convicted of any alcohol or drug-related offense
14 unrelated to the operation of a motor vehicle and he is not otherwise
15 subject to any other suspension penalty therefor, the director shall,
16 without the exercise of discretion or a hearing, suspend the special
17 learner's permit for six months. [A fine of \$100 shall be imposed for
18 any other violations of the conditions of the special learner's permit.]
19 (cf: P.L.1998, c.108, s.5)

20

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

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

33 The holder of a provisional license shall be permitted to operate the
34 passenger automobile with only one additional passenger in the vehicle
35 besides persons with whom the holder resides, except that this
36 passenger restriction shall not apply when either the holder of the
37 provisional license or one other passenger is at least 21 years of age.
38 Further, the holder of the provisional license who is under 21 years of
39 age shall not drive during the hours between 12:01 a.m. and 5 a.m.;
40 provided however, that this condition may be waived for an emergency
41 which, in the judgment of local police, is of sufficient severity and
42 magnitude to substantially endanger the health, safety, welfare or
43 property of a person or for any bona fide employment or
44 religion-related activity if the employer or appropriate religious
45 authority provides written verification of such activity in a manner
46 provided for by the director. ¹[The holder of the provisional license

1 shall not use a cellular telephone while operating a moving passenger
2 automobile on a public road or highway. "Use" shall include, but not
3 be limited to talking or listening to another person on the telephone or
4 operating its keys, buttons or other controls.] The holder of the
5 provisional license shall not use any ²interactive² wireless
6 communication device ², except in an emergency, ² while operating a
7 moving passenger automobile on a public road or highway. "Use"
8 shall include, but not be limited to, talking or listening on any
9 ²interactive² wireless communication device or operating its keys,
10 buttons or other controls.¹ In addition, the holder of the provisional
11 license shall ensure that all occupants of the vehicle are secured in a
12 properly adjusted and fastened seat belt or child restraint system. In
13 addition to any other penalties provided under law, the holder of a
14 provisional license who accumulates more than two motor vehicle
15 points or is convicted of a violation of R.S.39:4-50; section 2 of
16 P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
17 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
18 other motor vehicle law the director deems to be significant and
19 applicable pursuant to regulation shall, for the first violation, be
20 required to satisfactorily complete a remedial training course of not
21 less than four hours [and remit] which may be given by the division,
22 a drivers' school licensed by the director pursuant to section 2 of
23 P.L.1951, c.216 (C.39:12-2) or any statewide safety organization
24 approved by the director. The course shall be subject to oversight by
25 the division according to its guidelines. The permit holder shall also
26 remit a course fee [prescribed by the director] prior to the
27 commencement of the course. When notified by a court of competent
28 jurisdiction that a provisional license holder has been convicted of a
29 second or subsequent violation, in addition to any other penalties
30 provided under law, the director shall, without the exercise of
31 discretion or a hearing, suspend the provisional license for three
32 months and shall postpone eligibility for a basic license for an
33 equivalent period. In addition, when the director is notified by a court
34 of competent jurisdiction that a provisional license holder has been
35 convicted of any alcohol or drug-related offense unrelated to the
36 operation of a motor vehicle, and he is not otherwise subject to any
37 other suspension penalty therefor, the director shall, without the
38 exercise of discretion or a hearing, suspend the provisional license for
39 six months. [A provisional license holder who violates other
40 conditions of the license shall be fined \$100.]

41 A provisional license may be sent by mail and shall be clearly
42 identifiable and distinguishable in appearance from a basic license by
43 any name, mark, color or device deemed appropriate by the director.
44 (cf: P.L.1998, c.108, s.7)

45

46 9. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as

1 follows:

2 2. No person shall engage in the business of conducting a drivers'
3 school without being licensed therefor by the Director of Motor
4 Vehicles. Application therefor shall be in writing and contain such
5 information therein as he shall require on initial and renewal
6 applications, including the applicant's Federal Tax Identification
7 number, State tax identification number and proof of workers'
8 compensation insurance coverage by a mutual association or stock
9 company authorized to write coverage on such risks in this State or
10 written authorization by the Commissioner of Banking and Insurance
11 to self-insure for workers' compensation pursuant to R.S.34:15-77.
12 The applicant shall file a non-cancelable surety bond in the amount of
13 \$10,000 issued by a company authorized to transact surety business in
14 this State and payable to the division. An initial license shall not be
15 issued ¹or renewed¹ unless ¹[an owner of the drivers' school or the
16 general manager thereof, who] the applicant employs a person in
17 responsible charge of the instructors of the licensed drivers' school.
18 This person, a supervising instructor,¹ shall not be employed by any
19 other drivers' school which is not under the same ownership except
20 with the express consent of an owner of the first drivers' school ¹[,
21 is]. The supervising instructor shall be¹ a drivers' school instructor
22 licensed by the division for the previous two years, and ¹[has] have¹
23 successfully provided a minimum of 500 hours of behind-the-wheel
24 instruction. The applicant shall furnish satisfactory evidence of
25 ¹[completing] the completion by the supervising instructor of¹ a three
26 credit New Jersey driver education college course. If the application
27 is approved, the applicant shall be granted a license to teach approved
28 courses in classroom and behind-the-wheel driver education upon the
29 payment of a fee of \$250.00; provided, however, no license fee shall
30 be charged for the issuance of a license to any board of education,
31 school board, public, private or parochial school, which conducts a
32 course in driver education, approved by the State Department of
33 Education. A license so issued shall be valid during the calendar year.
34 The annual fee for renewal shall be \$200. The director shall issue a
35 license certificate or license certificates to each licensee, one of which
36 shall be displayed in each place of business of the licensee.

37 In case of the loss, mutilation or destruction of a certificate, the
38 director shall issue a duplicate upon proof of the facts and the payment
39 of a fee of \$5.

40 (cf: P.L.1994, c.60, s.29)

41

42 10. (New section) The director shall make or cause to be made a
43 full and complete inspection, at least annually, of the premises of each
44 licensee at reasonable hours as the director may deem necessary to be
45 assured that the licensee and the premises comply at all times with the
46 provisions of this title governing drivers' schools, as well as the rules

1 and regulations and the minimum standards established thereunder. A
2 violation of such rules, regulations and standards sufficient to be
3 considered more than de minimis shall result in a fine for the first
4 violation of no less than \$500 or more than \$1,500; for a second
5 violation, a fine of no less than \$1,500 or more than \$2,500; and for
6 a third or subsequent violation, the suspension or revocation by the
7 director of the license of any drivers' school.

8
9 11. (New section) A fine of \$100 shall be imposed for violating
10 the following conditions of a special learners permit, an examination
11 permit or a provisional driver's license:

12 a. supervision requirements for permit holders;

13 b. passenger restrictions;

14 c. hours of operation;

15 d. seat belt requirements;

16 e. ¹[cellular telephone] ²interactive² wireless communication
17 device¹ use restrictions; or

18 f. any other violation of the conditions of a permit or provisional
19 license as the director may designate.

20
21 ²12. The provisions of this act are not intended, nor shall they be
22 construed or used, as a basis to privatize existing services or
23 programs, or in any manner reduce the number of State employees
24 performing driver testing duties in the Division of Motor Vehicles.²
25

26 ²[12.] 13.² This act shall take effect immediately and shall apply
27 to any applicant for an initial special learner's permit or examination
28 permit on ¹or after¹ the effective date of this act.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint] **ASSEMBLY, No. 3241**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 2001

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 3241 (2R).

This bill modifies the State's graduated driver licensing (GDL) law, which became effective January 1, 2001. The bill also enhances the responsibilities of the State's private driving schools and their instructors and increases standards for operation of these driving schools.

Section 2 expands the membership of a newly-named State Review Board on Driver Education to include a representative of the Insurance Council of New Jersey and a certified secondary school driver education teacher. The Director of the Office of Highway Traffic Safety or his designee would become the chairman. The board would report its findings to the Director of the Division of Motor Vehicles (DMV).

Sections 4 and 6 bring motorcycle permit holders under many of the same restrictions and penalties applicable to holders of examination permits for passenger motor vehicles, including remedial courses, fines and suspensions for a variety of motor vehicle offenses. For example, an alcohol or drug-related offense unrelated to the operation of the motorcycle could result in a six-month suspension. Motorcyclists would also become subject to the new minimum age licensing requirements and driving curfews. At present, a person may qualify for a motorcycle license at age 17. The bill's provisions would not apply to an applicant for a motorcycle endorsement to a basic automobile license.

Section 5 makes certain pertinent provisions of the GDL law apply to young persons who can now obtain agricultural permits and licenses at age 16 for travel, in some cases, on public highways. A young person could continue to receive an agricultural permit and license at age 16 but would then be subject to the law's provisions for a provisional and basic license at ages 17 and 18, respectively, including the applicable requirements, restrictions and penalties for persons

holding provisional licenses. This provision is designed to prevent young farm workers from circumventing the protections of the graduated driver license law.

Section 6 also amends the provision that governs the timing of the road test for holders of the examination permit. The current law requires that a road test be administered no sooner than one year from the date the permit is validated for practice driving. Applicants under 21 require supervision for the first six months and applicants age 21 or older require supervision for the first three months. This bill moves up the timing of the road test so it may be given immediately after the period of supervision. The permit holder would continue to be supervised until he passes the road test. Qualifying for a provisional license and driving with such license for a minimum of one year will be a new third step for holders of an examination permit. This new step will assist the State in complying with requirements established by the National Highway Traffic Safety Administration for incentive grants and make it easier for the law enforcement community to identify the driving stage of permit holders. Consequently, the three step licensing procedure for holders of an examination permit will delay the issuance of the basic (unrestricted) license for first-time drivers who are at least 17 years old to at least age 18 years, 6 months. Permit holders at least 21 years of age would be delayed until at least the age of 22 years, 3 months before being eligible to be issued a basic license. This section also provides for the supervision of motorcycle examination permit holders as if they were passenger automobile examination permit holders. The latter would be supervised for three months if age 21 and over and for six months if under age 21.

Section 13 modifies the coverage of the GDL law's effective date for new permit applicants. The law would apply to any applicant for such a permit as of the date of enactment of this bill. The law would therefore cover all persons applying for first-time special learner's and examination permits even if they would not have been covered by the law earlier on the basis of their age. This will permit the DMV to more readily identify the GDL drivers.

The bill also consolidates fines, in one new section 11, for violating the principal conditions for persons holding special learner's permits, examination permits, and provisional driver's licenses. This will better enable DMV to input statistical data from local traffic citations for program evaluation purposes. The violations now include requirements for seat belt use, hours of operation, passenger restrictions, and supervision. A new ban on the use of any wireless communication device in moving vehicles by permit holders and provisional license holders is also included as a violation.

Section 4 also allows the current remedial program, known as the Probationary Driver Program (PDP), to continue for all new drivers until the remedial program provided for under the GDL law is implemented. Without this change, no remedial program will be in place for basic auto license permit holders. A person who begins his

driving career under the PDP will fall under the requirements of the PDP until he has been issued a basic driver's license.

With respect to driving schools, the bill provides for the following changes:

Section 1 provides for the development of behind-the-wheel instruction guidelines designed to develop the skills necessary for the safe and lawful operation and driving of motor vehicles. This section clearly authorizes instructors of private driving schools to teach the minimum 30-hour theory classroom course. The benefits of classroom and behind-the-wheel driver education are added to the content of the informational brochure being issued to parents and guardians of beginning drivers under age 18. It further provides that the course of instruction for classroom driver education would be no less than 30 hours and would include information concerning insurance fraud and the State requirements for and benefits of maintaining automobile insurance. However, this would not preclude driver education programs from being offered by a public, parochial or private school.

Section 7 requires all approved behind-the-wheel driving courses leading to a special learner's permit to include a minimum of six hours instruction.

In sections 6, 7 and 8, a remedial DMV training course of a minimum of four hours, already required of certain GDL permit and provisional license holders, could now be given by private drivers' schools and statewide safety organizations such as the AAA Clubs of New Jersey and the New Jersey State Safety Council. Such courses would operate under the oversight of the DMV and pursuant to its guidelines.

Section 9 requires applicants for drivers' school licenses to file a \$10,000 bond, and employ a supervising instructor who: (a) successfully provided 500 hours of behind-the-wheel instruction; (b) has at least two years experience as a licensed drivers' school instructor; and (c) has completed a three credit driver education college course. This section also requires that initial and renewal applications for drivers' school licenses contain both Federal and State tax identification numbers and proof of workers' compensation insurance coverage.

In section 10, the Division of Motor Vehicles is required to inspect each drivers' school at least once a year to ensure compliance with all State standards. New penalties are added for private driving schools for other than de minimis violations of rules, regulations and standards applicable to them: \$500 to \$1,500 for a first offense, \$1,500 to \$2,500 for a second offense, and license suspension or revocation for a third or subsequent offense.

Finally, section 12 provides that the provisions of the bill are not intended as a basis for privatizing existing services or programs or for reducing the number of driver testing employees in the DMV.

The provisions of this bill are identical to those of Senate Bill No. 2146 (1R) Sca, which the committee also reports this day.

COMMITTEE AMENDMENTS

Committee amendments to this bill (1) clarify that an owner of a drivers' school need not employ someone else as a supervising instructor if that owner is himself qualified by education and experience to serve in that capacity, and (2) eliminate a prohibition against employment of a supervising instructor by multiple driving schools not under the same ownership.

FISCAL IMPACT

The New Jersey Department of Transportation has informally identified to the Office of Legislative Services several areas that are likely to require additional funding if this bill is enacted.

First, the Division of Motor Vehicles (DMV) is required to make a full and complete inspection, at least annually, of each licensed driving school to insure compliance with the provisions of the bill. Since the division estimates there are about 200 driving schools, there is an anticipated need for three new auditors and support equipment that would include vehicles, computers, and other office related furnishings. One-time equipment costs could amount to \$50,000, while on-going personnel costs could be in the range of \$150,000 annually.

A second area of potential new expenditures is that of the written and eye examinations that could be given by the drivers' schools. If these tests were given by driving schools but linked by a computer to a master test at DMV, new, but not yet quantified, data processing costs would be incurred. Also, since the division gives exams in languages other than English, it has not been determined if a master, computerized test would also be in other languages.

A third area relates to changes in revenues. Although there would be new revenue from fees imposed by DMV on licensed drivers' schools that would give written and eye examinations, the amount of the fee has not yet been determined by the director. An offset to this new revenue is the potential loss of revenue to DMV provided by drivers who now attend DMV remedial training courses, but who could attend such courses in the future at a licensed driving school.

[Third Reprint]

ASSEMBLY, No. 3241

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 22, 2001

Sponsored by:

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

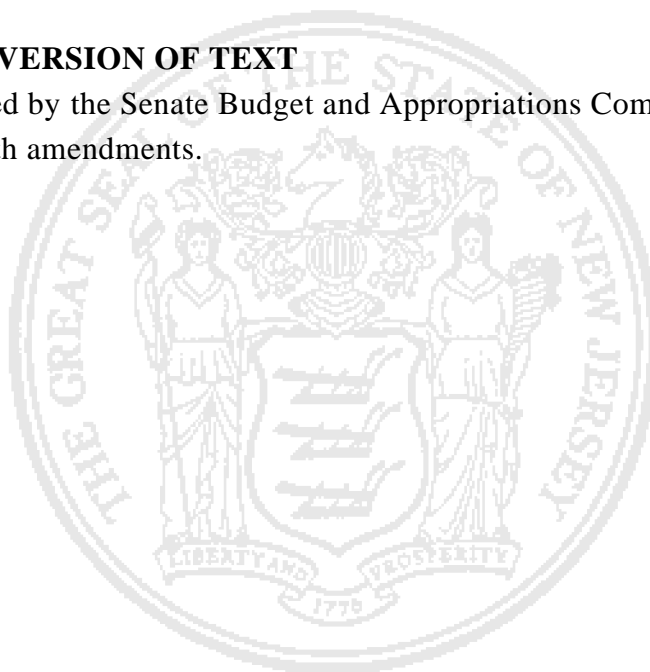
Assemblyman Cottrell and Senator Singer

SYNOPSIS

Concerns graduated driver licensing and the responsibilities and standards of private driving schools.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 25, 2001, with amendments.



(Sponsorship Updated As Of: 6/29/2001)

1 AN ACT concerning graduated driver licensing and drivers' schools
2 and amending R.S.39:3-10, R.S.39:3-13, P.L.1998, c.108,
3 P.L.1977, c.23, P.L.1942, c.334, P.L.1977, c.25, P.L.1950, c.127,
4 P.L.1951, c.216 and supplementing chapter 3 and chapter 12 of
5 Title 39 of the Revised Statutes.

6

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

9

10 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read
11 as follows:

12 8. a. The Director of the Office of Highway Traffic Safety in the
13 Department of Law and Public Safety, after consultation with the
14 Director of the Division of Motor Vehicles in the Department of
15 Transportation and the **[Advisory Committee]** Review Board on
16 Driver Education established in section 10 of P.L.1998, c.108
17 (C.27:5F-43), shall develop curriculum guidelines for use by teachers
18 of approved classroom driver education courses. The course of
19 instruction for approved courses shall be no less than 30 hours in
20 length and be designed to develop and instill the knowledge and
21 attitudes necessary for the safe operation and driving of motor
22 vehicles. Defensive driving, highway courtesy, accident avoidance
23 **[and]**, understanding and respect for the State's motor vehicle laws,
24 insurance fraud and State requirements for and benefits of maintaining
25 automobile insurance shall be emphasized. The incorporation of these
26 curriculum guidelines in these classroom courses and the use of related
27 instructional materials shall be a requirement for approval of the
28 course by the Director of the Division of Motor Vehicles.

29 b. The Director of the Office of Highway Traffic Safety, in
30 consultation with the Director of the Division of Motor Vehicles, shall
31 produce an informational brochure for parents and guardians of
32 beginning drivers under the age of 18 years. The division shall ensure
33 that the parents or guardians of a permit holder receive these
34 brochures at the time a permit is issued to a beginning driver. The
35 brochures shall include, but not be limited to, the following
36 information:

- 37 (1) Setting an example for the beginning driver;
38 (2) Accident and fatality statistics about beginning drivers;
39 (3) Causes of accidents among beginning drivers;
40 (4) The need to supervise vehicle operation by a beginning driver;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATR committee amendments adopted March 22, 2001.

² Senate SLP committee amendments adopted May 31, 2001.

³ Senate SBA committee amendments adopted June 25, 2001.

1 (5) Methods to coach a beginning driver on how to reduce
2 accidents; [and]

3 (6) A description of the graduated driver's license program; and

4 (7) Benefits of classroom and behind-the-wheel driver education
5 under the direction of State certified or licensed driving instructors, as
6 the case may be.

7 (cf: P.L.1998, c.108, s.8)

8

9 2. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to read
10 as follows:

11 10. a. There is established a State [Advisory Committee] Review
12 Board on Driver Education. The Director of the Office of Highway
13 Traffic Safety or his designee shall be ex officio the chairman of the
14 board. The Governor shall appoint to the [committee] board a
15 certified secondary school driver education teacher and representatives
16 from the Department of Education, the Department of Transportation,
17 the [American Automobile Association] AAA Clubs of New Jersey,
18 the Driving School Association of New Jersey, the Insurance Council
19 of New Jersey, the New Jersey Association of Chiefs of Police, the
20 New Jersey State Safety Council and the New Jersey Traffic Safety
21 Officers Association. The [committee] board shall make
22 recommendations to the [Directors] Director of the Division of Motor
23 Vehicles [and the Office of Highway Traffic Safety] with respect to
24 rules and regulations promulgated under this act including, but not
25 limited to, the development of uniform curriculum guidelines for
26 approved classroom and behind-the-wheel driver education. Any
27 vacancies occurring in the membership shall be filled in the same
28 manner as the original appointments.

29 b. The course of instruction for behind-the-wheel driver education
30 shall be designed to develop the skills necessary for the safe and lawful
31 operation of a motor vehicle. Defensive driving, highway courtesy,
32 appropriate driving behavior and attitudes, accident avoidance, safe
33 passing and lane changing, and a general understanding of and respect
34 for the State's motor vehicle laws shall be emphasized.

35 (cf: P.L.1998, c.108, s.10)

36

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

38 39:3-10. No person shall drive a motor vehicle on a public highway
39 in this State unless the person is under supervision while participating
40 in a behind-the-wheel driving course pursuant to section 6 of
41 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated
42 permit, or a provisional or basic driver's license issued to him in
43 accordance with this article.

44 No person under 18 years of age shall be issued a basic license to
45 drive motor vehicles, nor shall a person be issued a validated permit,
46 including a validated examination permit, until he has passed a

1 satisfactory examination and other requirements as to his ability as an
2 operator. The examination shall include a test of the applicant's vision,
3 his ability to understand traffic control devices, his knowledge of safe
4 driving practices and of the effects that ingestion of alcohol or drugs
5 has on a person's ability to operate a motor vehicle, his knowledge of
6 such portions of the mechanism of motor vehicles as is necessary to
7 insure the safe operation of a vehicle of the kind or kinds indicated by
8 the applicant and of the laws and ordinary usages of the road. A road
9 test shall be required for a provisional license and serve as a
10 demonstration of the applicant's ability to operate a vehicle of the class
11 designated. The road test shall be given on public streets, where
12 practicable and feasible, but may be preceded by an off-street
13 screening process to assess basic skills. The director shall approve
14 locations for the road test which pose no more than a minimal risk of
15 injury to the applicant, the examiner and other motorists. No new
16 locations for the road test shall be approved unless the test can be
17 given on public streets.

18 The director shall issue a basic driver's license to operate a motor
19 vehicle other than a motorcycle to a person over 18 years of age who
20 previously has not been licensed to drive a motor vehicle in this State
21 or another jurisdiction only if that person has: (1) operated a passenger
22 automobile in compliance with the requirements of this title for not
23 less than one year, not including any period of suspension or
24 postponement, [either] from the date of issuance of [an examination
25 permit pursuant to R.S.39:3-13 or] a provisional license pursuant to
26 section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed
27 more than two motor vehicle points [and has]; (3) not been convicted
28 in the previous year for a violation of R.S.39:4-50[;], section 2 of
29 P.L.1981, c.512 (C.39:4-50.4a)[;], P.L.1992, c.189
30 (C.39:4-50.14)[;], R.S.39:4-129[;], N.J.S.2C:11-5[;], subsection c.
31 of N.J.S.2C:12-1[;], or any other motor vehicle-related violation the
32 director determines to be significant and applicable pursuant to
33 regulation; and [(3)](4) passed an examination of his ability to operate
34 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 to
45 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 include
3 a question asking whether the applicant is aware of the provisions of
4 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et
5 seq.) and the procedure for indicating on the driver's license the
6 intention to make a donation of body organs or tissues pursuant to
7 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 holder
36 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 calendar month following the calendar month in
2 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. The fee for licenses
5 with expiration dates fixed by the director shall be fixed by the director
6 in amounts proportionately less or greater than the fee herein
7 established.

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

10

11 Motorcycle license or endorsement \$35

12 Omnibus or school bus endorsement \$35

13 Basic driver's license \$35

14

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

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

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

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

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

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

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

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

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

9
10 4. Section 1 of P.L.1977, c.23 (C.39:3-10b) is amended to read as
11 follows:

12 1. ~~【All successful applicants】~~ An applicant for a motorcycle
13 license, but not for a motorcycle endorsement to a basic license, who
14 previously ~~【have】~~ has never been licensed to drive a motor vehicle in
15 this, or any other state, shall ~~【be licensed on a probationary basis for~~
16 ~~the two-year period following the issuance of their initial licenses. No~~
17 ~~such license shall physically differ by way of appearance from a~~
18 ~~nonprobationary license】~~, during the permit period, be subject to the
19 applicable restrictions and penalties for examination permit holders as
20 provided under R.S.39:3-13. Until the provisions of P.L.1998, c.108,
21 as amended by P.L. , c. (now pending before the Legislature as this
22 bill), are fully implemented, all holders of permits issued pursuant to
23 R.S.39:3-13 and section 6 of P.L.1977, c.25 (C.39:3-13.2a) shall be
24 subject to a probationary driver program for the two-year period
25 immediately following the issuance of the permits. This two-year
26 period shall not be altered if the permit holder obtains a provisional
27 driver's license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4).
28 All holders of permits issued on or after the date of full
29 implementation of P.L.1998, c.108, as amended by P.L. , c. (now
30 pending before the Legislature as this bill), shall not be subject to this
31 section.

32 (cf: P.L.1998, c.108, s.2)

33
34 5. Section 1 of P.L.1942, c. 324 (C.39:3-11.1) is amended to read
35 as follows:

36 1. Any person, under seventeen years of age and not under sixteen
37 years of age, may be licensed to drive motor vehicles in agricultural
38 pursuits as herein limited; provided such person has passed an
39 examination satisfactory to the director as to his ability as an operator.
40 The director, upon payment of the lawful fee and after he or a person
41 authorized by him has examined the applicant and is satisfied of the
42 applicant's ability as an operator, may, in his discretion, license the
43 applicant to drive any motor vehicle which is registered under the
44 provisions of R.S.39:3-24 and R.S.39:3-25. The holder of an
45 agricultural permit or license shall be subject to the applicable
46 requirements, restrictions and penalties for special learner's permit

1 holders provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a).
2 Such registration shall expire on March thirty-first of each year
3 terminating the period for which such license is issued. The annual
4 license fee for such license shall be one dollar (\$1.00), and is for the
5 limited use herein provided, and is not to be used in the operation of
6 any other vehicle and shall have the name of the licensee endorsed
7 thereon in his own handwriting. The holder of an agricultural license
8 shall be entitled to a provisional driver's license upon attaining the age
9 of 17 years and shall be subject to applicable restrictions and penalties
10 in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a
11 provisional driver's license holder.

12 (cf: P.L.1983, c.403, s.8)

13

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

15 39:3-13. The director may, in his discretion, issue to a person over
16 17 years of age an examination permit, under the hand and seal of the
17 director, allowing such person, for the purpose of fitting himself to
18 become a licensed driver, to operate a designated class of motor
19 vehicles other than passenger automobiles and motorcycles of persons
20 licensed to operate motorcycles only for a specified period of not more
21 than 90 days, while in the company and under the supervision of a
22 driver licensed to operate such designated class of motor vehicles.

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

34 For six months immediately following the [issuance] validation of
35 an examination permit, and until the holder passes the road test, the
36 holder who is less than 21 years of age shall operate the passenger
37 automobile or motorcycle only when accompanied by, and under the
38 supervision of, a New Jersey licensed driver who is at least 21 years
39 of age and has been licensed to drive a passenger automobile or
40 motorcycle, as the case may be, for not less than three years. The
41 holder of an examination permit who is at least 21 years of age shall
42 operate the passenger automobile or motorcycle for the first three
43 months under such supervision and until the holder passes the road
44 test. The supervising driver of the passenger automobile shall sit in the
45 front seat of the vehicle. Whenever operating a vehicle while in
46 possession of an examination permit, the holder of the permit shall

1 operate the passenger automobile with only one additional passenger
2 in the vehicle excluding persons with whom the holder resides, except
3 that this passenger restriction shall not apply when either the permit
4 holder or one other passenger is at least 21 years of age. Further, the
5 holder of the permit who is less than 21 years of age shall not drive
6 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
7 that this condition may be waived for an emergency which, in the
8 judgment of local police, is of sufficient severity and magnitude to
9 substantially endanger the health, safety, welfare or property of a
10 person, or for any bona fide employment or religion-related activity if
11 the employer or appropriate religious authority provides written
12 verification of such activity in a manner provided for by the director.
13 ¹[The permit holder shall not use a cellular telephone while operating
14 a moving passenger automobile on a public road or highway. "Use"
15 shall include, but not be limited to: talking or listening to another
16 person on the telephone or operating its keys, buttons or other
17 controls.] The holder of the examination permit shall not use any
18 ²interactive² wireless communication device ², except in an
19 emergency,² while operating a moving passenger automobile on a
20 public road or highway. "Use" shall include, but not be limited to,
21 talking or listening on any ²interactive² wireless communication device
22 or operating its keys, buttons or other controls.¹ The passenger
23 automobile permit holder shall [also] ensure that all occupants of the
24 vehicle are secured in a properly adjusted and fastened seat belt or
25 child restraint system.

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

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

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

23 Each permit shall be sufficient license for the person to operate
24 such designated class of motor vehicles in this State during the period
25 specified, while in the company of and under the control of a driver
26 licensed by this State to operate such designated class of motor
27 vehicles, or, in the case of a commercial driver license permit, while in
28 the company of and under the control of a holder of a valid
29 commercial driver license for the appropriate license class and with the
30 appropriate endorsements issued by this or any other state. Such
31 person, as well as the licensed driver, except for a motor vehicle
32 examiner administering a driving skills test, shall be held accountable
33 for all violations of this subtitle committed by such person while in the
34 presence of the licensed driver. In addition to requiring an applicant
35 for an examination permit to submit satisfactory proof of identity and
36 age, the director also shall require the applicant to provide, as a
37 condition for obtaining the permit, satisfactory proof that the
38 applicant's presence in the United States is authorized under federal
39 law.

40 The holder of an examination permit shall be required to take a road
41 test in order to obtain a [basic driver's] provisional license. No road
42 test for any person who has been issued an examination permit to
43 operate a passenger vehicle shall be given unless the person has met
44 the requirements of this section. No road test for a [basic driver's]
45 provisional license shall be given unless the applicant has first secured
46 an examination permit and no such road test shall be scheduled for an

1 applicant who has secured an examination permit for a passenger
 2 vehicle or a motorcycle for which an endorsement is not required until
 3 at least [~~one year~~] six months for an applicant under 21 years of age
 4 or three months for an applicant 21 years of age or older shall have
 5 elapsed following the validation of the examination permit for practice
 6 driving or, in the case of an examination permit for other vehicles,
 7 until 20 days [~~has~~] have elapsed[, except that in]. In the case of an
 8 omnibus endorsement or school bus, no road test shall be scheduled
 9 until at least 10 days shall have elapsed. Every applicant for an
 10 examination permit to qualify for an omnibus endorsement or an
 11 articulated vehicle endorsement shall be a holder of a valid basic
 12 driver's license.

13 The required fees for special learners' permits and examination
 14 permits shall be as follows:

15		
16	Basic driver's license.....	up to \$10
17	Motorcycle license or endorsement.....	\$ 5
18	Omnibus or school bus endorsement.....	\$25
19	Articulated vehicle endorsement.....	\$15

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

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

34
 35 7. Section 6 of P.L.1977, c. 25 (C.39:3-13.2a) is amended to read
 36 as follows:

37 6. Any person to whom a special learner's permit has been issued
 38 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
 39 successful completion of a State approved written examination, eye
 40 examination and an approved minimum six-hour behind-the-wheel
 41 driving course conducted by a licensed drivers' school ¹, approved to
 42 give such examinations and subject to a fee and annual renewal thereof
 43 in an amount determined appropriate by the director, ¹ or [~~of~~] a public,
 44 parochial or private school [~~driving education course~~], shall be
 45 entitled to retain the special learner's permit in his own possession.
 46 The special learner's permit shall be ¹[~~considered~~] ¹validated ¹by the

1 division¹ for the purpose of driving a motor vehicle on a public
2 highway in this State after the holder has successfully met the
3 necessary examination requirements, and upon the successful
4 completion of a behind-the-wheel driving course. Such person may
5 operate a motor vehicle of the class for which a basic driver's license
6 is required except during the hours between 11:01 p.m. and 5:00 a.m.
7 while in the company and under the supervision, from the front
8 passenger seat, of a licensed motor vehicle driver of this State who is
9 over 21 years of age and has been licensed to drive a passenger
10 automobile for at least three years. Such special permit shall be valid
11 until such person's seventeenth birthday or until he qualifies for a
12 provisional license. Except during an instructional period of a
13 behind-the-wheel driving course, the holder of a special permit shall
14 operate a passenger automobile with only the following passengers:
15 (1) the supervising passenger; (2) persons who share the permit
16 holder's residence; and (3) one additional passenger who does not
17 reside with the permit holder. ¹[The permit holder shall not use a
18 cellular telephone while operating a moving passenger automobile on
19 a public road or highway. "Use" shall include, but not be limited to
20 talking or listening to another person on the telephone or operating its
21 keys, buttons or other controls.] The holder of the special learner's
22 permit shall not use any ²interactive² wireless communication device
23 ², except in an emergency, ²while operating a moving passenger
24 automobile on a public road or highway. "Use" shall include, but not
25 be limited to, talking or listening on any ²interactive² wireless
26 communication device or operating its keys, buttons or other
27 controls.¹ All occupants of the automobile shall be secured in a
28 properly adjusted and fastened seat belt or child restraint system.

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

1 remit a course fee [prescribed by the director] prior to the
2 commencement of the course. If, after completion of the remedial
3 training course, the director is notified by a court of competent
4 jurisdiction that the special learner's permit holder has been convicted
5 of any motor vehicle violation which results in the imposition of any
6 motor vehicle points or has been convicted of a violation of
7 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
8 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
9 N.J.S.2C:12-1 or any other motor vehicle-related law the director
10 deems significant and applicable pursuant to regulation, the director,
11 without the exercise of discretion or a hearing, shall also postpone the
12 issuance of a basic license for 90 days. When the director is notified
13 by a court of competent jurisdiction that a special learner's permit
14 holder has been convicted of any alcohol or drug-related offense
15 unrelated to the operation of a motor vehicle and he is not otherwise
16 subject to any other suspension penalty therefor, the director shall,
17 without the exercise of discretion or a hearing, suspend the special
18 learner's permit for six months. [A fine of \$100 shall be imposed for
19 any other violations of the conditions of the special learner's permit.]
20 (cf: P.L.1998, c.108, s.5)

21

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

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

34 The holder of a provisional license shall be permitted to operate the
35 passenger automobile with only one additional passenger in the vehicle
36 besides persons with whom the holder resides, except that this
37 passenger restriction shall not apply when either the holder of the
38 provisional license or one other passenger is at least 21 years of age.
39 Further, the holder of the provisional license who is under 21 years of
40 age shall not drive during the hours between 12:01 a.m. and 5 a.m.;
41 provided however, that this condition may be waived for an emergency
42 which, in the judgment of local police, is of sufficient severity and
43 magnitude to substantially endanger the health, safety, welfare or
44 property of a person or for any bona fide employment or
45 religion-related activity if the employer or appropriate religious
46 authority provides written verification of such activity in a manner

1 provided for by the director. ¹ [The holder of the provisional license
2 shall not use a cellular telephone while operating a moving passenger
3 automobile on a public road or highway. "Use" shall include, but not
4 be limited to talking or listening to another person on the telephone or
5 operating its keys, buttons or other controls.] The holder of the
6 provisional license shall not use any ²interactive² wireless
7 communication device ², except in an emergency,² while operating a
8 moving passenger automobile on a public road or highway. "Use"
9 shall include, but not be limited to, talking or listening on any
10 ²interactive² wireless communication device or operating its keys,
11 buttons or other controls.¹ In addition, the holder of the provisional
12 license shall ensure that all occupants of the vehicle are secured in a
13 properly adjusted and fastened seat belt or child restraint system. In
14 addition to any other penalties provided under law, the holder of a
15 provisional license who accumulates more than two motor vehicle
16 points or is convicted of a violation of R.S.39:4-50; section 2 of
17 P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
18 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
19 other motor vehicle law the director deems to be significant and
20 applicable pursuant to regulation shall, for the first violation, be
21 required to satisfactorily complete a remedial training course of not
22 less than four hours [and remit] which may be given by the division,
23 a drivers' school licensed by the director pursuant to section 2 of
24 P.L.1951, c.216 (C.39:12-2) or any statewide safety organization
25 approved by the director. The course shall be subject to oversight by
26 the division according to its guidelines. The permit holder shall also
27 remit a course fee [prescribed by the director] prior to the
28 commencement of the course. When notified by a court of competent
29 jurisdiction that a provisional license holder has been convicted of a
30 second or subsequent violation, in addition to any other penalties
31 provided under law, the director shall, without the exercise of
32 discretion or a hearing, suspend the provisional license for three
33 months and shall postpone eligibility for a basic license for an
34 equivalent period. In addition, when the director is notified by a court
35 of competent jurisdiction that a provisional license holder has been
36 convicted of any alcohol or drug-related offense unrelated to the
37 operation of a motor vehicle, and he is not otherwise subject to any
38 other suspension penalty therefor, the director shall, without the
39 exercise of discretion or a hearing, suspend the provisional license for
40 six months. [A provisional license holder who violates other
41 conditions of the license shall be fined \$100.]

42 A provisional license may be sent by mail and shall be clearly
43 identifiable and distinguishable in appearance from a basic license by
44 any name, mark, color or device deemed appropriate by the director.
45 (cf: P.L.1998, c.108, s.7)

1 9. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as
2 follows:

3 2. No person shall engage in the business of conducting a drivers'
4 school without being licensed therefor by the Director of Motor
5 Vehicles. Application therefor shall be in writing and contain such
6 information therein as he shall require on initial and renewal
7 applications, including the applicant's Federal Tax Identification
8 number, State tax identification number and proof of workers'
9 compensation insurance coverage by a mutual association or stock
10 company authorized to write coverage on such risks in this State or
11 written authorization by the Commissioner of Banking and Insurance
12 to self-insure for workers' compensation pursuant to R.S.34:15-77.
13 The applicant shall file a non-cancelable surety bond in the amount of
14 \$10,000 issued by a company authorized to transact surety business in
15 this State and payable to the division. ³[An initial] A³ license shall
16 not be issued ¹or renewed¹ unless ¹[an owner of the drivers' school
17 or the general manager thereof, who] the applicant ³[employs a
18 person] or an employee is³ in responsible charge of the instructors of
19 the licensed drivers' school. This person, a supervising instructor,¹
20 ³[shall not be employed by any other drivers' school which is not
21 under the same ownership except with the express consent of an owner
22 of the first drivers' school]³ ¹[, is] ³[. The supervising instructor]³
23 shall be¹ a drivers' school instructor licensed by the division for the
24 previous two years, and ¹[has] have¹ successfully provided a
25 minimum of 500 hours of behind-the-wheel instruction. The applicant
26 shall furnish satisfactory evidence of ¹[completing] the completion by
27 the supervising instructor of¹ a three credit New Jersey driver
28 education college course. If the application is approved, the applicant
29 shall be granted a license to teach approved courses in classroom and
30 behind-the-wheel driver education upon the payment of a fee of
31 \$250.00; provided, however, no license fee shall be charged for the
32 issuance of a license to any board of education, school board, public,
33 private or parochial school, which conducts a course in driver
34 education, approved by the State Department of Education. A license
35 so issued shall be valid during the calendar year. The annual fee for
36 renewal shall be \$200. The director shall issue a license certificate or
37 license certificates to each licensee, one of which shall be displayed in
38 each place of business of the licensee.

39 In case of the loss, mutilation or destruction of a certificate, the
40 director shall issue a duplicate upon proof of the facts and the payment
41 of a fee of \$5.

42 (cf: P.L.1994, c.60, s.29)

43

44 10. (New section) The director shall make or cause to be made a
45 full and complete inspection, at least annually, of the premises of each
46 licensee at reasonable hours as the director may deem necessary to be

1 assured that the licensee and the premises comply at all times with the
2 provisions of this title governing drivers' schools, as well as the rules
3 and regulations and the minimum standards established thereunder. A
4 violation of such rules, regulations and standards sufficient to be
5 considered more than de minimis shall result in a fine for the first
6 violation of no less than \$500 or more than \$1,500; for a second
7 violation, a fine of no less than \$1,500 or more than \$2,500; and for
8 a third or subsequent violation, the suspension or revocation by the
9 director of the license of any drivers' school.

10

11 11. (New section) A fine of \$100 shall be imposed for violating
12 the following conditions of a special learners permit, an examination
13 permit or a provisional driver's license:

14

a. supervision requirements for permit holders;

15

b. passenger restrictions;

16

c. hours of operation;

17

d. seat belt requirements;

18

e. ¹[cellular telephone] ²interactive² wireless communication
19 device¹ use restrictions; or

20

f. any other violation of the conditions of a permit or provisional
21 license as the director may designate.

22

23 ²12. The provisions of this act are not intended, nor shall they be
24 construed or used, as a basis to privatize existing services or
25 programs, or in any manner reduce the number of State employees
26 performing driver testing duties in the Division of Motor Vehicles.²

27

28 ²[12.] 13.² This act shall take effect immediately and shall apply
29 to any applicant for an initial special learner's permit or examination
30 permit on ¹or after¹ the effective date of this act.

[Fourth Reprint]

ASSEMBLY, No. 3241

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 22, 2001

Sponsored by:

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

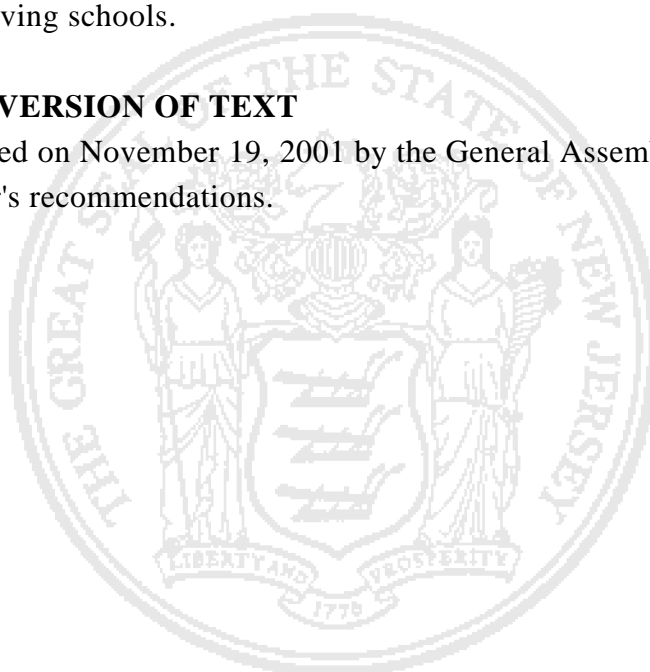
Assemblyman Cottrell, Senator Singer and Assemblyman Corodemus

SYNOPSIS

Concerns graduated driver licensing and the responsibilities and standards of private driving schools.

CURRENT VERSION OF TEXT

As amended on November 19, 2001 by the General Assembly pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 12/11/2001)

1 AN ACT concerning graduated driver licensing and drivers' schools
2 and amending R.S.39:3-10, R.S.39:3-13, P.L.1998, c.108,
3 P.L.1977, c.23, P.L.1942, c.334, P.L.1977, c.25, P.L.1950, c.127,
4 P.L.1951, c.216 and supplementing chapter 3 and chapter 12 of
5 Title 39 of the Revised Statutes.

6

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

9

10 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read
11 as follows:

12 8. a. The Director of the Office of Highway Traffic Safety in the
13 Department of Law and Public Safety, after consultation with the
14 Director of the Division of Motor Vehicles in the Department of
15 Transportation and the **[Advisory Committee]** Review Board on
16 Driver Education established in section 10 of P.L.1998, c.108
17 (C.27:5F-43), shall develop curriculum guidelines for use by teachers
18 of approved classroom driver education courses. The course of
19 instruction for approved courses shall be no less than 30 hours in
20 length and be designed to develop and instill the knowledge and
21 attitudes necessary for the safe operation and driving of motor
22 vehicles. Defensive driving, highway courtesy, accident avoidance
23 **[and]**, understanding and respect for the State's motor vehicle laws,
24 insurance fraud and State requirements for and benefits of maintaining
25 automobile insurance shall be emphasized. The incorporation of these
26 curriculum guidelines in these classroom courses and the use of related
27 instructional materials shall be a requirement for approval of the
28 course by the Director of the Division of Motor Vehicles.

29 b. The Director of the Office of Highway Traffic Safety, in
30 consultation with the Director of the Division of Motor Vehicles, shall
31 produce an informational brochure for parents and guardians of
32 beginning drivers under the age of 18 years. The division shall ensure
33 that the parents or guardians of a permit holder receive these
34 brochures at the time a permit is issued to a beginning driver. The
35 brochures shall include, but not be limited to, the following
36 information:

- 37 (1) Setting an example for the beginning driver;
38 (2) Accident and fatality statistics about beginning drivers;
39 (3) Causes of accidents among beginning drivers;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATR committee amendments adopted March 22, 2001.

² Senate SLP committee amendments adopted May 31, 2001.

³ Senate SBA committee amendments adopted June 25, 2001.

⁴ Assembly amendments adopted in accordance with Governor's recommendations November 19, 2001.

1 (4) The need to supervise vehicle operation by a beginning driver;

2 (5) Methods to coach a beginning driver on how to reduce
3 accidents; [and]

4 (6) A description of the graduated driver's license program; and

5 (7) Benefits of classroom and behind-the-wheel driver education
6 under the direction of State certified or licensed driving instructors, as
7 the case may be.

8 (cf: P.L.1998, c.108, s.8)

9

10 2. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to read
11 as follows:

12 10. a. There is established a State [Advisory Committee] Review
13 Board on Driver Education. The Director of the Office of Highway
14 Traffic Safety or his designee shall be ex officio the chairman of the
15 board. The Governor shall appoint to the [committee] board a
16 certified secondary school driver education teacher and representatives
17 from the Department of Education, the Department of Transportation,
18 the [American Automobile Association] AAA Clubs of New Jersey,
19 the Driving School Association of New Jersey, the Insurance Council
20 of New Jersey, the New Jersey Association of Chiefs of Police, the
21 New Jersey State Safety Council and the New Jersey Traffic Safety
22 Officers Association. The [committee] board shall make
23 recommendations to the [Directors] Director of the Division of Motor
24 Vehicles [and the Office of Highway Traffic Safety] with respect to
25 rules and regulations promulgated under this act including, but not
26 limited to, the development of uniform curriculum guidelines for
27 approved classroom and behind-the-wheel driver education. Any
28 vacancies occurring in the membership shall be filled in the same
29 manner as the original appointments.

30 b. The course of instruction for behind-the-wheel driver education
31 shall be designed to develop the skills necessary for the safe and lawful
32 operation of a motor vehicle. Defensive driving, highway courtesy,
33 appropriate driving behavior and attitudes, accident avoidance, safe
34 passing and lane changing, and a general understanding of and respect
35 for the State's motor vehicle laws shall be emphasized.

36 (cf: P.L.1998, c.108, s.10)

37

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

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

45 No person under 18 years of age shall be issued a basic license to
46 drive motor vehicles, nor shall a person be issued a validated permit,

1 including a validated examination permit, until he has passed a
2 satisfactory examination and other requirements as to his ability as an
3 operator. The examination shall include a test of the applicant's vision,
4 his ability to understand traffic control devices, his knowledge of safe
5 driving practices and of the effects that ingestion of alcohol or drugs
6 has on a person's ability to operate a motor vehicle, his knowledge of
7 such portions of the mechanism of motor vehicles as is necessary to
8 insure the safe operation of a vehicle of the kind or kinds indicated by
9 the applicant and of the laws and ordinary usages of the road. A road
10 test shall be required for a provisional license and serve as a
11 demonstration of the applicant's ability to operate a vehicle of the class
12 designated. The road test shall be given on public streets, where
13 practicable and feasible, but may be preceded by an off-street
14 screening process to assess basic skills. The director shall approve
15 locations for the road test which pose no more than a minimal risk of
16 injury to the applicant, the examiner and other motorists. No new
17 locations for the road test shall be approved unless the test can be
18 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]; (3) not been convicted
29 in the previous year for a violation of R.S.39:4-50[;], section 2 of
30 P.L.1981, c.512 (C.39:4-50.4a)[;], P.L.1992, c.189
31 (C.39:4-50.14)[;], R.S.39:4-129[;], N.J.S.2C:11-5[;], subsection c.
32 of N.J.S.2C:12-1[;], or any other motor vehicle-related violation the
33 director determines to be significant and applicable pursuant to
34 regulation; and [(3)] (4) passed an examination of his ability to
35 operate a motor vehicle pursuant to this section.

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

45 Up to 20 questions may be added to the examination on subjects to
46 be determined by the director that are of particular relevance to

1 youthful drivers, after consultation with the Director of the Office of
2 Highway Traffic Safety.

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

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

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

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

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

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

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

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

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

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

1 indicated, and shall expire, except as otherwise provided, on the last
2 day of the 120th calendar month following the calendar month in
3 which such license was issued.

4 The director may, at his discretion and for good cause shown, issue
5 licenses which shall expire on a date fixed by him. The fee for licenses
6 with expiration dates fixed by the director shall be fixed by the director
7 in amounts proportionately less or greater than the fee herein
8 established.

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

11

12	Motorcycle license or endorsement	\$35
13	Omnibus or school bus endorsement	\$35
14	Basic driver's license	\$35

15

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

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

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

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

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

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

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

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

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

10

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

13 1. ~~[All successful applicants]~~ An applicant for a motorcycle
14 license, but not for a motorcycle endorsement to a basic license, who
15 previously ~~[have]~~ has never been licensed to drive a motor vehicle in
16 this, or any other state, shall ~~[be licensed on a probationary basis for~~
17 ~~the two-year period following the issuance of their initial licenses. No~~
18 ~~such license shall physically differ by way of appearance from a~~
19 ~~nonprobationary license]~~, during the permit period, be subject to the
20 applicable restrictions and penalties for examination permit holders as
21 provided under R.S.39:3-13. Until the provisions of P.L.1998, c.108,
22 as amended by P.L. , c. (now pending before the Legislature as this
23 bill), are fully implemented, all holders of permits issued pursuant to
24 R.S.39:3-13 and section 6 of P.L.1977, c.25 (C.39:3-13.2a) shall be
25 subject to a probationary driver program for the two-year period
26 immediately following the issuance of the permits. This two-year
27 period shall not be altered if the permit holder obtains a provisional
28 driver's license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4).
29 All holders of permits issued on or after the date of full
30 implementation of P.L.1998, c.108, as amended by P.L. , c. (now
31 pending before the Legislature as this bill), shall not be subject to this
32 section.

33 (cf: P.L.1998, c.108, s.2)

34

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

37 1. Any person, under seventeen years of age and not under sixteen
38 years of age, may be licensed to drive motor vehicles in agricultural
39 pursuits as herein limited; provided such person has passed an
40 examination satisfactory to the director as to his ability as an operator.
41 The director, upon payment of the lawful fee and after he or a person
42 authorized by him has examined the applicant and is satisfied of the
43 applicant's ability as an operator, may, in his discretion, license the
44 applicant to drive any motor vehicle which is registered under the
45 provisions of R.S.39:3-24 and R.S.39:3-25. The holder of an
46 agricultural permit or license shall be subject to the applicable

1 requirements, restrictions and penalties for special learner's permit
2 holders provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a).
3 Such registration shall expire on March thirty-first of each year
4 terminating the period for which such license is issued. The annual
5 license fee for such license shall be one dollar (\$1.00), and is for the
6 limited use herein provided, and is not to be used in the operation of
7 any other vehicle and shall have the name of the licensee endorsed
8 thereon in his own handwriting. The holder of an agricultural license
9 shall be entitled to a provisional driver's license upon attaining the age
10 of 17 years and shall be subject to applicable restrictions and penalties
11 in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a
12 provisional driver's license holder.

13 (cf: P.L.1983, c.403, s.8)

14

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

16 39:3-13. The director may, in his discretion, issue to a person over
17 17 years of age an examination permit, under the hand and seal of the
18 director, allowing such person, for the purpose of fitting himself to
19 become a licensed driver, to operate a designated class of motor
20 vehicles other than passenger automobiles and motorcycles of persons
21 licensed to operate motorcycles only for a specified period of not more
22 than 90 days, while in the company and under the supervision of a
23 driver licensed to operate such designated class of motor vehicles.

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

35 For six months immediately following the [issuance] validation of
36 an examination permit, and until the holder passes the road test, the
37 holder who is less than 21 years of age shall operate the passenger
38 automobile or motorcycle only when accompanied by, and under the
39 supervision of, a New Jersey licensed driver who is at least 21 years
40 of age and has been licensed to drive a passenger automobile or
41 motorcycle, as the case may be, for not less than three years. The
42 holder of an examination permit who is at least 21 years of age shall
43 operate the passenger automobile or motorcycle for the first three
44 months under such supervision and until the holder passes the road
45 test. The supervising driver of the passenger automobile shall sit in the
46 front seat of the vehicle. Whenever operating a vehicle while in

1 possession of an examination permit, the holder of the permit shall
2 operate the passenger automobile with only one additional passenger
3 in the vehicle excluding persons with whom the holder resides, except
4 that this passenger restriction shall not apply when either the permit
5 holder or one other passenger is at least 21 years of age. Further, the
6 holder of the permit who is less than 21 years of age shall not drive
7 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
8 that this condition may be waived for an emergency which, in the
9 judgment of local police, is of sufficient severity and magnitude to
10 substantially endanger the health, safety, welfare or property of a
11 person, or for any bona fide employment or religion-related activity if
12 the employer or appropriate religious authority provides written
13 verification of such activity in a manner provided for by the director.
14 ¹[The permit holder shall not use a cellular telephone while operating
15 a moving passenger automobile on a public road or highway. "Use"
16 shall include, but not be limited to: talking or listening to another
17 person on the telephone or operating its keys, buttons or other
18 controls.] The holder of the examination permit shall not use any
19 ²interactive² wireless communication device ², except in an
20 emergency,² while operating a moving passenger automobile on a
21 public road or highway. "Use" shall include, but not be limited to,
22 talking or listening on any ²interactive² wireless communication device
23 or operating its keys, buttons or other controls.¹ The passenger
24 automobile permit holder shall [also] ensure that all occupants of the
25 vehicle are secured in a properly adjusted and fastened seat belt or
26 child restraint system.

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

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

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

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

41 The holder of an examination permit shall be required to take a road
42 test in order to obtain a [basic driver's] provisional license. No road
43 test for any person who has been issued an examination permit to
44 operate a passenger vehicle shall be given unless the person has met
45 the requirements of this section. No road test for a [basic driver's]
46 provisional license shall be given unless the applicant has first secured

1 an examination permit and no such road test shall be scheduled for an
 2 applicant who has secured an examination permit for a passenger
 3 vehicle or a motorcycle for which an endorsement is not required until
 4 at least [one year] six months for an applicant under 21 years of age
 5 or three months for an applicant 21 years of age or older shall have
 6 elapsed following the validation of the examination permit for practice
 7 driving or, in the case of an examination permit for other vehicles,
 8 until 20 days [has] have elapsed[, except that in]. In the case of an
 9 omnibus endorsement or school bus, no road test shall be scheduled
 10 until at least 10 days shall have elapsed. Every applicant for an
 11 examination permit to qualify for an omnibus endorsement or an
 12 articulated vehicle endorsement shall be a holder of a valid basic
 13 driver's license.

14 The required fees for special learners' permits and examination
 15 permits shall be as follows:

16

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

21

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

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

35

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

38 6. ⁴a⁴ Any person to whom a special learner's permit has been
 39 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
 40 successful completion of a State approved written examination, eye
 41 examination and an approved minimum six-hour behind-the-wheel
 42 driving course ⁴[conducted by a licensed drivers' school ¹, approved
 43 to give such examinations and subject to a fee and annual renewal
 44 thereof in an amount determined appropriate by the director, ¹ or [of]
 45 a public, parochial or private school]⁴ [driving education course],
 46 shall be entitled to retain the special learner's permit in his own

1 possession. The special learner's permit shall be ¹[considered]¹
2 validated ¹by the division¹ for the purpose of driving a motor vehicle
3 on a public highway in this State after the holder has successfully met
4 the necessary examination requirements, and upon the successful
5 completion of a behind-the-wheel driving course. Such person may
6 operate a motor vehicle of the class for which a basic driver's license
7 is required except during the hours between 11:01 p.m. and 5:00 a.m.
8 while in the company and under the supervision, from the front
9 passenger seat, of a licensed motor vehicle driver of this State who is
10 over 21 years of age and has been licensed to drive a passenger
11 automobile for at least three years. Such special permit shall be valid
12 until such person's seventeenth birthday or until he qualifies for a
13 provisional license. Except during an instructional period of a
14 behind-the-wheel driving course, the holder of a special permit shall
15 operate a passenger automobile with only the following passengers:
16 (1) the supervising passenger; (2) persons who share the permit
17 holder's residence; and (3) one additional passenger who does not
18 reside with the permit holder. ¹[The permit holder shall not use a
19 cellular telephone while operating a moving passenger automobile on
20 a public road or highway. "Use" shall include, but not be limited to
21 talking or listening to another person on the telephone or operating its
22 keys, buttons or other controls.] The holder of the special learner's
23 permit shall not use any ²interactive² wireless communication device
24 ², except in an emergency,² while operating a moving passenger
25 automobile on a public road or highway. "Use" shall include, but not
26 be limited to, talking or listening on any ²interactive² wireless
27 communication device or operating its keys, buttons or other
28 controls.¹ All occupants of the automobile shall be secured in a
29 properly adjusted and fastened seat belt or child restraint system.

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

1 by the division according to its guidelines] administered pursuant to
2 rules and regulations promulgated by the director and subject to
3 oversight by the division. The authority of the director to suspend,
4 revoke or deny issuance of an initial or renewal license to operate a
5 drivers' school or an instructor's license, and to assess fines, pursuant
6 to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to any violations
7 related to the administration of a remedial training course⁴. The
8 permit holder shall also remit a course fee [prescribed by the
9 director] prior to the commencement of the course. If, after
10 completion of the remedial training course, the director is notified by
11 a court of competent jurisdiction that the special learner's permit
12 holder has been convicted of any motor vehicle violation which results
13 in the imposition of any motor vehicle points or has been convicted of
14 a violation of R.S.39:4-50; section 2 of P.L.1981, c.512
15 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;
16 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any other motor
17 vehicle-related law the director deems significant and applicable
18 pursuant to regulation, the director, without the exercise of discretion
19 or a hearing, shall also postpone the issuance of a basic license for 90
20 days. When the director is notified by a court of competent
21 jurisdiction that a special learner's permit holder has been convicted of
22 any alcohol or drug-related offense unrelated to the operation of a
23 motor vehicle and he is not otherwise subject to any other suspension
24 penalty therefor, the director shall, without the exercise of discretion
25 or a hearing, suspend the special learner's permit for six months. [A
26 fine of \$100 shall be imposed for any other violations of the conditions
27 of the special learner's permit.]

28 (cf: P.L.1998, c.108, s.5)

29

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

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

42 The holder of a provisional license shall be permitted to operate the
43 passenger automobile with only one additional passenger in the vehicle
44 besides persons with whom the holder resides, except that this
45 passenger restriction shall not apply when either the holder of the
46 provisional license or one other passenger is at least 21 years of age.

1 Further, the holder of the provisional license who is under 21 years of
2 age shall not drive during the hours between 12:01 a.m. and 5 a.m.;
3 provided however, that this condition may be waived for an emergency
4 which, in the judgment of local police, is of sufficient severity and
5 magnitude to substantially endanger the health, safety, welfare or
6 property of a person or for any bona fide employment or
7 religion-related activity if the employer or appropriate religious
8 authority provides written verification of such activity in a manner
9 provided for by the director. ¹[The holder of the provisional license
10 shall not use a cellular telephone while operating a moving passenger
11 automobile on a public road or highway. "Use" shall include, but not
12 be limited to talking or listening to another person on the telephone or
13 operating its keys, buttons or other controls.] The holder of the
14 provisional license shall not use any ²interactive² wireless
15 communication device ², except in an emergency,² while operating a
16 moving passenger automobile on a public road or highway. "Use"
17 shall include, but not be limited to, talking or listening on any
18 ²interactive² wireless communication device or operating its keys,
19 buttons or other controls.¹ In addition, the holder of the provisional
20 license shall ensure that all occupants of the vehicle are secured in a
21 properly adjusted and fastened seat belt or child restraint system. In
22 addition to any other penalties provided under law, the holder of a
23 provisional license who accumulates more than two motor vehicle
24 points or is convicted of a violation of R.S.39:4-50; section 2 of
25 P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
26 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
27 other motor vehicle law the director deems to be significant and
28 applicable pursuant to regulation shall, for the first violation, be
29 required to satisfactorily complete a remedial training course of not
30 less than four hours [and remit] which may be given by the division,
31 a drivers' school licensed by the director pursuant to section 2 of
32 P.L.1951, c.216 (C.39:12-2) or any statewide safety organization
33 approved by the director. The course shall be ⁴[subject to oversight
34 by the division according to its guidelines] administered pursuant to
35 rules and regulations promulgated by the director and subject to
36 oversight by the division. The authority of the director to suspend,
37 revoke or deny issuance of an initial or renewal license to operate a
38 drivers' school or an instructor's license, and to assess fines, pursuant
39 to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to any violations
40 related to the administration of a remedial training course⁴. The
41 permit holder shall also remit a course fee [prescribed by the
42 director] prior to the commencement of the course. When notified by
43 a court of competent jurisdiction that a provisional license holder has
44 been convicted of a second or subsequent violation, in addition to any
45 other penalties provided under law, the director shall, without the
46 exercise of discretion or a hearing, suspend the provisional license for

1 three months and shall postpone eligibility for a basic license for an
2 equivalent period. In addition, when the director is notified by a court
3 of competent jurisdiction that a provisional license holder has been
4 convicted of any alcohol or drug-related offense unrelated to the
5 operation of a motor vehicle, and he is not otherwise subject to any
6 other suspension penalty therefor, the director shall, without the
7 exercise of discretion or a hearing, suspend the provisional license for
8 six months. [A provisional license holder who violates other
9 conditions of the license shall be fined \$100.]

10 A provisional license may be sent by mail and shall be clearly
11 identifiable and distinguishable in appearance from a basic license by
12 any name, mark, color or device deemed appropriate by the director.
13 (cf: P.L.1998, c.108, s.7)

14
15 9. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as
16 follows:

17 2. No person shall engage in the business of conducting a drivers'
18 school without being licensed therefor by the Director of Motor
19 Vehicles. Application therefor shall be in writing and contain such
20 information therein as he shall require on initial and renewal
21 applications, including the applicant's Federal Tax Identification
22 number, State tax identification number and proof of workers'
23 compensation insurance coverage by a mutual association or stock
24 company authorized to write coverage on such risks in this State or
25 written authorization by the Commissioner of Banking and Insurance
26 to self-insure for workers' compensation pursuant to R.S.34:15-77.
27 The applicant shall file a ⁴[non-cancelable]⁴ surety bond in the amount
28 of \$10,000 issued by a company authorized to transact surety business
29 in this State and payable to the division. ³[An initial] A³ license shall
30 not be issued ¹or renewed¹ unless ¹[an owner of the drivers' school
31 or the general manager thereof, who] the applicant ³[employs a
32 person] or an employee is³ ⁴[in responsible charge of the instructors
33 of the licensed drivers' school. This person, a supervising instructor,¹
34 ³[shall not be employed by any other drivers' school which is not
35 under the same ownership except with the express consent of an owner
36 of the first drivers' school]³ ¹[. is] ³[. The supervising instructor]³
37 shall be¹ a drivers' school instructor licensed by the division for the
38 previous two years, and ¹[has] have¹ successfully provided a
39 minimum of 500 hours of behind-the-wheel instruction] a qualified
40 supervising instructor. For purposes of this section, a "qualified
41 supervising instructor" shall mean a drivers' school instructor who a.
42 is currently licensed and has been licensed by the division for at least
43 two years prior to submission of the initial or renewal application, b.
44 has successfully provided a minimum of 500 hours of behind-the-wheel
45 instruction, and c. has successfully completed a three credit New

1 Jersey driver education college course offered by a college or
2 university licensed by the New Jersey Commission on Higher
3 Education⁴. The applicant shall furnish ⁴together with the
4 application, ⁴satisfactory evidence ⁴[of ¹[completing] the completion
5 by the supervising instructor of¹ a three credit New Jersey driver
6 education college course] that the applicant or an employee is a
7 qualified supervising instructor as set forth herein, except that an
8 applicant for license renewal shall have one year after the date this act
9 becomes effective to furnish evidence of completion of a three credit
10 New Jersey driver education college course to the division⁴. If the
11 application is approved, the applicant shall be granted a license to
12 teach approved courses in classroom and behind-the-wheel driver
13 education upon the payment of a fee of \$250.00; provided, however,
14 no license fee shall be charged for the issuance of a license to any
15 board of education, school board, public, private or parochial school,
16 which conducts a course in driver education, approved by the State
17 Department of Education. A license so issued shall be valid during the
18 calendar year. The annual fee for renewal shall be \$200. The director
19 shall issue a license certificate or license certificates to each licensee,
20 one of which shall be displayed in each place of business of the
21 licensee.

22 ⁴A public, parochial or private school or a drivers' school licensed
23 by the director pursuant to this section shall be authorized to provide
24 behind-the-wheel driving instruction.

25 Upon further application to the director, a drivers' school licensed
26 by the director pursuant to this section may be approved by the
27 director to conduct a State approved written drivers' examination, eye
28 examination, or remedial training course, subject to a fee and annual
29 renewal thereof in an amount which shall be determined by the
30 director. The examinations and training course shall be administered
31 pursuant to rules and regulations promulgated by the director and
32 subject to oversight by the division. The authority of the director to
33 suspend, revoke or deny issuance of an initial or renewal license to
34 operate a drivers' school or an instructor's license, and to assess fines,
35 pursuant to this chapter, shall apply to any violations related to the
36 administration of a State approved written drivers' examination, eye
37 examination or remedial training course.⁴

38 In case of the loss, mutilation or destruction of a certificate, the
39 director shall issue a duplicate upon proof of the facts and the payment
40 of a fee of \$5.

41 (cf: P.L.1994, c.60, s.29)

42

43 10. (New section) The director shall make or cause to be made a
44 full and complete inspection, at least annually, of the premises of each
45 licensee at reasonable hours as the director may deem necessary to be
46 assured that the licensee and the premises comply at all times with the

1 provisions of this title governing drivers' schools, as well as the rules
2 and regulations and the minimum standards established thereunder. A
3 violation of such rules, regulations and standards sufficient to be
4 considered more than de minimis shall result in a fine for the first
5 violation of no less than \$500 or more than \$1,500; for a second
6 violation, a fine of no less than \$1,500 or more than \$2,500; and for
7 a third or subsequent violation, the suspension or revocation by the
8 director of the license of any drivers' school.

9
10 11. (New section) A fine of \$100 shall be imposed for violating
11 the following conditions of a special learners permit, an examination
12 permit or a provisional driver's license:

13 a. supervision requirements for permit holders;

14 b. passenger restrictions;

15 c. hours of operation;

16 d. seat belt requirements;

17 e. ¹[cellular telephone] ²interactive² wireless communication
18 device¹ use restrictions; or

19 f. any other violation of the conditions of a permit or provisional
20 license as the director may designate.

21
22 ²12. The provisions of this act are not intended, nor shall they be
23 construed or used, as a basis to privatize existing services or
24 programs, or in any manner reduce the number of State employees
25 performing driver testing duties in the Division of Motor Vehicles.²
26

27 ²[12.] 13.² This act shall take effect immediately and shall apply
28 to any applicant for an initial special learner's permit or examination
29 permit on ¹or after¹ the effective date of this act.

SENATE, No. 2146

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 26, 2001

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Concerns graduated driver licensing and the responsibilities and standards of private driving schools.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning graduated driver licensing and drivers' schools
2 and amending R.S.39:3-10, R.S.39:3-13, P.L.1998, c.108,
3 P.L.1977, c.23, P.L.1942, c.334, P.L.1977, c.25, P.L.1950, c.127,
4 P.L.1951, c.216 and supplementing chapter 3 and chapter 12 of
5 Title 39 of the Revised Statutes.

6

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

9

10 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read
11 as follows:

12 8. a. The Director of the Office of Highway Traffic Safety in the
13 Department of Law and Public Safety, after consultation with the
14 Director of the Division of Motor Vehicles in the Department of
15 Transportation and the **[Advisory Committee]** Review Board on
16 Driver Education established in section 10 of P.L.1998, c.108
17 (C.27:5F-43), shall develop curriculum guidelines for use by teachers
18 of approved classroom driver education courses. The course of
19 instruction for approved courses shall be no less than 30 hours in
20 length and be designed to develop and instill the knowledge and
21 attitudes necessary for the safe operation and driving of motor
22 vehicles. Defensive driving, highway courtesy, accident avoidance
23 **[and]**, understanding and respect for the State's motor vehicle laws,
24 insurance fraud and State requirements for and benefits of maintaining
25 automobile insurance shall be emphasized. The incorporation of these
26 curriculum guidelines in these classroom courses and the use of related
27 instructional materials shall be a requirement for approval of the
28 course by the Director of the Division of Motor Vehicles.

29 b. The Director of the Office of Highway Traffic Safety, in
30 consultation with the Director of the Division of Motor Vehicles, shall
31 produce an informational brochure for parents and guardians of
32 beginning drivers under the age of 18 years. The division shall ensure
33 that the parents or guardians of a permit holder receive these
34 brochures at the time a permit is issued to a beginning driver. The
35 brochures shall include, but not be limited to, the following
36 information:

- 37 (1) Setting an example for the beginning driver;
38 (2) Accident and fatality statistics about beginning drivers;
39 (3) Causes of accidents among beginning drivers;
40 (4) The need to supervise vehicle operation by a beginning driver;
41 (5) Methods to coach a beginning driver on how to reduce
42 accidents; **[and]**
43 (6) A description of the graduated driver's license program; 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 (7) Benefits of classroom and behind-the-wheel driver education
2 under the direction of State certified or licensed driving instructors, as
3 the case may be.

4 (cf: P.L.1998, c.108, s.8)

5
6 2. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to read
7 as follows:

8 10. a. There is established a State [Advisory Committee] Review
9 Board on Driver Education. The Director of the Office of Highway
10 Traffic Safety or his designee shall be ex officio the chairman of the
11 board. The Governor shall appoint to the [committee] board a
12 certified secondary school driver education teacher and representatives
13 from the Department of Education, the Department of Transportation,
14 the [American Automobile Association] AAA Clubs of New Jersey,
15 the Driving School Association of New Jersey, the Insurance Council
16 of New Jersey, the New Jersey Association of Chiefs of Police, the
17 New Jersey State Safety Council and the New Jersey Traffic Safety
18 Officers Association. The [committee] board shall make
19 recommendations to the [Directors] Director of the Division of Motor
20 Vehicles [and the Office of Highway Traffic Safety] with respect to
21 rules and regulations promulgated under this act including, but not
22 limited to, the development of uniform curriculum guidelines for
23 approved classroom and behind-the-wheel driver education. Any
24 vacancies occurring in the membership shall be filled in the same
25 manner as the original appointments.

26 b. The course of instruction for behind-the-wheel driver education
27 shall be designed to develop the skills necessary for the safe and lawful
28 operation of a motor vehicle. Defensive driving, highway courtesy,
29 appropriate driving behavior and attitudes, accident avoidance, safe
30 passing and lane changing, and a general understanding of and respect
31 for the State's motor vehicle laws shall be emphasized.

32 (cf: P.L.1998, c.108, s.10)

33
34 3. R.S.39:3-10 is amended to read as follows:

35 39:3-10. No person shall drive a motor vehicle on a public highway
36 in this State unless the person is under supervision while participating
37 in a behind-the-wheel driving course pursuant to section 6 of
38 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated
39 permit, or a provisional or basic driver's license issued to him in
40 accordance with this article.

41 No person under 18 years of age shall be issued a basic license to
42 drive motor vehicles, nor shall a person be issued a validated permit,
43 including a validated examination permit, until he has passed a
44 satisfactory examination and other requirements as to his ability as an
45 operator. The examination shall include a test of the applicant's vision,
46 his ability to understand traffic control devices, his knowledge of safe

1 driving practices and of the effects that ingestion of alcohol or drugs
2 has on a person's ability to operate a motor vehicle, his knowledge of
3 such portions of the mechanism of motor vehicles as is necessary to
4 insure the safe operation of a vehicle of the kind or kinds indicated by
5 the applicant and of the laws and ordinary usages of the road. A road
6 test shall be required for a provisional license and serve as a
7 demonstration of the applicant's ability to operate a vehicle of the class
8 designated. The road test shall be given on public streets, where
9 practicable and feasible, but may be preceded by an off-street
10 screening process to assess basic skills. The director shall approve
11 locations for the road test which pose no more than a minimal risk of
12 injury to the applicant, the examiner and other motorists. No new
13 locations for the road test shall be approved unless the test can be
14 given on public streets.

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

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

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

45 The director shall expand the driver's license examination to include
46 a question asking whether the applicant is aware of the provisions of

1 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et
2 seq.) and the procedure for indicating on the driver's license the
3 intention to make a donation of body organs or tissues pursuant to
4 P.L.1978, c.181 (C.39:3-12.2).

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

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

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

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

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

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

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

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

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

46 The director may, at his discretion and for good cause shown, issue

S2146 SINGER

1 licenses which shall expire on a date fixed by him. The fee for licenses
2 with expiration dates fixed by the director shall be fixed by the director
3 in amounts proportionately less or greater than the fee herein
4 established.

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

7

8 Motorcycle license or endorsement	\$35
9 Omnibus or school bus endorsement	\$35
10 Basic driver's license	\$35

11

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 license
26 to drive motor vehicles to a person who is, in his estimation, not a
27 proper person to be granted such a permit or license, but no defect of
28 the applicant shall debar him from receiving a permit or license unless
29 it can be shown by tests approved by the Director of the Division of
30 Motor Vehicles that the defect incapacitates him from safely operating
31 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 A person violating this section shall be subject to a fine not
38 exceeding \$500 or imprisonment in the county jail for not more than
39 60 days, but if that person has never been licensed to drive in this
40 State or any other jurisdiction, he shall be subject to a fine of not less
41 than \$200 and, in addition, the court shall issue an order to the
42 Director of the Division of Motor Vehicles requiring the director to
43 refuse to issue a license to operate a motor vehicle to the person for
44 a period of not less than 180 days. The penalties provided for by this
45 paragraph shall not be applicable in cases where failure to have actual
46 possession of the operator's license is due to an administrative or

1 technical error by the Division of Motor Vehicles.

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

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

6

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

9 1. ~~[All successful applicants]~~ An applicant for a motorcycle
10 license, ~~but not for a motorcycle endorsement to a basic license,~~ who
11 previously ~~[have]~~ has never been licensed to drive a motor vehicle in
12 this, or any other state, shall ~~[be licensed on a probationary basis for~~
13 ~~the two-year period following the issuance of their initial licenses. No~~
14 ~~such license shall physically differ by way of appearance from a~~
15 ~~nonprobationary license]~~, during the permit period, be subject to the
16 applicable restrictions and penalties for examination permit holders as
17 provided under R.S.39:3-13. Until the provisions of P.L.1998, c.108,
18 as amended by P.L. , c. (now pending before the Legislature as this
19 bill), are fully implemented, all holders of permits issued pursuant to
20 R.S.39:3-13 and section 6 of P.L.1977, c.25 (C.39:3-13.2a) shall be
21 subject to a probationary driver program for the two-year period
22 immediately following the issuance of the permits. This two-year
23 period shall not be altered if the permit holder obtains a provisional
24 driver's license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4).
25 All holders of permits issued on or after the date of full
26 implementation of P.L.1998, c.108, as amended by P.L. , c. (now
27 pending before the Legislature as this bill), shall not be subject to this
28 section.

29 (cf: P.L.1998, c.108, s.2)

30

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

33 1. Any person, under seventeen years of age and not under sixteen
34 years of age, may be licensed to drive motor vehicles in agricultural
35 pursuits as herein limited; provided such person has passed an
36 examination satisfactory to the director as to his ability as an
37 operator. The director, upon payment of the lawful fee and after he
38 or a person authorized by him has examined the applicant and is
39 satisfied of the applicant's ability as an operator, may, in his discretion,
40 license the applicant to drive any motor vehicle which is registered
41 under the provisions of R.S.39:3-24 and R.S.39:3-25. The holder of
42 an agricultural permit or license shall be subject to the applicable
43 requirements, restrictions and penalties for special learner's permit
44 holders provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a).
45 Such registration shall expire on March thirty-first of each year
46 terminating the period for which such license is issued. The annual

1 license fee for such license shall be one dollar (\$1.00), and is for the
2 limited use herein provided, and is not to be used in the operation of
3 any other vehicle and shall have the name of the licensee endorsed
4 thereon in his own handwriting. The holder of an agricultural license
5 shall be entitled to a provisional driver's license upon attaining the age
6 of 17 years and shall be subject to applicable restrictions and penalties
7 in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a
8 provisional driver's license holder.

9 (cf: P.L.1983, c.403, s.8)

10

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

12 39:3-13. The director may, in his discretion, issue to a person over
13 17 years of age an examination permit, under the hand and seal of the
14 director, allowing such person, for the purpose of fitting himself to
15 become a licensed driver, to operate a designated class of motor
16 vehicles other than passenger automobiles and motorcycles of persons
17 licensed to operate motorcycles only for a specified period of not
18 more than 90 days, while in the company and under the supervision of
19 a driver licensed to operate such designated class of motor vehicles.

20 The director, in his discretion, may issue for a specified period of
21 not less than one year [an examination permit to operate] a passenger
22 automobile or motorcycle-only examination permit to a person over 17
23 years of age regardless of whether a person has completed a course
24 of behind-the-wheel automobile driving education pursuant to section
25 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant
26 who is under 18 years of age shall obtain the signature of a parent or
27 guardian for submission to the division on a form prescribed by the
28 director. The director shall postpone for six months the driving
29 privileges of any person who submits a fraudulent signature for a
30 parent or guardian.

31 For six months immediately following the [issuance] validation of
32 an examination permit, and until the holder passes the road test, the
33 holder who is less than 21 years of age shall operate the passenger
34 automobile or motorcycle only when accompanied by, and under the
35 supervision of, a New Jersey licensed driver who is at least 21 years
36 of age and has been licensed to drive a passenger automobile or
37 motorcycle, as the case may be, for not less than three years. The
38 holder of an examination permit who is at least 21 years of age shall
39 operate the passenger automobile or motorcycle for the first three
40 months under such supervision and until the holder passes the road
41 test. The supervising driver of the passenger automobile shall sit in the
42 front seat of the vehicle. Whenever operating a vehicle while in
43 possession of an examination permit, the holder of the permit shall
44 operate the passenger automobile with only one additional passenger
45 in the vehicle excluding persons with whom the holder resides, except
46 that this passenger restriction shall not apply when either the permit

1 holder or one other passenger is at least 21 years of age. Further, the
2 holder of the permit who is less than 21 years of age shall not drive
3 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
4 that this condition may be waived for an emergency which, in the
5 judgment of local police, is of sufficient severity and magnitude to
6 substantially endanger the health, safety, welfare or property of a
7 person, or for any bona fide employment or religion-related activity if
8 the employer or appropriate religious authority provides written
9 verification of such activity in a manner provided for by the director.
10 The permit holder shall not use a cellular telephone while operating a
11 moving passenger automobile on a public road or highway. "Use"
12 shall include, but not be limited to talking or listening to another
13 person on the telephone or operating its keys, buttons or other
14 controls. The passenger automobile permit holder shall [also] ensure
15 that all occupants of the vehicle are secured in a properly adjusted and
16 fastened seat belt or child restraint system.

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

1 an examination permit holder has been convicted of any alcohol or
2 drug-related offense unrelated to the operation of a motor vehicle and
3 is not otherwise subject to any other suspension penalty therefor, the
4 director shall, without the exercise of discretion or a hearing, suspend
5 the examination permit for six months. [A fine of \$100 shall be
6 imposed for any other violation of the conditions of the examination
7 permit.]

8 An examination permit for a motorcycle or a commercial motor
9 vehicle issued to a handicapped person, as determined by the Division
10 of Motor Vehicles after consultation with the Department of
11 Education, shall be valid for nine months or until the completion of the
12 road test portion of his license examination, whichever period is
13 shorter.

14 Each permit shall be sufficient license for the person to operate
15 such designated class of motor vehicles in this State during the period
16 specified, while in the company of and under the control of a driver
17 licensed by this State to operate such designated class of motor
18 vehicles, or, in the case of a commercial driver license permit, while in
19 the company of and under the control of a holder of a valid
20 commercial driver license for the appropriate license class and with the
21 appropriate endorsements issued by this or any other state. Such
22 person, as well as the licensed driver, except for a motor vehicle
23 examiner administering a driving skills test, shall be held accountable
24 for all violations of this subtitle committed by such person while in the
25 presence of the licensed driver. In addition to requiring an applicant
26 for an examination permit to submit satisfactory proof of identity and
27 age, the director also shall require the applicant to provide, as a
28 condition for obtaining the permit, satisfactory proof that the
29 applicant's presence in the United States is authorized under federal
30 law.

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

S2146 SINGER

1 examination permit to qualify for an omnibus endorsement or an
2 articulated vehicle endorsement shall be a holder of a valid basic
3 driver's license.

4 The required fees for special learners' permits and examination
5 permits shall be as follows:

6

7 Basic driver's license.....	up to \$10
8 Motorcycle license or endorsement.....	\$5
9 Omnibus or school bus endorsement.....	\$25
10 Articulated vehicle endorsement.....	\$15

11

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

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

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

28 6. Any person to whom a special learner's permit has been issued
29 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
30 successful completion of a State approved written examination, eye
31 examination and an approved minimum six-hour behind-the-wheel
32 driving course conducted by a licensed drivers' school or [of] a public,
33 parochial or private school [driving education course], shall be
34 entitled to retain the special learner's permit in his own possession.
35 The special learner's permit shall be considered validated for the
36 purpose of driving a motor vehicle on a public highway in this State
37 after the holder has successfully met the necessary examination
38 requirements, and upon the successful completion of a
39 behind-the-wheel driving course. Such person may operate a motor
40 vehicle of the class for which a basic driver's license is required except
41 during the hours between 11:01 p.m. and 5:00 a.m. while in the
42 company and under the supervision, from the front passenger seat, of
43 a licensed motor vehicle driver of this State who is over 21 years of
44 age and has been licensed to drive a passenger automobile for at least
45 three years. Such special permit shall be valid until such person's
46 seventeenth birthday or until he qualifies for a provisional license.

1 Except during an instructional period of a behind-the-wheel driving
2 course, the holder of a special permit shall operate a passenger
3 automobile with only the following passengers: (1) the supervising
4 passenger; (2) persons who share the permit holder's residence; and (3)
5 one additional passenger who does not reside with the permit holder.
6 The permit holder shall not use a cellular telephone while operating a
7 moving passenger automobile on a public road or highway. "Use"
8 shall include, but not be limited to talking or listening to another
9 person on the telephone or operating its keys, buttons or other
10 controls. All occupants of the automobile shall be secured in a
11 properly adjusted and fastened seat belt or child restraint system.

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

1 learner's permit for six months. [A fine of \$100 shall be imposed for
2 any other violations of the conditions of the special learner's permit.]
3 (cf: P.L.1998, c.108, s.5)

4

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

7 4. The holder of a special learner's permit shall be entitled to a
8 provisional driver's license (1) upon attaining the age of 17 years, (2)
9 upon the satisfactory completion of an approved behind-the-wheel
10 automobile driving education course as indicated upon the face of the
11 special permit over the signature of the principal of the school or the
12 person operating the drivers' school in which the course was
13 conducted,(3) upon the completion of six months' driving experience
14 with a validated special learner's permit in compliance with the
15 provisions of section 6 of P.L.1977, c.25 (C.39:3-13.2a) and (4) upon
16 passing the road test pursuant to R.S.39:3-10.

17 The holder of a provisional license shall be permitted to operate the
18 passenger automobile with only one additional passenger in the vehicle
19 besides persons with whom the holder resides, except that this
20 passenger restriction shall not apply when either the holder of the
21 provisional license or one other passenger is at least 21 years of age.
22 Further, the holder of the provisional license who is under 21 years of
23 age shall not drive during the hours between 12:01 a.m. and 5 a.m.;
24 provided however, that this condition may be waived for an emergency
25 which, in the judgment of local police, is of sufficient severity and
26 magnitude to substantially endanger the health, safety, welfare or
27 property of a person or for any bona fide employment or
28 religion-related activity if the employer or appropriate religious
29 authority provides written verification of such activity in a manner
30 provided for by the director. The holder of the provisional license
31 shall not use a cellular telephone while operating a moving passenger
32 automobile on a public road or highway. "Use" shall include, but not
33 be limited to talking or listening to another person on the telephone or
34 operating its keys, buttons or other controls. In addition, the holder
35 of the provisional license shall ensure that all occupants of the vehicle
36 are secured in a properly adjusted and fastened seat belt or child
37 restraint system. In addition to any other penalties provided under
38 law, the holder of a provisional license who accumulates more than
39 two motor vehicle points or is convicted of a violation of R.S.39:4-50;
40 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189
41 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
42 N.J.S.2C:12-1 or any other motor vehicle law the director deems to be
43 significant and applicable pursuant to regulation shall, for the first
44 violation, be required to satisfactorily complete a remedial training
45 course of not less than four hours [and remit] which may be given by
46 the division, a drivers' school licensed by the director pursuant to

1 section 2 of P.L.1951, c.216 (C.39:12-2) or any statewide safety
2 organization approved by the director. The course shall be subject to
3 oversight by the division according to its guidelines. The permit
4 holder shall also remit a course fee [prescribed by the director] prior
5 to the commencement of the course. When notified by a court of
6 competent jurisdiction that a provisional license holder has been
7 convicted of a second or subsequent violation, in addition to any other
8 penalties provided under law, the director shall, without the exercise
9 of discretion or a hearing, suspend the provisional license for three
10 months and shall postpone eligibility for a basic license for an
11 equivalent period. In addition, when the director is notified by a court
12 of competent jurisdiction that a provisional license holder has been
13 convicted of any alcohol or drug-related offense unrelated to the
14 operation of a motor vehicle, and he is not otherwise subject to any
15 other suspension penalty therefor, the director shall, without the
16 exercise of discretion or a hearing, suspend the provisional license for
17 six months. [A provisional license holder who violates other
18 conditions of the license shall be fined \$100.]

19 A provisional license may be sent by mail and shall be clearly
20 identifiable and distinguishable in appearance from a basic license by
21 any name, mark, color or device deemed appropriate by the director.
22 (cf: P.L.1998, c.108, s.7)

23
24 9. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as
25 follows:

26 2. No person shall engage in the business of conducting a drivers'
27 school without being licensed therefor by the Director of Motor
28 Vehicles. Application therefor shall be in writing and contain such
29 information therein as he shall require on initial and renewal
30 applications, including the applicant's Federal Tax Identification
31 number, State tax identification number and proof of workers'
32 compensation insurance coverage by a mutual association or stock
33 company authorized to write coverage on such risks in this State or
34 written authorization by the Commissioner of Banking and Insurance
35 to self-insure for workers' compensation pursuant to R.S.34:15-77.
36 The applicant shall file a non-cancelable surety bond in the amount of
37 \$10,000 issued by a company authorized to transact surety business in
38 this State and payable to the division. An initial license shall not be
39 issued unless an owner of the drivers' school or the general manager
40 thereof, who shall not be employed by any other drivers' school which
41 is not under the same ownership except with the express consent of an
42 owner of the first drivers' school, is a drivers' school instructor
43 licensed by the division for the previous two years, and has
44 successfully provided a minimum of 500 hours of behind-the-wheel
45 instruction. The applicant shall furnish satisfactory evidence of
46 completing a three credit New Jersey driver education college course.

1 If the application is approved, the applicant shall be granted a license
2 to teach approved courses in classroom and behind-the-wheel driver
3 education upon the payment of a fee of \$250.00; provided, however,
4 no license fee shall be charged for the issuance of a license to any
5 board of education, school board, public, private or parochial school,
6 which conducts a course in driver education, approved by the State
7 Department of Education. A license so issued shall be valid during the
8 calendar year. The annual fee for renewal shall be \$200. The director
9 shall issue a license certificate or license certificates to each licensee,
10 one of which shall be displayed in each place of business of the
11 licensee.

12 In case of the loss, mutilation or destruction of a certificate, the
13 director shall issue a duplicate upon proof of the facts and the payment
14 of a fee of \$5.

15 (cf: P.L.1994, c.60, s.29)

16

17 10. (New section) The director shall make or cause to be made a
18 full and complete inspection, at least annually, of the premises of each
19 licensee at reasonable hours as the director may deem necessary to be
20 assured that the licensee and the premises comply at all times with the
21 provisions of this title governing drivers' schools, as well as the rules
22 and regulations and the minimum standards established thereunder. A
23 violation of such rules, regulations and standards sufficient to be
24 considered more than de minimis shall result in a fine for the first
25 violation of no less than \$500 or more than \$1,500; for a second
26 violation, a fine of no less than \$1,500 or more than \$2,500; and for
27 a third or subsequent violation, the suspension or revocation by the
28 director of the license of any drivers' school.

29

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

33 a. supervision requirements for permit holders;

34 b. passenger restrictions;

35 c. hours of operation;

36 d. seat belt requirements;

37 e. cellular telephone use restrictions; or

38 f. any other violation of the conditions of a permit or provisional
39 license as the director may designate.

40

41 12. This act shall take effect immediately and shall apply to any
42 applicant for an initial special learner's permit or examination permit
43 on the effective date of this act.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

This bill modifies the State's graduated driver licensing (GDL) law which became effective January 1, 2001. Most of the GDL-related changes were requested by the Division of Motor Vehicles (DMV). This bill also enhances the responsibilities of the State's private driving schools and their instructors and increases standards for operation of these driving schools.

Section 2 expands the membership of a newly-named State Review Board on Driver Education to include a representative of the Insurance Council of New Jersey and a certified secondary school driver education teacher. The Director of the Office of Highway Traffic Safety or his designee would become the chairman. The board would report its findings to the Director of the DMV.

Sections 4 and 6 bring motorcycle permit holders under many of the same restrictions and penalties applicable to holders of examination permits for passenger motor vehicles, including remedial courses, fines and suspensions for a variety of motor vehicle offenses. For example, an alcohol or drug-related offense unrelated to the operation of the motorcycle could result in a six-month suspension. Motorcyclists would also become subject to the new minimum age licensing requirements and driving curfews. Presently, a person may qualify for a motorcycle license at age 17. The bill's provisions would not apply to an applicant for a motorcycle endorsement to a basic automobile license.

Section 5 would make certain pertinent provisions of the GDL law apply to young persons who can now obtain agricultural permits and licenses at age 16 for travel, in some cases, on public highways. A young person could continue to receive an agricultural permit and license at age 16 but would then be subject to the law's provisions for a provisional and basic license at ages 17 and 18, respectively, including the applicable requirements, restrictions and penalties for persons holding provisional licenses. This provision is designed to prevent young farm workers from circumventing the protections of the graduated driver license law.

Section 6 also amends the provision that governs the timing of the road test for holders of the examination permit, the "alternate route" for obtaining a basic license for persons age 17 years or older. The current law requires that a road test be administered no sooner than one year from the date the permit is validated for practice driving. Applicants under 21 require supervision for the first six months and applicants age 21 or older require supervision for the first three months. This bill moves up the timing of the road test so it may be given immediately after the period of supervision. The permit holder would continue to be supervised until he passes the road test. Qualifying for a provisional license will be a new third step in the

1 alternate route. This new step will assist the State in complying with
2 requirements established by the National Highway Traffic Safety
3 Administration for incentive grants and make it easier for the law
4 enforcement community to identify the driving stage of permit holders.
5 It will, however, delay the issuance of the basic (unrestricted license)
6 for this group of first-time drivers 17 years old or over by another
7 year, to at least age 19. This is because such drivers would operate
8 under a provisional license for at least a year following the permit
9 period in order to obtain a basic license. This section also provides
10 for the supervision of motorcycle examination permit holders as if they
11 were passenger automobile examination permit holders. The latter
12 would be supervised for three months if age 21 and over and for six
13 months if under age 21.

14 Section 12 modifies the coverage of the GDL law's effective date
15 for new permit applicants. The law would apply to any applicant for
16 such a permit as of the date of enactment. The law would therefore
17 cover all persons applying for first-time special learner's and
18 examination permits even if they would not have been covered by the
19 law earlier on the basis of their age. This will permit the DMV to
20 more readily identify the GDL drivers.

21 The bill would also consolidate fines, in one new section 11, for
22 violating the principal conditions for persons holding special learner's
23 permits, examination permits, and provisional driver's licenses. This
24 will better enable DMV to input statistical data from local traffic
25 citations for program evaluation purposes. The violations now include
26 requirements for seat belt use, hours of operation, passenger
27 restrictions, and supervision. A new ban on the use of cellular
28 telephones in moving vehicles by permit holders and provisional
29 license holders is also included here.

30 Section 4 would also allow the current remedial program, known as
31 the Probationary Driver Program (PDP), to continue for all new
32 drivers until the remedial program provided for under the GDL law is
33 implemented. Without this change, no remedial program will be in
34 place for basic auto license permit holders. A person who begins his
35 driving career under the PDP will fall under the requirements of the
36 PDP until he has been issued a basic driver's license.

37 With respect to driving schools, the bill provides for the following
38 changes:

39 Section 1 provides for the development of behind-the-wheel
40 instruction guidelines designed to develop the skills necessary for the
41 safe and lawful operation and driving of motor vehicles. This section
42 clearly authorizes instructors of private driving schools to teach the
43 minimum 30-hour theory classroom course. The benefits of classroom
44 and behind-the-wheel driver education are added to the content of the
45 informational brochure to be issued to parents and guardians of
46 beginning drivers under age 18. It further provides that the course of

1 instruction for classroom driver education would be no less than 30
2 hours and would include information concerning insurance fraud and
3 the State requirements for and benefits of maintaining automobile
4 insurance.

5 Section 7 requires all approved behind-the-wheel driving courses
6 leading to a special learner's permit to include a minimum of six hours
7 instruction.

8 In sections 6 and 8, a remedial DMV training course, of a minimum
9 of four hours, already required of certain GDL permit and provisional
10 license holders, could now be given by private drivers' schools and
11 statewide safety organizations such as the AAA Clubs of New Jersey
12 and the New Jersey State Safety Council. Such courses would operate
13 under the oversight of the DMV and pursuant to its guidelines.

14 Section 9 requires applicants for drivers' school licenses to file a
15 \$10,000 bond, provide 500 hours of behind-the-wheel instruction and
16 have two years experience as a licensed drivers' school instructor.
17 They must also complete a three credit driver education college course
18 and, if a general manager, not be employed by any other drivers'
19 school unless it is under the same ownership. This section also
20 requires that initial and renewal applications for drivers' school
21 licenses contain both Federal and State Tax identification numbers and
22 proof of workers' compensation insurance coverage.

23 In section 10, the Division of Motor Vehicles would be required to
24 inspect each drivers' school at least once a year to ensure compliance
25 with all State standards. New penalties are added for private driving
26 schools that violate more than de minimis rules, regulations and
27 standards applicable to them: \$500 to \$1,500 for a first offense,
28 \$1,500 to \$2,500 for a second offense, and license suspension or
29 revocation for a third or subsequent offense.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2146

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 31, 2001

The Senate Law and Public Safety Committee reports without recommendation and with committee amendments Senate Bill No. 2146.

As amended and released by the committee, this bill modifies the State's graduated driver licensing (GDL) law which became effective January 1, 2001. The bill also enhances the responsibilities of the State's private driving schools and their instructors and increases standards for operation of these driving schools.

Section 2 expands the membership of a newly-named State Review Board on Driver Education to include a representative of the Insurance Council of New Jersey and a certified secondary school driver education teacher. The Director of the Office of Highway Traffic Safety or his designee would become the chairman. The board would report its findings to the Director of the Division of Motor Vehicles (DMV).

Sections 4 and 6 bring motorcycle permit holders under many of the same restrictions and penalties applicable to holders of examination permits for passenger motor vehicles, including remedial courses, fines and suspensions for a variety of motor vehicle offenses. For example, an alcohol or drug-related offense unrelated to the operation of the motorcycle could result in a six-month suspension. Motorcyclists would also become subject to the new minimum age licensing requirements and driving curfews. At present, a person may qualify for a motorcycle license at age 17. The bill's provisions would not apply to an applicant for a motorcycle endorsement to a basic automobile license.

Section 5 makes certain pertinent provisions of the GDL law apply to young persons who can now obtain agricultural permits and licenses at age 16 for travel, in some cases, on public highways. A young person could continue to receive an agricultural permit and license at age 16 but would then be subject to the law's provisions for a provisional and basic license at ages 17 and 18, respectively, including the applicable requirements, restrictions and penalties for persons holding provisional licenses. This provision is designed to prevent young farm workers from circumventing the protections of the

graduated driver license law.

Section 6 also amends the provision that governs the timing of the road test for holders of the examination permit. The current law requires that a road test be administered no sooner than one year from the date the permit is validated for practice driving. Applicants under 21 require supervision for the first six months and applicants age 21 or older require supervision for the first three months. This bill moves up the timing of the road test so it may be given immediately after the period of supervision. The permit holder would continue to be supervised until he passes the road test. Qualifying for a provisional license and driving with such license for a minimum of one year will be a new third step for holders of an examination permit. This new step will assist the State in complying with requirements established by the National Highway Traffic Safety Administration for incentive grants and make it easier for the law enforcement community to identify the driving stage of permit holders. Consequently, the three step licensing procedure for holders of an examination permit will delay the issuance of the basic (unrestricted) license for first-time drivers who are at least 17 years old to at least age 18 years, 6 months. Permit holders at least 21 years of age would be delayed until at least the age of 22 years, 3 months before being eligible to be issued a basic license. This section also provides for the supervision of motorcycle examination permit holders as if they were passenger automobile examination permit holders. The latter would be supervised for three months if age 21 and over and for six months if under age 21.

Section 12 modifies the coverage of the GDL law's effective date for new permit applicants. The law would apply to any applicant for such a permit as of the date of enactment of this bill. The law would therefore cover all persons applying for first-time special learner's and examination permits even if they would not have been covered by the law earlier on the basis of their age. This will permit the DMV to more readily identify the GDL drivers.

The bill also consolidates fines, in one new section 11, for violating the principal conditions for persons holding special learner's permits, examination permits, and provisional driver's licenses. This will better enable DMV to input statistical data from local traffic citations for program evaluation purposes. The violations now include requirements for seat belt use, hours of operation, passenger restrictions, and supervision. A new ban on the use of any wireless communication device in moving vehicles by permit holders and provisional license holders is also included as a violation.

Section 4 also allows the current remedial program, known as the Probationary Driver Program (PDP), to continue for all new drivers until the remedial program provided for under the GDL law is implemented. Without this change, no remedial program will be in place for basic auto license permit holders. A person who begins his driving career under the PDP will fall under the requirements of the PDP until he has been issued a basic driver's license.

With respect to driving schools, the bill provides for the following changes:

Section 1 provides for the development of behind-the-wheel instruction guidelines designed to develop the skills necessary for the safe and lawful operation and driving of motor vehicles. This section clearly authorizes instructors of private driving schools to teach the minimum 30-hour theory classroom course. The benefits of classroom and behind-the-wheel driver education are added to the content of the informational brochure being issued to parents and guardians of beginning drivers under age 18. It further provides that the course of instruction for classroom driver education would be no less than 30 hours and would include information concerning insurance fraud and the State requirements for and benefits of maintaining automobile insurance. However, this would not preclude driver education programs from being offered by a public, parochial or private school.

Section 7 requires all approved behind-the-wheel driving courses leading to a special learner's permit to include a minimum of six hours instruction.

In sections 6 and 8, a remedial DMV training course, of a minimum of four hours, already required of certain GDL permit and provisional license holders, could now be given by private drivers' schools and statewide safety organizations such as the AAA Clubs of New Jersey and the New Jersey State Safety Council. Such courses would operate under the oversight of the DMV and pursuant to its guidelines.

Section 9 requires applicants for drivers' school licenses to file a \$10,000 bond, and employ a supervising instructor who: (a) successfully provided 500 hours of behind-the-wheel instruction; (b) has at least two years experience as a licensed drivers' school instructor; (c) has completed a three credit driver education college course; and (d) is not employed by any other drivers' school unless it is under the same ownership except with the express consent of the first drivers' school. This section also requires that initial and renewal applications for drivers' school licenses contain both Federal and State tax identification numbers and proof of workers' compensation insurance coverage.

In section 10, the Division of Motor Vehicles is required to inspect each drivers' school at least once a year to ensure compliance with all State standards. New penalties are added for private driving schools for other than de minimis violations of rules, regulations and standards applicable to them: \$500 to \$1,500 for a first offense, \$1,500 to \$2,500 for a second offense, and license suspension or revocation for a third or subsequent offense.

The committee amended the bill to:

(1) modify the prohibition in the bill on the use of cellular telephones by permit holders and provisional licensees to include the use of any interactive wireless communication device while operating a moving passenger automobile on a public road or highway, except in an emergency;

(2) ensure that the special learner's permit is validated by the DMV upon the completion of a behind-the-wheel driving course;

(3) permit commercial driving schools to conduct the State's written and eye examinations. The schools would pay an annual fee to the DMV in an amount determined by the director;

(4) require that drivers' schools as a condition of licensure by the DMV employ a supervising instructor who: (a) has been licensed as a driver's school instructor by the division for the previous two years; (b) successfully provided at least 500 hours of behind-the-wheel instruction; (c) furnishes satisfactory evidence of the completion of a three credit New Jersey driver education college course; and (d) is not employed by any other drivers' school unless it is under the same ownership except with the express consent of the first drivers' school. The owner or general manager of the school would not be subject to these requirements; and

(5) state that the provisions of the bill are not intended as a basis for privatizing existing services or programs or for reducing the number of driver testing employees in the DMV.

The committee also wishes to clarify the original statement to the bill concerning the minimum age at which a basic (unrestricted) license may be issued. It is the committee's understanding that for permit holders beginning to drive at 17 years of age, a basic license would not be issued until the holder completes at least six months under an examination permit, then passes a road test, and then completes at least one year under a provisional license; this would delay issuance of a basic license to these drivers to at least 18 years, 6 months of age. For permit holders at least 21 years of age, only three months under an examination permit would be required. Consequently, such older drivers could be issued a basic license at age 22 years, 3 months.

As amended and released by the committee, this bill is identical to Assembly Bill No. 3241 (1R), which also was released by the committee on this same date.

[First Reprint]

SENATE, No. 2146

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 26, 2001

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Concerns graduated driver licensing and the responsibilities and standards of private driving schools.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on May 31, 2001, with amendments.



1 AN ACT concerning graduated driver licensing and drivers' schools
2 and amending R.S.39:3-10, R.S.39:3-13, P.L.1998, c.108,
3 P.L.1977, c.23, P.L.1942, c.334, P.L.1977, c.25, P.L.1950, c.127,
4 P.L.1951, c.216 and supplementing chapter 3 and chapter 12 of
5 Title 39 of the Revised Statutes.

6

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

9

10 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read
11 as follows:

12 8. a. The Director of the Office of Highway Traffic Safety in the
13 Department of Law and Public Safety, after consultation with the
14 Director of the Division of Motor Vehicles in the Department of
15 Transportation and the **[Advisory Committee]** Review Board on
16 Driver Education established in section 10 of P.L.1998, c.108
17 (C.27:5F-43), shall develop curriculum guidelines for use by teachers
18 of approved classroom driver education courses. The course of
19 instruction for approved courses shall be no less than 30 hours in
20 length and be designed to develop and instill the knowledge and
21 attitudes necessary for the safe operation and driving of motor
22 vehicles. Defensive driving, highway courtesy, accident avoidance
23 **[and]**, understanding and respect for the State's motor vehicle laws,
24 insurance fraud and State requirements for and benefits of maintaining
25 automobile insurance shall be emphasized. The incorporation of these
26 curriculum guidelines in these classroom courses and the use of related
27 instructional materials shall be a requirement for approval of the
28 course by the Director of the Division of Motor Vehicles.

29 b. The Director of the Office of Highway Traffic Safety, in
30 consultation with the Director of the Division of Motor Vehicles, shall
31 produce an informational brochure for parents and guardians of
32 beginning drivers under the age of 18 years. The division shall ensure
33 that the parents or guardians of a permit holder receive these
34 brochures at the time a permit is issued to a beginning driver. The
35 brochures shall include, but not be limited to, the following
36 information:

- 37 (1) Setting an example for the beginning driver;
38 (2) Accident and fatality statistics about beginning drivers;
39 (3) Causes of accidents among beginning drivers;
40 (4) The need to supervise vehicle operation by a beginning driver;
41 (5) Methods to coach a beginning driver on how to reduce

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted May 31, 2001.

1 accidents; ~~[and]~~

2 (6) A description of the graduated driver's license program; and

3 (7) Benefits of classroom and behind-the-wheel driver education
4 under the direction of State certified or licensed driving instructors, as
5 the case may be.

6 (cf: P.L.1998, c.108, s.8)

7

8 2. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to read
9 as follows:

10 10. a. There is established a State ~~[Advisory Committee]~~ Review
11 Board on Driver Education. The Director of the Office of Highway
12 Traffic Safety or his designee shall be ex officio the chairman of the
13 board. The Governor shall appoint to the ~~[committee]~~ board a
14 certified secondary school driver education teacher and representatives
15 from the Department of Education, the Department of Transportation,
16 the ~~[American Automobile Association]~~ AAA Clubs of New Jersey,
17 the Driving School Association of New Jersey, the Insurance Council
18 of New Jersey, the New Jersey Association of Chiefs of Police, the
19 New Jersey State Safety Council and the New Jersey Traffic Safety
20 Officers Association. The ~~[committee]~~ board shall make
21 recommendations to the ~~[Directors]~~ Director of the Division of Motor
22 Vehicles ~~[and the Office of Highway Traffic Safety]~~ with respect to
23 rules and regulations promulgated under this act including, but not
24 limited to, the development of uniform curriculum guidelines for
25 approved classroom and behind-the-wheel driver education. Any
26 vacancies occurring in the membership shall be filled in the same
27 manner as the original appointments.

28 b. The course of instruction for behind-the-wheel driver education
29 shall be designed to develop the skills necessary for the safe and lawful
30 operation of a motor vehicle. Defensive driving, highway courtesy,
31 appropriate driving behavior and attitudes, accident avoidance, safe
32 passing and lane changing, and a general understanding of and respect
33 for the State's motor vehicle laws shall be emphasized.

34 (cf: P.L.1998, c.108, s.10)

35

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

37 39:3-10. No person shall drive a motor vehicle on a public highway
38 in this State unless the person is under supervision while participating
39 in a behind-the-wheel driving course pursuant to section 6 of
40 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated
41 permit, or a provisional or basic driver's license issued to him in
42 accordance with this article.

43 No person under 18 years of age shall be issued a basic license to
44 drive motor vehicles, nor shall a person be issued a validated permit,
45 including a validated examination permit, until he has passed a
46 satisfactory examination and other requirements as to his ability as an

1 operator. The examination shall include a test of the applicant's vision,
2 his ability to understand traffic control devices, his knowledge of safe
3 driving practices and of the effects that ingestion of alcohol or drugs
4 has on a person's ability to operate a motor vehicle, his knowledge of
5 such portions of the mechanism of motor vehicles as is necessary to
6 insure the safe operation of a vehicle of the kind or kinds indicated by
7 the applicant and of the laws and ordinary usages of the road. A road
8 test shall be required for a provisional license and serve as a
9 demonstration of the applicant's ability to operate a vehicle of the class
10 designated. The road test shall be given on public streets, where
11 practicable and feasible, but may be preceded by an off-street
12 screening process to assess basic skills. The director shall approve
13 locations for the road test which pose no more than a minimal risk of
14 injury to the applicant, the examiner and other motorists. No new
15 locations for the road test shall be approved unless the test can be
16 given on public streets.

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

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

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

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

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

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

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

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

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

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

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

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

40 The director, upon payment of the lawful fee and after he or a
41 person authorized by him has examined the applicant and is satisfied
42 of the applicant's ability as an operator, may, in his discretion, issue a
43 license to the applicant to drive a motor vehicle. The license shall
44 authorize him to drive any registered vehicle, of the kind or kinds
45 indicated, and shall expire, except as otherwise provided, on the last
46 day of the 120th calendar month following the calendar month in

1 which such license was issued.

2 The director may, at his discretion and for good cause shown, issue
3 licenses which shall expire on a date fixed by him. The fee for licenses
4 with expiration dates fixed by the director shall be fixed by the director
5 in amounts proportionately less or greater than the fee herein
6 established.

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

9

10	Motorcycle license or endorsement	\$35
11	Omnibus or school bus endorsement	\$35
12	Basic driver's license	\$35

13

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

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

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

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

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

39 A person violating this section shall be subject to a fine not
40 exceeding \$500 or imprisonment in the county jail for not more than
41 60 days, but if that person has never been licensed to drive in this
42 State or any other jurisdiction, he shall be subject to a fine of not less
43 than \$200 and, in addition, the court shall issue an order to the
44 Director of the Division of Motor Vehicles requiring the director to
45 refuse to issue a license to operate a motor vehicle to the person for
46 a period of not less than 180 days. The penalties provided for by this

1 paragraph shall not be applicable in cases where failure to have actual
2 possession of the operator's license is due to an administrative or
3 technical error by the Division of Motor Vehicles.

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

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

8

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

11 1. ~~【All successful applicants】~~ An applicant for a motorcycle
12 license, ~~but not for a motorcycle endorsement to a basic license,~~ who
13 previously ~~【have】~~ has never been licensed to drive a motor vehicle in
14 this, or any other state, shall ~~【be licensed on a probationary basis for~~
15 ~~the two-year period following the issuance of their initial licenses. No~~
16 ~~such license shall physically differ by way of appearance from a~~
17 ~~nonprobationary license】~~, during the permit period, be subject to the
18 applicable restrictions and penalties for examination permit holders as
19 provided under R.S.39:3-13. Until the provisions of P.L.1998, c.108,
20 as amended by P.L. , c. (now pending before the Legislature as this
21 bill), are fully implemented, all holders of permits issued pursuant to
22 R.S.39:3-13 and section 6 of P.L.1977, c.25 (C.39:3-13.2a) shall be
23 subject to a probationary driver program for the two-year period
24 immediately following the issuance of the permits. This two-year
25 period shall not be altered if the permit holder obtains a provisional
26 driver's license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4).
27 All holders of permits issued on or after the date of full
28 implementation of P.L.1998, c.108, as amended by P.L. , c. (now
29 pending before the Legislature as this bill), shall not be subject to this
30 section.

31 (cf: P.L.1998, c.108, s.2)

32

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

35 1. Any person, under seventeen years of age and not under sixteen
36 years of age, may be licensed to drive motor vehicles in agricultural
37 pursuits as herein limited; provided such person has passed an
38 examination satisfactory to the director as to his ability as an
39 operator. The director, upon payment of the lawful fee and after he
40 or a person authorized by him has examined the applicant and is
41 satisfied of the applicant's ability as an operator, may, in his discretion,
42 license the applicant to drive any motor vehicle which is registered
43 under the provisions of R.S.39:3-24 and R.S.39:3-25. The holder of
44 an agricultural permit or license shall be subject to the applicable
45 requirements, restrictions and penalties for special learner's permit
46 holders provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a).

1 Such registration shall expire on March thirty-first of each year
2 terminating the period for which such license is issued. The annual
3 license fee for such license shall be one dollar (\$1.00), and is for the
4 limited use herein provided, and is not to be used in the operation of
5 any other vehicle and shall have the name of the licensee endorsed
6 thereon in his own handwriting. The holder of an agricultural license
7 shall be entitled to a provisional driver's license upon attaining the age
8 of 17 years and shall be subject to applicable restrictions and penalties
9 in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a
10 provisional driver's license holder.

11 (cf: P.L.1983, c.403, s.8)

12

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

14 39:3-13. The director may, in his discretion, issue to a person over
15 17 years of age an examination permit, under the hand and seal of the
16 director, allowing such person, for the purpose of fitting himself to
17 become a licensed driver, to operate a designated class of motor
18 vehicles other than passenger automobiles and motorcycles of persons
19 licensed to operate motorcycles only for a specified period of not
20 more than 90 days, while in the company and under the supervision of
21 a driver licensed to operate such designated class of motor vehicles.

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

33 For six months immediately following the [issuance] validation of
34 an examination permit, and until the holder passes the road test, the
35 holder who is less than 21 years of age shall operate the passenger
36 automobile or motorcycle only when accompanied by, and under the
37 supervision of, a New Jersey licensed driver who is at least 21 years
38 of age and has been licensed to drive a passenger automobile or
39 motorcycle, as the case may be, for not less than three years. The
40 holder of an examination permit who is at least 21 years of age shall
41 operate the passenger automobile or motorcycle for the first three
42 months under such supervision and until the holder passes the road
43 test. The supervising driver of the passenger automobile shall sit in the
44 front seat of the vehicle. Whenever operating a vehicle while in
45 possession of an examination permit, the holder of the permit shall
46 operate the passenger automobile with only one additional passenger

1 in the vehicle excluding persons with whom the holder resides, except
2 that this passenger restriction shall not apply when either the permit
3 holder or one other passenger is at least 21 years of age. Further, the
4 holder of the permit who is less than 21 years of age shall not drive
5 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
6 that this condition may be waived for an emergency which, in the
7 judgment of local police, is of sufficient severity and magnitude to
8 substantially endanger the health, safety, welfare or property of a
9 person, or for any bona fide employment or religion-related activity if
10 the employer or appropriate religious authority provides written
11 verification of such activity in a manner provided for by the director.

12 ¹[The permit holder shall not use a cellular telephone while operating
13 a moving passenger automobile on a public road or highway. "Use"
14 shall include, but not be limited to: talking or listening to another
15 person on the telephone or operating its keys, buttons or other
16 controls.] The holder of the examination permit shall not use any
17 interactive wireless communication, device, except in an emergency,
18 while operating a moving passenger automobile on a public road or
19 highway. "Use" shall include, but not be limited to, talking or listening
20 on any interactive wireless communication device or operating its
21 keys, buttons or other controls.¹ The passenger automobile permit
22 holder shall [also] ensure that all occupants of the vehicle are secured
23 in a properly adjusted and fastened seat belt or child restraint system.

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

1 been convicted of any motor vehicle violation which results in the
2 imposition of any motor vehicle points or has been convicted of a
3 violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a);
4 P.L.1992, c.182 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5,
5 subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law
6 the director deems significant and applicable pursuant to regulation.

7 When the director is notified by a court of competent jurisdiction that
8 an examination permit holder has been convicted of any alcohol or
9 drug-related offense unrelated to the operation of a motor vehicle and
10 is not otherwise subject to any other suspension penalty therefor, the
11 director shall, without the exercise of discretion or a hearing, suspend
12 the examination permit for six months. [A fine of \$100 shall be
13 imposed for any other violation of the conditions of the examination
14 permit.]

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

21 Each permit shall be sufficient license for the person to operate
22 such designated class of motor vehicles in this State during the period
23 specified, while in the company of and under the control of a driver
24 licensed by this State to operate such designated class of motor
25 vehicles, or, in the case of a commercial driver license permit, while in
26 the company of and under the control of a holder of a valid
27 commercial driver license for the appropriate license class and with the
28 appropriate endorsements issued by this or any other state. Such
29 person, as well as the licensed driver, except for a motor vehicle
30 examiner administering a driving skills test, shall be held accountable
31 for all violations of this subtitle committed by such person while in the
32 presence of the licensed driver. In addition to requiring an applicant
33 for an examination permit to submit satisfactory proof of identity and
34 age, the director also shall require the applicant to provide, as a
35 condition for obtaining the permit, satisfactory proof that the
36 applicant's presence in the United States is authorized under federal
37 law.

38 The holder of an examination permit shall be required to take a road
39 test in order to obtain a [basic driver's] provisional license. No road
40 test for any person who has been issued an examination permit to
41 operate a passenger vehicle shall be given unless the person has met
42 the requirements of this section. No road test for a [basic driver's]
43 provisional license shall be given unless the applicant has first secured
44 an examination permit and no such road test shall be scheduled for an
45 applicant who has secured an examination permit for a passenger
46 vehicle or a motorcycle for which an endorsement is not required until

1 at least ~~[one year]~~ six months for an applicant under 21 years of age
 2 or three months for an applicant 21 years of age or older shall have
 3 elapsed following the validation of the examination permit for practice
 4 driving or, in the case of an examination permit for other vehicles,
 5 until 20 days ~~[has]~~ have elapsed~~[, except that in]~~. In the case of an
 6 omnibus endorsement or school bus, no road test shall be scheduled
 7 until at least 10 days shall have elapsed. Every applicant for an
 8 examination permit to qualify for an omnibus endorsement or an
 9 articulated vehicle endorsement shall be a holder of a valid basic
 10 driver's license.

11 The required fees for special learners' permits and examination
 12 permits shall be as follows:

13

14 Basic driver's license.....	up to \$10
15 Motorcycle license or endorsement.....	\$5
16 Omnibus or school bus endorsement.....	\$25
17 Articulated vehicle endorsement.....	\$15

18

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

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

32

33

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

36 6. Any person to whom a special learner's permit has been issued
 37 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
 38 successful completion of a State approved written examination, eye
 39 examination and an approved minimum six-hour behind-the-wheel
 40 driving course conducted by a licensed drivers' school ¹, approved to
 41 give such examinations and subject to a fee and annual renewal thereof
 42 in an amount determined appropriate by the director.¹ or [of] a public,
 43 parochial or private school [driving education course], shall be
 44 entitled to retain the special learner's permit in his own possession.
 45 The special learner's permit shall be ¹[considered]¹ validated ¹by the
 46 division¹ for the purpose of driving a motor vehicle on a public

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

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

1 commencement of the course. If, after completion of the remedial
2 training course, the director is notified by a court of competent
3 jurisdiction that the special learner's permit holder has been convicted
4 of any motor vehicle violation which results in the imposition of any
5 motor vehicle points or has been convicted of a violation of
6 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
7 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
8 N.J.S.2C:12-1 or any other motor vehicle-related law the director
9 deems significant and applicable pursuant to regulation, the director,
10 without the exercise of discretion or a hearing, shall also postpone the
11 issuance of a basic license for 90 days. When the director is notified
12 by a court of competent jurisdiction that a special learner's permit
13 holder has been convicted of any alcohol or drug-related offense
14 unrelated to the operation of a motor vehicle and he is not otherwise
15 subject to any other suspension penalty therefor, the director shall,
16 without the exercise of discretion or a hearing, suspend the special
17 learner's permit for six months. [A fine of \$100 shall be imposed for
18 any other violations of the conditions of the special learner's permit.]
19 (cf: P.L.1998, c.108, s.5)

20

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

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

33 The holder of a provisional license shall be permitted to operate the
34 passenger automobile with only one additional passenger in the vehicle
35 besides persons with whom the holder resides, except that this
36 passenger restriction shall not apply when either the holder of the
37 provisional license or one other passenger is at least 21 years of age.
38 Further, the holder of the provisional license who is under 21 years of
39 age shall not drive during the hours between 12:01 a.m. and 5 a.m.;
40 provided however, that this condition may be waived for an emergency
41 which, in the judgment of local police, is of sufficient severity and
42 magnitude to substantially endanger the health, safety, welfare or
43 property of a person or for any bona fide employment or
44 religion-related activity if the employer or appropriate religious
45 authority provides written verification of such activity in a manner
46 provided for by the director. ¹[The holder of the provisional license

1 shall not use a cellular telephone while operating a moving passenger
2 automobile on a public road or highway. "Use" shall include, but not
3 be limited to talking or listening to another person on the telephone or
4 operating its keys, buttons or other controls.] The holder of the
5 provisional license shall not use any interactive wireless
6 communication device, except in an emergency, while operating a
7 moving passenger automobile on a public road or highway. "Use"
8 shall include, but not be limited to, talking or listening on any
9 interactive wireless communication device or operating its keys,
10 buttons or other controls.¹ In addition, the holder of the provisional
11 license shall ensure that all occupants of the vehicle are secured in a
12 properly adjusted and fastened seat belt or child restraint system. In
13 addition to any other penalties provided under law, the holder of a
14 provisional license who accumulates more than two motor vehicle
15 points or is convicted of a violation of R.S.39:4-50; section 2 of
16 P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
17 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
18 other motor vehicle law the director deems to be significant and
19 applicable pursuant to regulation shall, for the first violation, be
20 required to satisfactorily complete a remedial training course of not
21 less than four hours [and remit] which may be given by the division,
22 a drivers' school licensed by the director pursuant to section 2 of
23 P.L.1951, c.216 (C.39:12-2) or any statewide safety organization
24 approved by the director. The course shall be subject to oversight by
25 the division according to its guidelines. The permit holder shall also
26 remit a course fee [prescribed by the director] prior to the
27 commencement of the course. When notified by a court of competent
28 jurisdiction that a provisional license holder has been convicted of a
29 second or subsequent violation, in addition to any other penalties
30 provided under law, the director shall, without the exercise of
31 discretion or a hearing, suspend the provisional license for three
32 months and shall postpone eligibility for a basic license for an
33 equivalent period. In addition, when the director is notified by a court
34 of competent jurisdiction that a provisional license holder has been
35 convicted of any alcohol or drug-related offense unrelated to the
36 operation of a motor vehicle, and he is not otherwise subject to any
37 other suspension penalty therefor, the director shall, without the
38 exercise of discretion or a hearing, suspend the provisional license for
39 six months. [A provisional license holder who violates other
40 conditions of the license shall be fined \$100.]

41 A provisional license may be sent by mail and shall be clearly
42 identifiable and distinguishable in appearance from a basic license by
43 any name, mark, color or device deemed appropriate by the director.
44 (cf: P.L.1998, c.108, s.7)

45

46 9. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as

1 follows:

2 2. No person shall engage in the business of conducting a drivers'
3 school without being licensed therefor by the Director of Motor
4 Vehicles. Application therefor shall be in writing and contain such
5 information therein as he shall require on initial and renewal
6 applications, including the applicant's Federal Tax Identification
7 number, State tax identification number and proof of workers'
8 compensation insurance coverage by a mutual association or stock
9 company authorized to write coverage on such risks in this State or
10 written authorization by the Commissioner of Banking and Insurance
11 to self-insure for workers' compensation pursuant to R.S.34:15-77.
12 The applicant shall file a non-cancelable surety bond in the amount of
13 \$10,000 issued by a company authorized to transact surety business in
14 this State and payable to the division. An initial license shall not be
15 issued ¹or renewed¹ unless ¹[an owner of the drivers' school or the
16 general manager thereof, who] the applicant employs a person in
17 responsible charge of the instructors of the licensed drivers' school.
18 This person, a supervising instructor,¹ shall not be employed by any
19 other drivers' school which is not under the same ownership except
20 with the express consent of an owner of the first drivers' school ¹[,
21 is]. The supervising instructor shall be¹ a drivers' school instructor
22 licensed by the division for the previous two years, and ¹[has] have¹
23 successfully provided a minimum of 500 hours of behind-the-wheel
24 instruction. The applicant shall furnish satisfactory evidence of
25 ¹[completing] the completion by the supervising instructor of¹ a three
26 credit New Jersey driver education college course. If the application
27 is approved, the applicant shall be granted a license to teach approved
28 courses in classroom and behind-the-wheel driver education upon the
29 payment of a fee of \$250.00; provided, however, no license fee shall
30 be charged for the issuance of a license to any board of education,
31 school board, public, private or parochial school, which conducts a
32 course in driver education, approved by the State Department of
33 Education. A license so issued shall be valid during the calendar year.
34 The annual fee for renewal shall be \$200. The director shall issue a
35 license certificate or license certificates to each licensee, one of which
36 shall be displayed in each place of business of the licensee.

37 In case of the loss, mutilation or destruction of a certificate, the
38 director shall issue a duplicate upon proof of the facts and the payment
39 of a fee of \$5.

40 (cf: P.L.1994, c.60, s.29)

41

42 10. (New section) The director shall make or cause to be made a
43 full and complete inspection, at least annually, of the premises of each
44 licensee at reasonable hours as the director may deem necessary to be
45 assured that the licensee and the premises comply at all times with the
46 provisions of this title governing drivers' schools, as well as the rules

1 and regulations and the minimum standards established thereunder. A
2 violation of such rules, regulations and standards sufficient to be
3 considered more than de minimis shall result in a fine for the first
4 violation of no less than \$500 or more than \$1,500; for a second
5 violation, a fine of no less than \$1,500 or more than \$2,500; and for
6 a third or subsequent violation, the suspension or revocation by the
7 director of the license of any drivers' school.

8
9 11. (New section) A fine of \$100 shall be imposed for violating
10 the following conditions of a special learners permit, an examination
11 permit or a provisional driver's license:

- 12 a. supervision requirements for permit holders;
- 13 b. passenger restrictions;
- 14 c. hours of operation;
- 15 d. seat belt requirements;

16 e. ¹[cellular telephone] interactive wireless communication device¹
17 use restrictions; or

18 f. any other violation of the conditions of a permit or provisional
19 license as the director may designate.

20
21 ¹12. (New section) The provisions of this act are not intended, nor
22 shall they be construed or used, as a basis to privatize existing services
23 or programs, or in any manner reduce the number of State employees
24 performing driver testing duties in the Division of Motor Vehicles.

25
26 ¹[12.] 13.¹ This act shall take effect immediately and shall apply
27 to any applicant for an initial special learner's permit or examination
28 permit on ¹or after¹ the effective date of this act.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2146

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 2001

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2146 (1R).

This bill modifies the State's graduated driver licensing (GDL) law, which became effective January 1, 2001. The bill also enhances the responsibilities of the State's private driving schools and their instructors and increases standards for operation of these driving schools.

Section 2 expands the membership of a newly-named State Review Board on Driver Education to include a representative of the Insurance Council of New Jersey and a certified secondary school driver education teacher. The Director of the Office of Highway Traffic Safety or his designee would become the chairman. The board would report its findings to the Director of the Division of Motor Vehicles (DMV).

Sections 4 and 6 bring motorcycle permit holders under many of the same restrictions and penalties applicable to holders of examination permits for passenger motor vehicles, including remedial courses, fines and suspensions for a variety of motor vehicle offenses. For example, an alcohol or drug-related offense unrelated to the operation of the motorcycle could result in a six-month suspension. Motorcyclists would also become subject to the new minimum age licensing requirements and driving curfews. At present, a person may qualify for a motorcycle license at age 17. The bill's provisions would not apply to an applicant for a motorcycle endorsement to a basic automobile license.

Section 5 makes certain pertinent provisions of the GDL law apply to young persons who can now obtain agricultural permits and licenses at age 16 for travel, in some cases, on public highways. A young person could continue to receive an agricultural permit and license at age 16 but would then be subject to the law's provisions for a provisional and basic license at ages 17 and 18, respectively, including the applicable requirements, restrictions and penalties for persons holding provisional licenses. This provision is designed to prevent

young farm workers from circumventing the protections of the graduated driver license law.

Section 6 also amends the provision that governs the timing of the road test for holders of the examination permit. The current law requires that a road test be administered no sooner than one year from the date the permit is validated for practice driving. Applicants under 21 require supervision for the first six months and applicants age 21 or older require supervision for the first three months. This bill moves up the timing of the road test so it may be given immediately after the period of supervision. The permit holder would continue to be supervised until he passes the road test. Qualifying for a provisional license and driving with such license for a minimum of one year will be a new third step for holders of an examination permit. This new step will assist the State in complying with requirements established by the National Highway Traffic Safety Administration for incentive grants and make it easier for the law enforcement community to identify the driving stage of permit holders. Consequently, the three step licensing procedure for holders of an examination permit will delay the issuance of the basic (unrestricted) license for first-time drivers who are at least 17 years old to at least age 18 years, 6 months. Permit holders at least 21 years of age would be delayed until at least the age of 22 years, 3 months before being eligible to be issued a basic license. This section also provides for the supervision of motorcycle examination permit holders as if they were passenger automobile examination permit holders. The latter would be supervised for three months if age 21 and over and for six months if under age 21.

Section 13 modifies the coverage of the GDL law's effective date for new permit applicants. The law would apply to any applicant for such a permit as of the date of enactment of this bill. The law would therefore cover all persons applying for first-time special learner's and examination permits even if they would not have been covered by the law earlier on the basis of their age. This will permit the DMV to more readily identify the GDL drivers.

The bill also consolidates fines, in one new section 11, for violating the principal conditions for persons holding special learner's permits, examination permits, and provisional driver's licenses. This will better enable DMV to input statistical data from local traffic citations for program evaluation purposes. The violations now include requirements for seat belt use, hours of operation, passenger restrictions, and supervision. A new ban on the use of any wireless communication device in moving vehicles by permit holders and provisional license holders is also included as a violation.

Section 4 also allows the current remedial program, known as the Probationary Driver Program (PDP), to continue for all new drivers until the remedial program provided for under the GDL law is implemented. Without this change, no remedial program will be in place for basic auto license permit holders. A person who begins his driving career under the PDP will fall under the requirements of the

PDP until he has been issued a basic driver's license.

With respect to driving schools, the bill provides for the following changes:

Section 1 provides for the development of behind-the-wheel instruction guidelines designed to develop the skills necessary for the safe and lawful operation and driving of motor vehicles. This section clearly authorizes instructors of private driving schools to teach the minimum 30-hour theory classroom course. The benefits of classroom and behind-the-wheel driver education are added to the content of the informational brochure being issued to parents and guardians of beginning drivers under age 18. It further provides that the course of instruction for classroom driver education would be no less than 30 hours and would include information concerning insurance fraud and the State requirements for and benefits of maintaining automobile insurance. However, this would not preclude driver education programs from being offered by a public, parochial or private school.

Section 7 requires all approved behind-the-wheel driving courses leading to a special learner's permit to include a minimum of six hours instruction.

In sections 6, 7 and 8, a remedial DMV training course of a minimum of four hours, already required of certain GDL permit and provisional license holders, could now be given by private drivers' schools and statewide safety organizations such as the AAA Clubs of New Jersey and the New Jersey State Safety Council. Such courses would operate under the oversight of the DMV and pursuant to its guidelines.

Section 9 requires applicants for drivers' school licenses to file a \$10,000 bond, and employ a supervising instructor who: (a) successfully provided 500 hours of behind-the-wheel instruction; (b) has at least two years experience as a licensed drivers' school instructor; and (c) has completed a three credit driver education college course. This section also requires that initial and renewal applications for drivers' school licenses contain both Federal and State tax identification numbers and proof of workers' compensation insurance coverage.

In section 10, the Division of Motor Vehicles is required to inspect each drivers' school at least once a year to ensure compliance with all State standards. New penalties are added for private driving schools for other than de minimis violations of rules, regulations and standards applicable to them: \$500 to \$1,500 for a first offense, \$1,500 to \$2,500 for a second offense, and license suspension or revocation for a third or subsequent offense.

Finally, section 12 provides that the provisions of the bill are not intended as a basis for privatizing existing services or programs or for reducing the number of driver testing employees in the DMV.

The provisions of this bill, as amended, are identical to those of Assembly Bill No. 3241 (2R) Sca, which the committee also reports this day.

COMMITTEE AMENDMENTS

Committee amendments to this bill (1) clarify that an owner of a drivers' school need not employ someone else as a supervising instructor if that owner is himself qualified by education and experience to serve in that capacity, and (2) eliminate a prohibition against employment of a supervising instructor by multiple driving schools not under the same ownership.

FISCAL IMPACT

The New Jersey Department of Transportation has informally identified to the Office of Legislative Services several areas that are likely to require additional funding if this bill is enacted.

First, the Division of Motor Vehicles (DMV) is required to make a full and complete inspection, at least annually, of each licensed driving school to insure compliance with the provisions of the bill. Since the division estimates there are about 200 driving schools, there is an anticipated need for three new auditors and support equipment that would include vehicles, computers, and other office related furnishings. One-time equipment costs could amount to \$50,000, while on-going personnel costs could be in the range of \$150,000 annually.

A second area of potential new expenditures is that of the written and eye examinations that could be given by the drivers' schools. If these tests were given by driving schools but linked by a computer to a master test at DMV, new, but not yet quantified, data processing costs would be incurred. Also, since the division gives exams in languages other than English, it has not been determined if a master, computerized test would also be in other languages.

A third area relates to changes in revenues. Although there would be new revenue from fees imposed by DMV on licensed drivers' schools that would give written and eye examinations, the amount of the fee has not yet been determined by the director. An offset to this new revenue is the potential loss of revenue to DMV provided by drivers who now attend DMV remedial training courses, but who could attend such courses in the future at a licensed driving school.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2146

STATE OF NEW JERSEY

209th LEGISLATURE

DATED: JULY 18, 2001

SUMMARY

Synopsis: Concerns graduated driver licensing and the responsibilities and standards of private driving schools.

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

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$200,000+	\$150,000+	\$150,000+
State Revenue	Unknown	Unknown	Unknown

- ! Establishes 10 member State Review Board on Driver Education.
- ! Brings motorcycle permit holders under many of same restrictions and penalties applicable to holders of examination permits.
- ! Applies pertinent provisions of graduated driver license law to persons who obtain agricultural permits and licenses at 16 years of age.
- ! Creates provisional license as new requirement after supervised driving on examination permit for at least six months before qualifying to receive basic (unrestricted) driver license.
- ! Prohibits use of interactive wireless communication device by holder of examination permit, special learner's permit, and provisional license, except in an emergency, while operating a moving passenger automobile.
- ! Permits licensed driving schools to give State approved written and eye examinations, and remedial training courses.
- ! Establishes certain additional requirements for the licensing of a drivers' school.
- ! Authorizes fees to be imposed on driving schools that give examinations.
- ! Imposes fines for violating conditions of special learner's permit, examination permit, or provisional driver's license.

- ! Provides that provisions of bill are not intended to be basis for privatizing existing services or programs, or to reduce the number of State employees performing driver testing duties in DMV.

BILL DESCRIPTION

Senate Bill No. 2146 (1R) of 2001 modifies the State's graduated driver licensing law. The bill also enhances the responsibilities of the State's private driving schools and their instructors and increases standards for operation of these schools.

The bill makes various changes to the issuance of a motorcycle license, special learner's permit, examination permit, and provisional driver license. These changes are intended to insure that the increasingly complex driving tasks confronting young drivers occur under supervised conditions.

Further, the bill allows licensed drivers' schools to give certain written and eye examinations, and remedial training courses. Additional requirements for licensing such schools are also established. These changes are intended to insure that private drivers' schools continue to play an important role in the development of the skills needed by young drivers for the safe and lawful operation of a motor vehicle.

Finally, the bill provides that its provisions are not intended to be the basis for privatizing existing services or programs, or to reduce the number of State employees performing driver testing duties in DMV.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Although the department has not completed its assessment of the bill, the department has informally identified to the Office of Legislative Services several areas that are likely to require additional funding. First, the Division of Motor Vehicles (DMV) is required to make a full and complete inspection, at least annually, of each licensed driving school to insure compliance with the provisions of the bill. Since the division estimates there are about 200 driving schools, there is an anticipated need for three new auditors and support equipment that would include vehicles, computers, and other office related furnishings. One-time equipment costs could amount to \$50,000 while on-going personnel costs could be in the \$150,000 range.

A second area that could require new expenditures concerns written and eye examinations that could be given by the drivers' schools. If these tests were given by driving schools but linked by a computer to a master test at DMV, new, but not yet quantified, data processing costs would be incurred. Also, since the division gives exams in languages other than English, it has not been determined if a master, computerized test would also be in other languages.

A third area relates to changes in revenues. Although there would be new revenue from fees

imposed by DMV on licensed drivers' schools that would give written and eye examinations, the amount of the fee has not yet been determined by the director. An offset to this new revenue is the potential loss of revenue to DMV provided by drivers who now attend DMV remedial training courses but who could attend such courses in the future at a licensed driving school.

Consequently, the \$200,000 estimate for Year 1 and the \$150,000 amount for succeeding years may be understated.

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.

[Second Reprint]
SENATE, No. 2146

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 26, 2001

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Concerns graduated driver licensing and the responsibilities and standards of private driving schools.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 25, 2001, with amendments.



1 AN ACT concerning graduated driver licensing and drivers' schools
2 and amending R.S.39:3-10, R.S.39:3-13, P.L.1998, c.108,
3 P.L.1977, c.23, P.L.1942, c.334, P.L.1977, c.25, P.L.1950, c.127,
4 P.L.1951, c.216 and supplementing chapter 3 and chapter 12 of
5 Title 39 of the Revised Statutes.

6

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

9

10 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read
11 as follows:

12 8. a. The Director of the Office of Highway Traffic Safety in the
13 Department of Law and Public Safety, after consultation with the
14 Director of the Division of Motor Vehicles in the Department of
15 Transportation and the **[Advisory Committee]** Review Board on
16 Driver Education established in section 10 of P.L.1998, c.108
17 (C.27:5F-43), shall develop curriculum guidelines for use by teachers
18 of approved classroom driver education courses. The course of
19 instruction for approved courses shall be no less than 30 hours in
20 length and be designed to develop and instill the knowledge and
21 attitudes necessary for the safe operation and driving of motor
22 vehicles. Defensive driving, highway courtesy, accident avoidance
23 **[and]**, understanding and respect for the State's motor vehicle laws,
24 insurance fraud and State requirements for and benefits of maintaining
25 automobile insurance shall be emphasized. The incorporation of these
26 curriculum guidelines in these classroom courses and the use of related
27 instructional materials shall be a requirement for approval of the
28 course by the Director of the Division of Motor Vehicles.

29 b. The Director of the Office of Highway Traffic Safety, in
30 consultation with the Director of the Division of Motor Vehicles, shall
31 produce an informational brochure for parents and guardians of
32 beginning drivers under the age of 18 years. The division shall ensure
33 that the parents or guardians of a permit holder receive these
34 brochures at the time a permit is issued to a beginning driver. The
35 brochures shall include, but not be limited to, the following
36 information:

- 37 (1) Setting an example for the beginning driver;
38 (2) Accident and fatality statistics about beginning drivers;
39 (3) Causes of accidents among beginning drivers;
40 (4) The need to supervise vehicle operation by a beginning driver;
41 (5) Methods to coach a beginning driver on how to reduce

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted May 31, 2001.

² Senate SBA committee amendments adopted June 25, 2001.

1 accidents; [and]

2 (6) A description of the graduated driver's license program; and

3 (7) Benefits of classroom and behind-the-wheel driver education
4 under the direction of State certified or licensed driving instructors, as
5 the case may be.

6 (cf: P.L.1998, c.108, s.8)

7

8 2. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to read
9 as follows:

10 10. a. There is established a State [Advisory Committee] Review
11 Board on Driver Education. The Director of the Office of Highway
12 Traffic Safety or his designee shall be ex officio the chairman of the
13 board. The Governor shall appoint to the [committee] board a
14 certified secondary school driver education teacher and representatives
15 from the Department of Education, the Department of Transportation,
16 the [American Automobile Association] AAA Clubs of New Jersey,
17 the Driving School Association of New Jersey, the Insurance Council
18 of New Jersey, the New Jersey Association of Chiefs of Police, the
19 New Jersey State Safety Council and the New Jersey Traffic Safety
20 Officers Association. The [committee] board shall make
21 recommendations to the [Directors] Director of the Division of Motor
22 Vehicles [and the Office of Highway Traffic Safety] with respect to
23 rules and regulations promulgated under this act including, but not
24 limited to, the development of uniform curriculum guidelines for
25 approved classroom and behind-the-wheel driver education. Any
26 vacancies occurring in the membership shall be filled in the same
27 manner as the original appointments.

28 b. The course of instruction for behind-the-wheel driver education
29 shall be designed to develop the skills necessary for the safe and lawful
30 operation of a motor vehicle. Defensive driving, highway courtesy,
31 appropriate driving behavior and attitudes, accident avoidance, safe
32 passing and lane changing, and a general understanding of and respect
33 for the State's motor vehicle laws shall be emphasized.

34 (cf: P.L.1998, c.108, s.10)

35

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

37 39:3-10. No person shall drive a motor vehicle on a public highway
38 in this State unless the person is under supervision while participating
39 in a behind-the-wheel driving course pursuant to section 6 of
40 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated
41 permit, or a provisional or basic driver's license issued to him in
42 accordance with this article.

43 No person under 18 years of age shall be issued a basic license to
44 drive motor vehicles, nor shall a person be issued a validated permit,
45 including a validated examination permit, until he has passed a
46 satisfactory examination and other requirements as to his ability as an

1 operator. The examination shall include a test of the applicant's vision,
2 his ability to understand traffic control devices, his knowledge of safe
3 driving practices and of the effects that ingestion of alcohol or drugs
4 has on a person's ability to operate a motor vehicle, his knowledge of
5 such portions of the mechanism of motor vehicles as is necessary to
6 insure the safe operation of a vehicle of the kind or kinds indicated by
7 the applicant and of the laws and ordinary usages of the road. A road
8 test shall be required for a provisional license and serve as a
9 demonstration of the applicant's ability to operate a vehicle of the class
10 designated. The road test shall be given on public streets, where
11 practicable and feasible, but may be preceded by an off-street
12 screening process to assess basic skills. The director shall approve
13 locations for the road test which pose no more than a minimal risk of
14 injury to the applicant, the examiner and other motorists. No new
15 locations for the road test shall be approved unless the test can be
16 given on public streets.

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

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

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

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

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

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

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

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

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

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

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

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

40 The director, upon payment of the lawful fee and after he or a
41 person authorized by him has examined the applicant and is satisfied
42 of the applicant's ability as an operator, may, in his discretion, issue a
43 license to the applicant to drive a motor vehicle. The license shall
44 authorize him to drive any registered vehicle, of the kind or kinds
45 indicated, and shall expire, except as otherwise provided, on the last
46 day of the 120th calendar month following the calendar month in

1 which such license was issued.

2 The director may, at his discretion and for good cause shown, issue
3 licenses which shall expire on a date fixed by him. The fee for licenses
4 with expiration dates fixed by the director shall be fixed by the director
5 in amounts proportionately less or greater than the fee herein
6 established.

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

9

10	Motorcycle license or endorsement	\$35
11	Omnibus or school bus endorsement	\$35
12	Basic driver's license	\$35

13

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

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

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

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

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

39 A person violating this section shall be subject to a fine not
40 exceeding \$500 or imprisonment in the county jail for not more than
41 60 days, but if that person has never been licensed to drive in this
42 State or any other jurisdiction, he shall be subject to a fine of not less
43 than \$200 and, in addition, the court shall issue an order to the
44 Director of the Division of Motor Vehicles requiring the director to
45 refuse to issue a license to operate a motor vehicle to the person for
46 a period of not less than 180 days. The penalties provided for by this

1 paragraph shall not be applicable in cases where failure to have actual
2 possession of the operator's license is due to an administrative or
3 technical error by the Division of Motor Vehicles.

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

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

8

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

11 1. ~~【All successful applicants】~~ An applicant for a motorcycle
12 license, ~~but not for a motorcycle endorsement to a basic license,~~ who
13 previously ~~【have】~~ has never been licensed to drive a motor vehicle in
14 this, or any other state, shall ~~【be licensed on a probationary basis for~~
15 ~~the two-year period following the issuance of their initial licenses. No~~
16 ~~such license shall physically differ by way of appearance from a~~
17 ~~nonprobationary license】~~, during the permit period, be subject to the
18 applicable restrictions and penalties for examination permit holders as
19 provided under R.S.39:3-13. Until the provisions of P.L.1998, c.108,
20 as amended by P.L. , c. (now pending before the Legislature as this
21 bill), are fully implemented, all holders of permits issued pursuant to
22 R.S.39:3-13 and section 6 of P.L.1977, c.25 (C.39:3-13.2a) shall be
23 subject to a probationary driver program for the two-year period
24 immediately following the issuance of the permits. This two-year
25 period shall not be altered if the permit holder obtains a provisional
26 driver's license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4).
27 All holders of permits issued on or after the date of full
28 implementation of P.L.1998, c.108, as amended by P.L. , c. (now
29 pending before the Legislature as this bill), shall not be subject to this
30 section.

31 (cf: P.L.1998, c.108, s.2)

32

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

35 1. Any person, under seventeen years of age and not under sixteen
36 years of age, may be licensed to drive motor vehicles in agricultural
37 pursuits as herein limited; provided such person has passed an
38 examination satisfactory to the director as to his ability as an
39 operator. The director, upon payment of the lawful fee and after he
40 or a person authorized by him has examined the applicant and is
41 satisfied of the applicant's ability as an operator, may, in his discretion,
42 license the applicant to drive any motor vehicle which is registered
43 under the provisions of R.S.39:3-24 and R.S.39:3-25. The holder of
44 an agricultural permit or license shall be subject to the applicable
45 requirements, restrictions and penalties for special learner's permit
46 holders provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a).

1 Such registration shall expire on March thirty-first of each year
2 terminating the period for which such license is issued. The annual
3 license fee for such license shall be one dollar (\$1.00), and is for the
4 limited use herein provided, and is not to be used in the operation of
5 any other vehicle and shall have the name of the licensee endorsed
6 thereon in his own handwriting. The holder of an agricultural license
7 shall be entitled to a provisional driver's license upon attaining the age
8 of 17 years and shall be subject to applicable restrictions and penalties
9 in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a
10 provisional driver's license holder.

11 (cf: P.L.1983, c.403, s.8)

12

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

14 39:3-13. The director may, in his discretion, issue to a person over
15 17 years of age an examination permit, under the hand and seal of the
16 director, allowing such person, for the purpose of fitting himself to
17 become a licensed driver, to operate a designated class of motor
18 vehicles other than passenger automobiles and motorcycles of persons
19 licensed to operate motorcycles only for a specified period of not
20 more than 90 days, while in the company and under the supervision of
21 a driver licensed to operate such designated class of motor vehicles.

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

33 For six months immediately following the [issuance] validation of
34 an examination permit, and until the holder passes the road test, the
35 holder who is less than 21 years of age shall operate the passenger
36 automobile or motorcycle only when accompanied by, and under the
37 supervision of, a New Jersey licensed driver who is at least 21 years
38 of age and has been licensed to drive a passenger automobile or
39 motorcycle, as the case may be, for not less than three years. The
40 holder of an examination permit who is at least 21 years of age shall
41 operate the passenger automobile or motorcycle for the first three
42 months under such supervision and until the holder passes the road
43 test. The supervising driver of the passenger automobile shall sit in the
44 front seat of the vehicle. Whenever operating a vehicle while in
45 possession of an examination permit, the holder of the permit shall
46 operate the passenger automobile with only one additional passenger

1 in the vehicle excluding persons with whom the holder resides, except
2 that this passenger restriction shall not apply when either the permit
3 holder or one other passenger is at least 21 years of age. Further, the
4 holder of the permit who is less than 21 years of age shall not drive
5 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
6 that this condition may be waived for an emergency which, in the
7 judgment of local police, is of sufficient severity and magnitude to
8 substantially endanger the health, safety, welfare or property of a
9 person, or for any bona fide employment or religion-related activity if
10 the employer or appropriate religious authority provides written
11 verification of such activity in a manner provided for by the director.

12 ¹[The permit holder shall not use a cellular telephone while operating
13 a moving passenger automobile on a public road or highway. "Use"
14 shall include, but not be limited to: talking or listening to another
15 person on the telephone or operating its keys, buttons or other
16 controls.] The holder of the examination permit shall not use any
17 interactive wireless communication, device, except in an emergency,
18 while operating a moving passenger automobile on a public road or
19 highway. "Use" shall include, but not be limited to, talking or listening
20 on any interactive wireless communication device or operating its
21 keys, buttons or other controls.¹ The passenger automobile permit
22 holder shall [also] ensure that all occupants of the vehicle are secured
23 in a properly adjusted and fastened seat belt or child restraint system.

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

1 been convicted of any motor vehicle violation which results in the
2 imposition of any motor vehicle points or has been convicted of a
3 violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a);
4 P.L.1992, c.182 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5,
5 subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law
6 the director deems significant and applicable pursuant to regulation.

7 When the director is notified by a court of competent jurisdiction that
8 an examination permit holder has been convicted of any alcohol or
9 drug-related offense unrelated to the operation of a motor vehicle and
10 is not otherwise subject to any other suspension penalty therefor, the
11 director shall, without the exercise of discretion or a hearing, suspend
12 the examination permit for six months. [A fine of \$100 shall be
13 imposed for any other violation of the conditions of the examination
14 permit.]

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

21 Each permit shall be sufficient license for the person to operate
22 such designated class of motor vehicles in this State during the period
23 specified, while in the company of and under the control of a driver
24 licensed by this State to operate such designated class of motor
25 vehicles, or, in the case of a commercial driver license permit, while in
26 the company of and under the control of a holder of a valid
27 commercial driver license for the appropriate license class and with the
28 appropriate endorsements issued by this or any other state. Such
29 person, as well as the licensed driver, except for a motor vehicle
30 examiner administering a driving skills test, shall be held accountable
31 for all violations of this subtitle committed by such person while in the
32 presence of the licensed driver. In addition to requiring an applicant
33 for an examination permit to submit satisfactory proof of identity and
34 age, the director also shall require the applicant to provide, as a
35 condition for obtaining the permit, satisfactory proof that the
36 applicant's presence in the United States is authorized under federal
37 law.

38 The holder of an examination permit shall be required to take a road
39 test in order to obtain a [basic driver's] provisional license. No road
40 test for any person who has been issued an examination permit to
41 operate a passenger vehicle shall be given unless the person has met
42 the requirements of this section. No road test for a [basic driver's]
43 provisional license shall be given unless the applicant has first secured
44 an examination permit and no such road test shall be scheduled for an
45 applicant who has secured an examination permit for a passenger
46 vehicle or a motorcycle for which an endorsement is not required until

1 at least ~~[one year]~~ six months for an applicant under 21 years of age
 2 or three months for an applicant 21 years of age or older shall have
 3 elapsed following the validation of the examination permit for practice
 4 driving or, in the case of an examination permit for other vehicles,
 5 until 20 days ~~[has]~~ have elapsed~~[, except that in]~~. In the case of an
 6 omnibus endorsement or school bus, no road test shall be scheduled
 7 until at least 10 days shall have elapsed. Every applicant for an
 8 examination permit to qualify for an omnibus endorsement or an
 9 articulated vehicle endorsement shall be a holder of a valid basic
 10 driver's license.

11 The required fees for special learners' permits and examination
 12 permits shall be as follows:

13

14 Basic driver's license.....	up to \$10
15 Motorcycle license or endorsement.....	\$5
16 Omnibus or school bus endorsement.....	\$25
17 Articulated vehicle endorsement.....	\$15

18

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

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

32

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

35 6. Any person to whom a special learner's permit has been issued
 36 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
 37 successful completion of a State approved written examination, eye
 38 examination and an approved minimum six-hour behind-the-wheel
 39 driving course conducted by a licensed drivers' school ¹, approved to
 40 give such examinations and subject to a fee and annual renewal thereof
 41 in an amount determined appropriate by the director, ¹ or [of] a public,
 42 parochial or private school [driving education course], shall be
 43 entitled to retain the special learner's permit in his own possession.
 44 The special learner's permit shall be ¹[considered]¹ validated ¹by the
 45 division¹ for the purpose of driving a motor vehicle on a public
 46 highway in this State after the holder has successfully met the

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

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

1 training course, the director is notified by a court of competent
2 jurisdiction that the special learner's permit holder has been convicted
3 of any motor vehicle violation which results in the imposition of any
4 motor vehicle points or has been convicted of a violation of
5 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
6 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
7 N.J.S.2C:12-1 or any other motor vehicle-related law the director
8 deems significant and applicable pursuant to regulation, the director,
9 without the exercise of discretion or a hearing, shall also postpone the
10 issuance of a basic license for 90 days. When the director is notified
11 by a court of competent jurisdiction that a special learner's permit
12 holder has been convicted of any alcohol or drug-related offense
13 unrelated to the operation of a motor vehicle and he is not otherwise
14 subject to any other suspension penalty therefor, the director shall,
15 without the exercise of discretion or a hearing, suspend the special
16 learner's permit for six months. [A fine of \$100 shall be imposed for
17 any other violations of the conditions of the special learner's permit.]
18 (cf: P.L.1998, c.108, s.5)

19

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

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

32 The holder of a provisional license shall be permitted to operate the
33 passenger automobile with only one additional passenger in the vehicle
34 besides persons with whom the holder resides, except that this
35 passenger restriction shall not apply when either the holder of the
36 provisional license or one other passenger is at least 21 years of age.
37 Further, the holder of the provisional license who is under 21 years of
38 age shall not drive during the hours between 12:01 a.m. and 5 a.m.;
39 provided however, that this condition may be waived for an emergency
40 which, in the judgment of local police, is of sufficient severity and
41 magnitude to substantially endanger the health, safety, welfare or
42 property of a person or for any bona fide employment or
43 religion-related activity if the employer or appropriate religious
44 authority provides written verification of such activity in a manner
45 provided for by the director. ¹[The holder of the provisional license
46 shall not use a cellular telephone while operating a moving passenger

1 automobile on a public road or highway. "Use" shall include, but not
2 be limited to talking or listening to another person on the telephone or
3 operating its keys, buttons or other controls.] The holder of the
4 provisional license shall not use any interactive wireless
5 communication device, except in an emergency, while operating a
6 moving passenger automobile on a public road or highway. "Use"
7 shall include, but not be limited to, talking or listening on any
8 interactive wireless communication device or operating its keys,
9 buttons or other controls.¹ In addition, the holder of the provisional
10 license shall ensure that all occupants of the vehicle are secured in a
11 properly adjusted and fastened seat belt or child restraint system. In
12 addition to any other penalties provided under law, the holder of a
13 provisional license who accumulates more than two motor vehicle
14 points or is convicted of a violation of R.S.39:4-50; section 2 of
15 P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
16 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
17 other motor vehicle law the director deems to be significant and
18 applicable pursuant to regulation shall, for the first violation, be
19 required to satisfactorily complete a remedial training course of not
20 less than four hours [and remit] which may be given by the division,
21 a drivers' school licensed by the director pursuant to section 2 of
22 P.L.1951, c.216 (C.39:12-2) or any statewide safety organization
23 approved by the director. The course shall be subject to oversight by
24 the division according to its guidelines. The permit holder shall also
25 remit a course fee [prescribed by the director] prior to the
26 commencement of the course. When notified by a court of competent
27 jurisdiction that a provisional license holder has been convicted of a
28 second or subsequent violation, in addition to any other penalties
29 provided under law, the director shall, without the exercise of
30 discretion or a hearing, suspend the provisional license for three
31 months and shall postpone eligibility for a basic license for an
32 equivalent period. In addition, when the director is notified by a court
33 of competent jurisdiction that a provisional license holder has been
34 convicted of any alcohol or drug-related offense unrelated to the
35 operation of a motor vehicle, and he is not otherwise subject to any
36 other suspension penalty therefor, the director shall, without the
37 exercise of discretion or a hearing, suspend the provisional license for
38 six months. [A provisional license holder who violates other
39 conditions of the license shall be fined \$100.]

40 A provisional license may be sent by mail and shall be clearly
41 identifiable and distinguishable in appearance from a basic license by
42 any name, mark, color or device deemed appropriate by the director.
43 (cf: P.L.1998, c.108, s.7)

44

45 9. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as
46 follows:

1 2. No person shall engage in the business of conducting a drivers'
2 school without being licensed therefor by the Director of Motor
3 Vehicles. Application therefor shall be in writing and contain such
4 information therein as he shall require on initial and renewal
5 applications, including the applicant's Federal Tax Identification
6 number, State tax identification number and proof of workers'
7 compensation insurance coverage by a mutual association or stock
8 company authorized to write coverage on such risks in this State or
9 written authorization by the Commissioner of Banking and Insurance
10 to self-insure for workers' compensation pursuant to R.S.34:15-77.
11 The applicant shall file a non-cancelable surety bond in the amount of
12 \$10,000 issued by a company authorized to transact surety business in
13 this State and payable to the division. ²[An initial] A² license shall
14 not be issued ¹or renewed¹ unless ¹[an owner of the drivers' school
15 or the general manager thereof, who] the applicant ²[employs a
16 person] or an employee is² in responsible charge of the instructors of
17 the licensed drivers' school. This person, a supervising instructor,¹
18 ²[shall not be employed by any other drivers' school which is not
19 under the same ownership except with the express consent of an owner
20 of the first drivers' school]² ¹[, is] ²[. The supervising instructor]²
21 shall be¹ a drivers' school instructor licensed by the division for the
22 previous two years, and ¹[has] have¹ successfully provided a
23 minimum of 500 hours of behind-the-wheel instruction. The applicant
24 shall furnish satisfactory evidence of ¹[completing] the completion by
25 the supervising instructor of¹ a three credit New Jersey driver
26 education college course. If the application is approved, the applicant
27 shall be granted a license to teach approved courses in classroom and
28 behind-the-wheel driver education upon the payment of a fee of
29 \$250.00; provided, however, no license fee shall be charged for the
30 issuance of a license to any board of education, school board, public,
31 private or parochial school, which conducts a course in driver
32 education, approved by the State Department of Education. A license
33 so issued shall be valid during the calendar year. The annual fee for
34 renewal shall be \$200. The director shall issue a license certificate or
35 license certificates to each licensee, one of which shall be displayed in
36 each place of business of the licensee.

37 In case of the loss, mutilation or destruction of a certificate, the
38 director shall issue a duplicate upon proof of the facts and the payment
39 of a fee of \$5.

40 (cf: P.L.1994, c.60, s.29)

41

42 10. (New section) The director shall make or cause to be made a
43 full and complete inspection, at least annually, of the premises of each
44 licensee at reasonable hours as the director may deem necessary to be
45 assured that the licensee and the premises comply at all times with the
46 provisions of this title governing drivers' schools, as well as the rules

1 and regulations and the minimum standards established thereunder. A
2 violation of such rules, regulations and standards sufficient to be
3 considered more than de minimis shall result in a fine for the first
4 violation of no less than \$500 or more than \$1,500; for a second
5 violation, a fine of no less than \$1,500 or more than \$2,500; and for
6 a third or subsequent violation, the suspension or revocation by the
7 director of the license of any drivers' school.

8
9 11. (New section) A fine of \$100 shall be imposed for violating
10 the following conditions of a special learners permit, an examination
11 permit or a provisional driver's license:

- 12 a. supervision requirements for permit holders;
- 13 b. passenger restrictions;
- 14 c. hours of operation;
- 15 d. seat belt requirements;

16 e. ¹[cellular telephone] interactive wireless communication device¹
17 use restrictions; or
18 f. any other violation of the conditions of a permit or provisional
19 license as the director may designate.

20
21 ¹12. (New section) The provisions of this act are not intended, nor
22 shall they be construed or used, as a basis to privatize existing services
23 or programs, or in any manner reduce the number of State employees
24 performing driver testing duties in the Division of Motor Vehicles.

25
26 ¹[12.] 13.¹ This act shall take effect immediately and shall apply
27 to any applicant for an initial special learner's permit or examination
28 permit on ¹or after¹ the effective date of this act.

**ASSEMBLY BILL NO. 3241
(Third Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3241 (Third Reprint) with my recommendations for reconsideration.

A. Summary of Bill

This bill modifies the State's graduated driver licensing (GDL) law, which became effective January 1, 2001 and enhances the responsibilities of the State's private driving schools and their instructors and increases standards for operation of these driving schools. The bill expands the membership of a newly-named State Review Board on Driver Education, brings motorcycle permit holders under many of the same restrictions and penalties applicable to holders of examination permits for passenger motor vehicles, makes certain pertinent provisions of the GDL law apply holders of agricultural permits, moves up the timing of the road test for holders of the examination permit so it may be given immediately after the period of supervision, modifies the coverage of the GDL law's effective date for new permit applicants, consolidates fines in one new section to better enable the Division of Motor Vehicles (DMV) to input statistical data from local traffic citations for program evaluation purposes, allows the recently expired remedial program, known as the Probationary Driver Program (PDP), to continue for all new drivers until the remedial program provided for under the GDL law is implemented. Furthermore, the bill would prohibit the use of cellular telephones by permit holders and provisional licensees except under emergency circumstances.

With respect to driving schools, the bill provides for the development of behind-the-wheel instruction guidelines, requires all approved behind-the-wheel driving courses leading to a special learner's permit to include a minimum of six hours instruction, permits private drivers' schools and Statewide safety organizations to administer a four-hour remedial DMV training course already required of certain GDL permit and provisional license holders, and requires applicants for drivers' school

licenses to file a \$10,000 bond, and employ a supervising instructor who: (a) has successfully provided 500 hours of behind-the-wheel instruction; (b) has at least two years experience as a licensed drivers' school instructor; and (c) has completed a three-credit driver education college course. The Division of Motor Vehicles would be required to inspect each driving school at least once a year to ensure compliance with all State standards. New penalties are added for private driving schools that violate more than de minimis rules, regulations and standards applicable to them. The bill would also permit commercial driving schools to conduct the State's written and eye examinations upon payment of an annual fee to the DMV in an amount determined by the Director.

B. Recommended Action

I support this bill as an important measure towards further improving our Graduated Drivers' License (GDL) program and setting standards to ensure that the young drivers of this State receive the highest quality driving education possible. This bill provides for more effective enforcement and monitoring of GDL violations while improving driver education in an effort to minimize the occurrence of those violations. As a result, public safety will be greatly enhanced. I am, however, constrained to return this bill with my recommendation for reconsideration for the following reasons.

First, while it is important that operators of driving schools meet certain expectations in terms of performance and qualifications, we must recognize that the driving schools of this State have, for years, effectively and responsibly educated New Jersey drivers. The continued viability of these schools must be protected. Currently driving schools are already subject to annual licensing, inspection and regulation by the State. The added requirements imposed on driving schools by this bill will simply make a safe industry even safer. I am concerned, however, that some driving school operators, despite their best efforts to comply with the provisions of this bill, and through no lack of diligence, would be unable to complete the required three-credit college course in time to secure a renewal of their licenses.

Although I support the college course requirement and believe that it should be an industry-wide qualification for licensure, I cannot compel established and otherwise

compliant businesses to cease operations while the supervising instructor completes the course. Therefore, I recommend that the bill be amended to provide a period of one year after the effective date during which driving schools applying for renewal will not be required to demonstrate compliance with the three-credit course requirement. During this time, applicants will have more than ample opportunity to complete the course. Thereafter, all initial and renewal applicants would be required to demonstrate that they are fully compliant with all requirements set forth in the bill. I also recommend that the bill be amended to more clearly define the function and qualifications of a supervising instructor. Furthermore, in order to ensure that all supervising instructors receive the highest quality instruction, I recommend the bill be amended to provide that only those courses offered by colleges or universities licensed by the New Jersey Commission on Higher Education will satisfy the course requirement.

Second, I am aware of objections to the provisions of the bill that would allow administration of the State-approved written drivers' examination, eye examination and remedial training course by parties other than the Division of Motor Vehicles. I do not believe, however, that the mere possibility that a driving school *may* improperly administer those services is sufficient reason to foreclose upon the benefits afforded by these provisions. Permitting driving schools to offer these services will benefit families with new drivers by allowing them to choose between the affordability of the State-administered services and the convenience of paying for those services in order to forego a trip to the Division of Motor Vehicles. Nonetheless, in order to protect against potential abuse, I must recommend that the bill be amended to expressly provide oversight, by the Division, of the administration of those functions, and to clearly state that penalties currently applicable to the operation of private driving schools shall also apply to violations arising from improper administration of those newly authorized functions. I further recommend that the bill be amended to clarify that Division approval to administer the written examination and eye examination is a separate and distinct requirement applicable only to those drivers' schools which choose to administer the examinations and that such approval shall not be required of schools offering only the behind-the-wheel course.

Finally, I am cognizant of concerns that the bill does not specifically enumerate certain fees, standards and other requirements generally set forth in the bill. I do not, however, share those concerns since implementation of the relevant provisions is subject to public hearing and comment attendant to the administrative rulemaking process. I do not feel it is wise or appropriate to restrict the discretion of the Director or the voice of the participating public by herein preempting that process.

Therefore, I herewith return Assembly Bill No. 3241 (Third Reprint) and recommend that it be amended as follows:

- Page 11, Section 7, Line 37: Before “Any” insert “a.”
- Page 11, Section 7, Line 41: After “course” delete “conducted by a licensed drivers’ school, approved to”
- Page 11, Section 7, Lines 42 and 43: Delete in their entirety.
- Page 11, Section 7, Line 44: Delete “parochial or private school”
- Page 12, Section 7, Line 29: Before “When” insert “b.”
- Page 12, Section 7, Lines 45 to 46: After “be” delete “subject to oversight by the division according to its guidelines” and insert “administered pursuant to rules and regulations promulgated by the director and subject to oversight by the division. The authority of the director to suspend, revoke or deny issuance of an initial or renewal license to operate a drivers’ school or an instructor’s license, and to assess fines, pursuant to P.L. 1951 c.216 (C.39:12-1 et seq.) shall apply to any violations related to the administration of a remedial training course”
- Page 14, Section 8, Lines 25 to 26: After “be” delete “subject to oversight by the division according to its guidelines” and insert “administered pursuant to rules and regulations promulgated by the director and subject to oversight by the division. The authority of the director to suspend, revoke or deny issuance of an initial or renewal license to operate a drivers’ school or an instructor’s license, and to assess fines, pursuant to P.L.1951 c.216 (C.39:12-1 et seq.) shall apply to any violations related to the administration of a remedial training course”
- Page 15, Section 9, Line 13: Delete “non-cancelable”

Page 15, Section 9, Line 18:

After “is” insert “a qualified supervising instructor. For purposes of this section, a “qualified supervising instructor” shall mean a drivers' school instructor who a. is currently licensed and has been licensed by the division for at least two years prior to submission of the initial or renewal application, b. has successfully provided a minimum of 500 hours of behind-the-wheel instruction, and c. has successfully completed a three credit New Jersey driver education college course offered by a college or university licensed by the New Jersey Commission on Higher Education” and delete “in responsible charge of the instructors of “

Page 15, Section 9, Lines 19 through 24 inclusive:

Delete in their entirety

Page 15, Section 9, Line 25:

Delete “minimum of 500 hours of behind-the-wheel instruction”

Page 15, Section 9, Line 26 through 28:

After “furnish” insert “, together with the application,” and after “evidence” insert “that the applicant or an employee” and delete “of [completing] the completion by the supervising instructor of a three credit New Jersey driver education college course” and insert “is a qualified supervising instructor as set forth herein, except that an applicant for license renewal shall have one year after the date this act becomes effective to furnish evidence of completion of a three credit New Jersey driver education college course to the division.”

Page 15, Section 9, Line 39:

Insert “A public, parochial or private school or a drivers' school licensed by the director pursuant to this section shall be authorized to provide behind-the-wheel driving instruction.

Upon further application to the director, a drivers' school licensed by the director pursuant to this section may be approved by the director to conduct a State approved written drivers' examination, eye examination, or remedial training course, subject to a fee and annual renewal thereof in an amount which shall be determined by the director. The examinations and training course shall be administered pursuant to rules and regulations promulgated by the director and subject to oversight by the division. The authority of the director to suspend, revoke or deny issuance of an initial or renewal license to operate a drivers' school or an instructor's license, and to assess fines, pursuant to this chapter shall apply to any violations related to the

administration of a State approved written drivers' examination, eye examination or remedial training course."

Respectfully,

/s/ Donald T. DiFrancesco

Acting Governor

[seal]

Attest:

/s/ James A. Harkness

Chief Counsel to the Governor

§10 - C.39:12-4.1
§11 - C.39:3-13.8
§12 - C.39:2-9.8
§13 - Note

P.L. 2001, CHAPTER 420, *approved January 8, 2002*
Assembly, No. 3241 (*Fourth Reprint*)

1 AN ACT concerning graduated driver licensing and drivers' schools
2 and amending R.S.39:3-10, R.S.39:3-13, P.L.1998, c.108,
3 P.L.1977, c.23, P.L.1942, c.334, P.L.1977, c.25, P.L.1950, c.127,
4 P.L.1951, c.216 and supplementing chapter 3 and chapter 12 of
5 Title 39 of the Revised Statutes.

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

9
10 1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read
11 as follows:

12 8. a. The Director of the Office of Highway Traffic Safety in the
13 Department of Law and Public Safety, after consultation with the
14 Director of the Division of Motor Vehicles in the Department of
15 Transportation and the **[Advisory Committee]** Review Board on
16 Driver Education established in section 10 of P.L.1998, c.108
17 (C.27:5F-43), shall develop curriculum guidelines for use by teachers
18 of approved classroom driver education courses. The course of
19 instruction for approved courses shall be no less than 30 hours in
20 length and be designed to develop and instill the knowledge and
21 attitudes necessary for the safe operation and driving of motor
22 vehicles. Defensive driving, highway courtesy, accident avoidance
23 [and], understanding and respect for the State's motor vehicle laws,
24 insurance fraud and State requirements for and benefits of maintaining
25 automobile insurance shall be emphasized. The incorporation of these
26 curriculum guidelines in these classroom courses and the use of related
27 instructional materials shall be a requirement for approval of the
28 course by the Director of the Division of Motor Vehicles.

29 b. The Director of the Office of Highway Traffic Safety, in
30 consultation with the Director of the Division of Motor Vehicles, shall
31 produce an informational brochure for parents and guardians of
32 beginning drivers under the age of 18 years. The division shall ensure
33 that the parents or guardians of a permit holder receive these
34 brochures at the time a permit is issued to a beginning driver. The
35 brochures shall include, but not be limited to, the following

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATR committee amendments adopted March 22, 2001.

² Senate SLP committee amendments adopted May 31, 2001.

³ Senate SBA committee amendments adopted June 25, 2001.

⁴ Assembly amendments adopted in accordance with Governor's recommendations November 19, 2001.

1 information:

- 2 (1) Setting an example for the beginning driver;
3 (2) Accident and fatality statistics about beginning drivers;
4 (3) Causes of accidents among beginning drivers;
5 (4) The need to supervise vehicle operation by a beginning driver;
6 (5) Methods to coach a beginning driver on how to reduce
7 accidents; [and]
8 (6) A description of the graduated driver's license program; and
9 (7) Benefits of classroom and behind-the-wheel driver education
10 under the direction of State certified or licensed driving instructors, as
11 the case may be.

12 (cf: P.L.1998, c.108, s.8)

13

14 2. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to read
15 as follows:

16 10. a. There is established a State [Advisory Committee] Review
17 Board on Driver Education. The Director of the Office of Highway
18 Traffic Safety or his designee shall be ex officio the chairman of the
19 board. The Governor shall appoint to the [committee] board a
20 certified secondary school driver education teacher and representatives
21 from the Department of Education, the Department of Transportation,
22 the [American Automobile Association] AAA Clubs of New Jersey,
23 the Driving School Association of New Jersey, the Insurance Council
24 of New Jersey, the New Jersey Association of Chiefs of Police, the
25 New Jersey State Safety Council and the New Jersey Traffic Safety
26 Officers Association. The [committee] board shall make
27 recommendations to the [Directors] Director of the Division of Motor
28 Vehicles [and the Office of Highway Traffic Safety] with respect to
29 rules and regulations promulgated under this act including, but not
30 limited to, the development of uniform curriculum guidelines for
31 approved classroom and behind-the-wheel driver education. Any
32 vacancies occurring in the membership shall be filled in the same
33 manner as the original appointments.

34 b. The course of instruction for behind-the-wheel driver education
35 shall be designed to develop the skills necessary for the safe and lawful
36 operation of a motor vehicle. Defensive driving, highway courtesy,
37 appropriate driving behavior and attitudes, accident avoidance, safe
38 passing and lane changing, and a general understanding of and respect
39 for the State's motor vehicle laws shall be emphasized.

40 (cf: P.L.1998, c.108, s.10)

41

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

43 39:3-10. No person shall drive a motor vehicle on a public highway
44 in this State unless the person is under supervision while participating
45 in a behind-the-wheel driving course pursuant to section 6 of
46 P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated

1 permit, or a provisional or basic driver's license issued to him in
2 accordance with this article.

3 No person under 18 years of age shall be issued a basic license to
4 drive motor vehicles, nor shall a person be issued a validated permit,
5 including a validated examination permit, until he has passed a
6 satisfactory examination and other requirements as to his ability as an
7 operator. The examination shall include a test of the applicant's vision,
8 his ability to understand traffic control devices, his knowledge of safe
9 driving practices and of the effects that ingestion of alcohol or drugs
10 has on a person's ability to operate a motor vehicle, his knowledge of
11 such portions of the mechanism of motor vehicles as is necessary to
12 insure the safe operation of a vehicle of the kind or kinds indicated by
13 the applicant and of the laws and ordinary usages of the road. A road
14 test shall be required for a provisional license and serve as a
15 demonstration of the applicant's ability to operate a vehicle of the class
16 designated. The road test shall be given on public streets, where
17 practicable and feasible, but may be preceded by an off-street
18 screening process to assess basic skills. The director shall approve
19 locations for the road test which pose no more than a minimal risk of
20 injury to the applicant, the examiner and other motorists. No new
21 locations for the road test shall be approved unless the test can be
22 given on public streets.

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

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

1 any question on the driver's license examination concerning alcohol or
2 drugs as related to highway safety.

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

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

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

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

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

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

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

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

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

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

46 The director, upon payment of the lawful fee and after he or a

1 person authorized by him has examined the applicant and is satisfied
2 of the applicant's ability as an operator, may, in his discretion, issue a
3 license to the applicant to drive a motor vehicle. The license shall
4 authorize him to drive any registered vehicle, of the kind or kinds
5 indicated, and shall expire, except as otherwise provided, on the last
6 day of the 120th calendar month following the calendar month in
7 which such license was issued.

8 The director may, at his discretion and for good cause shown, issue
9 licenses which shall expire on a date fixed by him. The fee for licenses
10 with expiration dates fixed by the director shall be fixed by the director
11 in amounts proportionately less or greater than the fee herein
12 established.

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

15

16	Motorcycle license or endorsement	\$35
17	Omnibus or school bus endorsement	\$35
18	Basic driver's license	\$35

19

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 license
34 to drive motor vehicles to a person who is, in his estimation, not a
35 proper person to be granted such a permit or license, but no defect of
36 the applicant shall debar him from receiving a permit or license unless
37 it can be shown by tests approved by the Director of the Division of
38 Motor Vehicles that the defect incapacitates him from safely operating
39 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 A person violating this section shall be subject to a fine not
46 exceeding \$500 or imprisonment in the county jail for not more than

1 60 days, but if that person has never been licensed to drive in this
2 State or any other jurisdiction, he shall be subject to a fine of not less
3 than \$200 and, in addition, the court shall issue an order to the
4 Director of the Division of Motor Vehicles requiring the director to
5 refuse to issue a license to operate a motor vehicle to the person for
6 a period of not less than 180 days. The penalties provided for by this
7 paragraph shall not be applicable in cases where failure to have actual
8 possession of the operator's license is due to an administrative or
9 technical error by the Division of Motor Vehicles.

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

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

14
15 4. Section 1 of P.L.1977, c.23 (C.39:3-10b) is amended to read as
16 follows:

17 1. ~~【All successful applicants】~~ An applicant for a motorcycle
18 license, but not for a motorcycle endorsement to a basic license, who
19 previously ~~【have】~~ has never been licensed to drive a motor vehicle in
20 this, or any other state, shall ~~【be licensed on a probationary basis for~~
21 ~~the two-year period following the issuance of their initial licenses. No~~
22 ~~such license shall physically differ by way of appearance from a~~
23 ~~nonprobationary license】~~, during the permit period, be subject to the
24 applicable restrictions and penalties for examination permit holders as
25 provided under R.S.39:3-13. Until the provisions of P.L.1998, c.108,
26 as amended by P.L. , c. (now pending before the Legislature as this
27 bill), are fully implemented, all holders of permits issued pursuant to
28 R.S.39:3-13 and section 6 of P.L.1977, c.25 (C.39:3-13.2a) shall be
29 subject to a probationary driver program for the two-year period
30 immediately following the issuance of the permits. This two-year
31 period shall not be altered if the permit holder obtains a provisional
32 driver's license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4).
33 All holders of permits issued on or after the date of full
34 implementation of P.L.1998, c.108, as amended by P.L. , c. (now
35 pending before the Legislature as this bill), shall not be subject to this
36 section.

37 (cf: P.L.1998, c.108, s.2)

38
39 5. Section 1 of P.L.1942, c. 324 (C.39:3-11.1) is amended to read
40 as follows:

41 1. Any person, under seventeen years of age and not under sixteen
42 years of age, may be licensed to drive motor vehicles in agricultural
43 pursuits as herein limited; provided such person has passed an
44 examination satisfactory to the director as to his ability as an operator.
45 The director, upon payment of the lawful fee and after he or a person
46 authorized by him has examined the applicant and is satisfied of the

1 applicant's ability as an operator, may, in his discretion, license the
2 applicant to drive any motor vehicle which is registered under the
3 provisions of R.S.39:3-24 and R.S.39:3-25. The holder of an
4 agricultural permit or license shall be subject to the applicable
5 requirements, restrictions and penalties for special learner's permit
6 holders provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a).
7 Such registration shall expire on March thirty-first of each year
8 terminating the period for which such license is issued. The annual
9 license fee for such license shall be one dollar (\$1.00), and is for the
10 limited use herein provided, and is not to be used in the operation of
11 any other vehicle and shall have the name of the licensee endorsed
12 thereon in his own handwriting. The holder of an agricultural license
13 shall be entitled to a provisional driver's license upon attaining the age
14 of 17 years and shall be subject to applicable restrictions and penalties
15 in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a
16 provisional driver's license holder.

17 (cf: P.L.1983, c.403, s.8)

18

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

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

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

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

1 operate the passenger automobile or motorcycle for the first three
2 months under such supervision and until the holder passes the road
3 test. The supervising driver of the passenger automobile shall sit in the
4 front seat of the vehicle. Whenever operating a vehicle while in
5 possession of an examination permit, the holder of the permit shall
6 operate the passenger automobile with only one additional passenger
7 in the vehicle excluding persons with whom the holder resides, except
8 that this passenger restriction shall not apply when either the permit
9 holder or one other passenger is at least 21 years of age. Further, the
10 holder of the permit who is less than 21 years of age shall not drive
11 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
12 that this condition may be waived for an emergency which, in the
13 judgment of local police, is of sufficient severity and magnitude to
14 substantially endanger the health, safety, welfare or property of a
15 person, or for any bona fide employment or religion-related activity if
16 the employer or appropriate religious authority provides written
17 verification of such activity in a manner provided for by the director.
18 ¹[The permit holder shall not use a cellular telephone while operating
19 a moving passenger automobile on a public road or highway. "Use"
20 shall include, but not be limited to: talking or listening to another
21 person on the telephone or operating its keys, buttons or other
22 controls.] The holder of the examination permit shall not use any
23 ²interactive² wireless communication device ,²except in an
24 emergency,² while operating a moving passenger automobile on a
25 public road or highway. "Use" shall include, but not be limited to,
26 talking or listening on any ²interactive² wireless communication device
27 or operating its keys, buttons or other controls.¹ The passenger
28 automobile permit holder shall [also] ensure that all occupants of the
29 vehicle are secured in a properly adjusted and fastened seat belt or
30 child restraint system.

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

1 course shall be subject to oversight by the division according to its
2 guidelines. The permit holder shall also remit a course fee [prescribed
3 by the director] prior to the commencement of the course. The
4 director also shall postpone without the exercise of discretion or a
5 hearing the issuance of a basic license for 90 days if the director is
6 notified by a court of competent jurisdiction that the examination
7 permit holder, after completion of the remedial training course, has
8 been convicted of any motor vehicle violation which results in the
9 imposition of any motor vehicle points or has been convicted of a
10 violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a);
11 P.L.1992, c.182 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5,
12 subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law
13 the director deems significant and applicable pursuant to regulation.
14 When the director is notified by a court of competent jurisdiction that
15 an 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.

45 The holder of an examination permit shall be required to take a road
46 test in order to obtain a [basic driver's] provisional license. No road

1 test for any person who has been issued an examination permit to
 2 operate a passenger vehicle shall be given unless the person has met
 3 the requirements of this section. No road test for a [basic driver's]
 4 provisional license shall be given unless the applicant has first secured
 5 an examination permit and no such road test shall be scheduled for an
 6 applicant who has secured an examination permit for a passenger
 7 vehicle or a motorcycle for which an endorsement is not required until
 8 at least [one year] six months for an applicant under 21 years of age
 9 or three months for an applicant 21 years of age or older shall have
 10 elapsed following the validation of the examination permit for practice
 11 driving or, in the case of an examination permit for other vehicles,
 12 until 20 days [has] have elapsed[, except that in]. 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		
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		

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

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

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

42 6. ⁴a.⁴ Any person to whom a special learner's permit has been
 43 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
 44 successful completion of a State approved written examination, eye
 45 examination and an approved minimum six-hour behind-the-wheel
 46 driving course ⁴[conducted by a licensed drivers' school ¹, approved

1 to give such examinations and subject to a fee and annual renewal
2 thereof in an amount determined appropriate by the director,¹ or [of]
3 a public, parochial or private school]⁴ [driving education course],
4 shall be entitled to retain the special learner's permit in his own
5 possession. The special learner's permit shall be ¹[considered]¹
6 validated ¹by the division¹ for the purpose of driving a motor vehicle
7 on a public highway in this State after the holder has successfully met
8 the necessary examination requirements, and upon the successful
9 completion of a behind-the-wheel driving course. Such person may
10 operate a motor vehicle of the class for which a basic driver's license
11 is required except during the hours between 11:01 p.m. and 5:00 a.m.
12 while in the company and under the supervision, from the front
13 passenger seat, of a licensed motor vehicle driver of this State who is
14 over 21 years of age and has been licensed to drive a passenger
15 automobile for at least three years. Such special permit shall be valid
16 until such person's seventeenth birthday or until he qualifies for a
17 provisional license. Except during an instructional period of a
18 behind-the-wheel driving course, the holder of a special permit shall
19 operate a passenger automobile with only the following passengers:
20 (1) the supervising passenger; (2) persons who share the permit
21 holder's residence; and (3) one additional passenger who does not
22 reside with the permit holder. ¹[The permit holder shall not use a
23 cellular telephone while operating a moving passenger automobile on
24 a public road or highway. "Use" shall include, but not be limited to
25 talking or listening to another person on the telephone or operating its
26 keys, buttons or other controls.] The holder of the special learner's
27 permit shall not use any²interactive²wireless communication device
28 ², except in an emergency,²while operating a moving passenger
29 automobile on a public road or highway. "Use" shall include, but not
30 be limited to, talking or listening on any²interactive²wireless
31 communication device or operating its keys, buttons or other
32 controls.¹ All occupants of the automobile shall be secured in a
33 properly adjusted and fastened seat belt or child restraint system.

34 ⁴b.⁴ When notified by a court of competent jurisdiction that a
35 special learner's 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 determines to be
41 significant and applicable pursuant to regulation, and in addition to any
42 other penalty that may be imposed, the director shall, without the
43 exercise of discretion or a hearing, suspend the holder's special
44 learner's permit for 90 days. The director shall restore the permit
45 following the term of the permit suspension if the permit holder,
46 regardless of age, satisfactorily completes a remedial training course

1 of not less than four hours [and remits] which may be given by the
2 division, a drivers' school licensed by the director pursuant to section
3 2 of P.L.1951, c.216 (C.39:12-2) or any statewide safety organization
4 approved by the director. The course shall be ⁴[subject to oversight
5 by the division according to its guidelines] administered pursuant to
6 rules and regulations promulgated by the director and subject to
7 oversight by the division. The authority of the director to suspend,
8 revoke or deny issuance of an initial or renewal license to operate a
9 drivers' school or an instructor's license, and to assess fines, pursuant
10 to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to any violations
11 related to the administration of a remedial training course⁴. The
12 permit holder shall also remit a course fee [prescribed by the
13 director] prior to the commencement of the course. If, after
14 completion of the remedial training course, the director is notified by
15 a court of competent jurisdiction that the special learner's permit
16 holder has been convicted of any motor vehicle violation which results
17 in the imposition of any motor vehicle points or has been convicted of
18 a violation of R.S.39:4-50; section 2 of P.L.1981, c.512
19 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;
20 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any other motor
21 vehicle-related law the director deems significant and applicable
22 pursuant to regulation, the director, without the exercise of discretion
23 or a hearing, shall also postpone the issuance of a basic license for 90
24 days. When the director is notified by a court of competent
25 jurisdiction that a special learner's permit holder has been convicted of
26 any alcohol or drug-related offense unrelated to the operation of a
27 motor vehicle and he is not otherwise subject to any other suspension
28 penalty therefor, the director shall, without the exercise of discretion
29 or a hearing, suspend the special learner's permit for six months. [A
30 fine of \$100 shall be imposed for any other violations of the conditions
31 of the special learner's permit.]

32 (cf: P.L.1998, c.108, s.5)

33

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

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

46 The holder of a provisional license shall be permitted to operate the

1 passenger automobile with only one additional passenger in the vehicle
2 besides persons with whom the holder resides, except that this
3 passenger restriction shall not apply when either the holder of the
4 provisional license or one other passenger is at least 21 years of age.
5 Further, the holder of the provisional license who is under 21 years of
6 age shall not drive during the hours between 12:01 a.m. and 5 a.m.;
7 provided however, that this condition may be waived for an emergency
8 which, in the judgment of local police, is of sufficient severity and
9 magnitude to substantially endanger the health, safety, welfare or
10 property of a person or for any bona fide employment or
11 religion-related activity if the employer or appropriate religious
12 authority provides written verification of such activity in a manner
13 provided for by the director. ¹[The holder of the provisional license
14 shall not use a cellular telephone while operating a moving passenger
15 automobile on a public road or highway. "Use" shall include, but not
16 be limited to talking or listening to another person on the telephone or
17 operating its keys, buttons or other controls.] The holder of the
18 provisional license shall not use any ²interactive ²wireless
19 communication device ², except in an emergency, ² while operating a
20 moving passenger automobile on a public road or highway. "Use"
21 shall include, but not be limited to, talking or listening on any
22 ²interactive² wireless communication device or operating its keys,
23 buttons or other controls.¹ In addition, the holder of the provisional
24 license shall ensure that all occupants of the vehicle are secured in a
25 properly adjusted and fastened seat belt or child restraint system. In
26 addition to any other penalties provided under law, the holder of a
27 provisional license who accumulates more than two motor vehicle
28 points or is convicted of a violation of R.S.39:4-50; section 2 of
29 P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
30 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
31 other motor vehicle law the director deems to be significant and
32 applicable pursuant to regulation shall, for the first violation, be
33 required to satisfactorily complete a remedial training course of not
34 less than four hours [and remit] which may be given by the division,
35 a drivers' school licensed by the director pursuant to section 2 of
36 P.L.1951, c.216 (C.39:12-2) or any statewide safety organization
37 approved by the director. The course shall be ⁴[subject to oversight
38 by the division according to its guidelines] administered pursuant to
39 rules and regulations promulgated by the director and subject to
40 oversight by the division. The authority of the director to suspend,
41 revoke or deny issuance of an initial or renewal license to operate a
42 drivers' school or an instructor's license, and to assess fines, pursuant
43 to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to any violations
44 related to the administration of a remedial training course⁴. The
45 permit holder shall also remit a course fee [prescribed by the
46 director] prior to the commencement of the course. When notified by

1 a court of competent jurisdiction that a provisional license holder has
2 been convicted of a second or subsequent violation, in addition to any
3 other penalties provided under law, the director shall, without the
4 exercise of discretion or a hearing, suspend the provisional license for
5 three months and shall postpone eligibility for a basic license for an
6 equivalent period. In addition, when the director is notified by a court
7 of competent jurisdiction that a provisional license holder has been
8 convicted of any alcohol or drug-related offense unrelated to the
9 operation of a motor vehicle, and he is not otherwise subject to any
10 other suspension penalty therefor, the director shall, without the
11 exercise of discretion or a hearing, suspend the provisional license for
12 six months. [A provisional license holder who violates other
13 conditions of the license shall be fined \$100.]

14 A provisional license may be sent by mail and shall be clearly
15 identifiable and distinguishable in appearance from a basic license by
16 any name, mark, color or device deemed appropriate by the director.
17 (cf: P.L.1998, c.108, s.7)

18

19 9. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as
20 follows:

21 2. No person shall engage in the business of conducting a drivers'
22 school without being licensed therefor by the Director of Motor
23 Vehicles. Application therefor shall be in writing and contain such
24 information therein as he shall require on initial and renewal
25 applications, including the applicant's Federal Tax Identification
26 number, State tax identification number and proof of workers'
27 compensation insurance coverage by a mutual association or stock
28 company authorized to write coverage on such risks in this State or
29 written authorization by the Commissioner of Banking and Insurance
30 to self-insure for workers' compensation pursuant to R.S.34:15-77.
31 The applicant shall file a ⁴[non-cancelable]⁴ surety bond in the amount
32 of \$10,000 issued by a company authorized to transact surety business
33 in this State and payable to the division. ³[An initial] A³ license shall
34 not be issued ¹or renewed¹ unless ¹[an owner of the drivers' school
35 or the general manager thereof, who] the applicant ³[employs a
36 person] or an employee is³ ⁴[in responsible charge of the instructors
37 of the licensed drivers' school. This person, a supervising instructor,¹
38 ³[shall not be employed by any other drivers' school which is not
39 under the same ownership except with the express consent of an owner
40 of the first drivers' school]³ ¹[, is] ³[. The supervising instructor]³
41 shall be¹ a drivers' school instructor licensed by the division for the
42 previous two years, and ¹[has] have¹ successfully provided a
43 minimum of 500 hours of behind-the-wheel instruction] a qualified
44 supervising instructor. For purposes of this section, a "qualified
45 supervising instructor" shall mean a drivers' school instructor who a.

1 is currently licensed and has been licensed by the division for at least
2 two years prior to submission of the initial or renewal application, b.
3 has successfully provided a minimum of 500 hours of behind-the-wheel
4 instruction, and c. has successfully completed a three credit New
5 Jersey driver education college course offered by a college or
6 university licensed by the New Jersey Commission on Higher
7 Education⁴. The applicant shall furnish ⁴, together with the
8 application,⁴ satisfactory evidence ⁴ [of ¹ [completing] the completion
9 by the supervising instructor of¹ a three credit New Jersey driver
10 education college course] that the applicant or an employee is a
11 qualified supervising instructor as set forth herein, except that an
12 applicant for license renewal shall have one year after the date this act
13 becomes effective to furnish evidence of completion of a three credit
14 New Jersey driver education college course to the division⁴. If the
15 application is approved, the applicant shall be granted a license to
16 teach approved courses in classroom and behind-the-wheel driver
17 education upon the payment of a fee of \$250.00; provided, however,
18 no license fee shall be charged for the issuance of a license to any
19 board of education, school board, public, private or parochial school,
20 which conducts a course in driver education, approved by the State
21 Department of Education. A license so issued shall be valid during the
22 calendar year. The annual fee for renewal shall be \$200. The director
23 shall issue a license certificate or license certificates to each licensee,
24 one of which shall be displayed in each place of business of the
25 licensee.

26 ⁴A public, parochial or private school or a drivers' school licensed
27 by the director pursuant to this section shall be authorized to provide
28 behind-the-wheel driving instruction.

29 Upon further application to the director, a drivers' school licensed
30 by the director pursuant to this section may be approved by the
31 director to conduct a State approved written drivers' examination, eye
32 examination, or remedial training course, subject to a fee and annual
33 renewal thereof in an amount which shall be determined by the
34 director. The examinations and training course shall be administered
35 pursuant to rules and regulations promulgated by the director and
36 subject to oversight by the division. The authority of the director to
37 suspend, revoke or deny issuance of an initial or renewal license to
38 operate a drivers' school or an instructor's license, and to assess fines,
39 pursuant to this chapter, shall apply to any violations related to the
40 administration of a State approved written drivers' examination, eye
41 examination or remedial training course.⁴

42 In case of the loss, mutilation or destruction of a certificate, the
43 director shall issue a duplicate upon proof of the facts and the payment
44 of a fee of \$5.

45 (cf: P.L.1994, c.60, s.29)

1 10. (New section) The director shall make or cause to be made a
2 full and complete inspection, at least annually, of the premises of each
3 licensee at reasonable hours as the director may deem necessary to be
4 assured that the licensee and the premises comply at all times with the
5 provisions of this title governing drivers' schools, as well as the rules
6 and regulations and the minimum standards established thereunder. A
7 violation of such rules, regulations and standards sufficient to be
8 considered more than de minimis shall result in a fine for the first
9 violation of no less than \$500 or more than \$1,500; for a second
10 violation, a fine of no less than \$1,500 or more than \$2,500; and for
11 a third or subsequent violation, the suspension or revocation by the
12 director of the license of any drivers' school.

13

14 11. (New section) A fine of \$100 shall be imposed for violating
15 the following conditions of a special learners permit, an examination
16 permit or a provisional driver's license:

17 a. supervision requirements for permit holders;

18 b. passenger restrictions;

19 c. hours of operation;

20 d. seat belt requirements;

21 e. ¹[cellular telephone] ²interactive² wireless communication
22 device¹ use restrictions; or

23 f. any other violation of the conditions of a permit or provisional
24 license as the director may designate.

25

26 ²12. The provisions of this act are not intended, nor shall they be
27 construed or used, as a basis to privatize existing services or
28 programs, or in any manner reduce the number of State employees
29 performing driver testing duties in the Division of Motor Vehicles.²

30

31 ²[12.] 13.² This act shall take effect immediately and shall apply
32 to any applicant for an initial special learner's permit or examination
33 permit on ¹or after¹ the effective date of this act.

34

35

36

37

38 Concerns graduated driver licensing and the responsibilities and
39 standards of private driving schools.

CHAPTER 420

AN ACT concerning graduated driver licensing and drivers' schools and amending R.S.39:3-10, R.S.39:3-13, P.L.1998, c.108, P.L.1977, c.23, P.L.1942, c.334, P.L.1977, c.25, P.L.1950, c.127, P.L.1951, c.216 and supplementing chapter 3 and chapter 12 of Title 39 of the Revised Statutes.

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

1. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read as follows:

C.27:5F-41 Development of curriculum guidelines for safe operation of motor vehicles.

8. a. The Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety, after consultation with the Director of the Division of Motor Vehicles in the Department of Transportation and the Review Board on Driver Education established in section 10 of P.L.1998, c.108 (C.27:5F-43), shall develop curriculum guidelines for use by teachers of approved classroom driver education courses. The course of instruction for approved courses shall be no less than 30 hours in length and be designed to develop and instill the knowledge and attitudes necessary for the safe operation and driving of motor vehicles. Defensive driving, highway courtesy, accident avoidance, understanding and respect for the State's motor vehicle laws, insurance fraud and State requirements for and benefits of maintaining automobile insurance shall be emphasized. The incorporation of these curriculum guidelines in these classroom courses and the use of related instructional materials shall be a requirement for approval of the course by the Director of the Division of Motor Vehicles.

b. The Director of the Office of Highway Traffic Safety, in consultation with the Director of the Division of Motor Vehicles, shall produce an informational brochure for parents and guardians of beginning drivers under the age of 18 years. The division shall ensure that the parents or guardians of a permit holder receive these brochures at the time a permit is issued to a beginning driver. The brochures shall include, but not be limited to, the following information:

- (1) Setting an example for the beginning driver;
- (2) Accident and fatality statistics about beginning drivers;
- (3) Causes of accidents among beginning drivers;
- (4) The need to supervise vehicle operation by a beginning driver;
- (5) Methods to coach a beginning driver on how to reduce accidents;
- (6) A description of the graduated driver's license program; and
- (7) Benefits of classroom and behind-the-wheel driver education under the direction of State certified or licensed driving instructors, as the case may be.

2. Section 10 of P.L.1998, c.108 (C.27:5F-43) is amended to read as follows:

C.27:5F-43 State Review Board on Driver Education; guidelines for driver education.

10. a. There is established a State Review Board on Driver Education. The Director of the Office of Highway Traffic Safety or his designee shall be ex officio the chairman of the board. The Governor shall appoint to the board a certified secondary school driver education teacher and representatives from the Department of Education, the Department of Transportation, the AAA Clubs of New Jersey, the Driving School Association of New Jersey, the Insurance Council of New Jersey, the New Jersey Association of Chiefs of Police, the New Jersey State Safety Council and the New Jersey Traffic Safety Officers Association. The board shall make recommendations to the Director of the Division of Motor Vehicles with respect to rules and regulations promulgated under this act including, but not limited to, the development of uniform curriculum guidelines for approved classroom and behind-the-wheel driver education. Any vacancies occurring in the membership shall be filled in the same manner as the original appointments.

b. The course of instruction for behind-the-wheel driver education shall be designed to develop the skills necessary for the safe and lawful operation of a motor vehicle. Defensive driving, highway courtesy, appropriate driving behavior and attitudes, accident avoidance, safe passing and lane changing, and a general understanding of and respect for the State's motor vehicle laws shall be emphasized.

3. 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 the person is under supervision while participating in a behind-the-wheel driving course pursuant to section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is 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, from the date of issuance of 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; (3) 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 (4) 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.

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

C.39:3-10b Applications for motorcycle license.

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

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

C.39:3-11.1 License to persons 16 years of age to drive motor vehicles in agricultural pursuits.

1. Any person, under seventeen years of age and not under sixteen years of age, may be licensed to drive motor vehicles in agricultural pursuits as herein limited; provided such person has passed an examination satisfactory to the director as to his ability as an operator. 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, license the applicant to drive any motor vehicle which is registered under the provisions of R.S.39:3-24 and R.S.39:3-25. The holder of an agricultural permit or license shall be subject to the applicable requirements, restrictions and penalties for special learner's permit holders provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a). Such registration shall expire on March thirty-first of each year terminating the period for which such license is issued. The annual license fee for such license shall be one dollar (\$1.00), and is for the limited use herein

provided, and is not to be used in the operation of any other vehicle and shall have the name of the licensee endorsed thereon in his own handwriting. The holder of an agricultural license shall be entitled to a provisional driver's license upon attaining the age of 17 years and shall be subject to applicable restrictions and penalties in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a provisional driver's license holder.

6. 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 and motorcycles of persons licensed to operate motorcycles only 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 a passenger automobile or motorcycle-only examination permit 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 validation of an examination permit, and until the holder passes the road test, the holder who is less than 21 years of age shall operate the passenger automobile or motorcycle 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 or motorcycle, as the case may be, 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 or motorcycle for the first three months under such supervision and until the holder passes the road test. The supervising driver of the passenger automobile 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 holder of the examination permit shall not use any interactive wireless communication device, except in an emergency, while operating a moving passenger automobile on a public road or highway. "Use" shall include, but not be limited to, talking or listening on any interactive wireless communication device or operating its keys, buttons or other controls. The passenger automobile permit holder shall 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 which may be given by the division, a drivers' school licensed by the director pursuant to section 2 of P.L.1951, c.216 (C.39:12-2) or any Statewide safety organization approved by the director. The course shall be subject to oversight by the division according to its guidelines. The permit holder shall also remit a course fee prior to the commencement of the course. 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.

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 provisional 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 provisional 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 or a motorcycle for which an endorsement is not required until at least six months for an applicant under 21 years of age or three months for an applicant 21 years of age or older 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 have elapsed. 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.

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

C.39:3-13.2a Special learner's permit; use, hours.

6. a. Any person to whom a special learner's permit has been issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon successful completion of a State approved written examination, eye examination and an approved minimum six-hour behind-the-wheel driving course, shall be entitled to retain the special learner's permit in his own possession. The special learner's permit shall be validated by the division for the purpose of driving a motor vehicle on a public highway in this State after the holder has successfully met the necessary examination requirements, and upon the successful completion of a behind-the-wheel driving course. Such person may operate a motor vehicle of the class for which a basic driver's license is required except during the hours between 11:01 p.m. and 5:00 a.m. while in the company and under the supervision, from the front passenger seat, of a licensed motor vehicle driver of this State who is over 21 years of age and has been licensed to drive a passenger automobile for at least three years. Such special permit shall be valid until such person's seventeenth birthday or until he qualifies for a provisional license. Except during an instructional period of a behind-the-wheel driving course, the holder of a special permit shall operate a passenger automobile with only the following passengers: (1) the supervising passenger; (2) persons who share the permit holder's residence; and (3) one additional passenger who does not reside with the permit holder. The holder of the special learner's permit shall not use any interactive wireless communication device, except in an emergency, while operating a moving passenger automobile on a public road or highway. "Use" shall include, but not be limited to, talking or listening on any interactive wireless communication device or operating its keys, buttons or other controls. All occupants of the automobile shall be secured in a properly adjusted and fastened seat belt or child restraint system.

b. When notified by a court of competent jurisdiction that a special learner's 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 determines to be significant and applicable pursuant to regulation, and in addition to any other penalty that may be imposed, the director shall, without the exercise of discretion or a hearing, suspend the holder's special learner's permit for 90 days. The director shall restore the permit following the term of the permit suspension if the permit holder, regardless of age, satisfactorily completes a remedial training course of not less than four hours which may be given by the division, a drivers' school licensed by the director pursuant to section 2 of P.L.1951, c.216 (C.39:12-2) or any statewide safety organization approved by the director. The course shall be administered pursuant to rules and regulations promulgated by the director and subject to oversight by the division. The authority of the director to suspend, revoke or deny issuance of an initial or renewal license to operate a drivers' school or an instructor's license, and to assess fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to any violations related to the administration of a remedial training course. The permit holder shall also remit a course fee prior to the commencement of the course. If, after completion of the remedial training course, the director is notified by a court of competent jurisdiction that the special learner's permit

holder 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.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, the director, without the exercise of discretion or a hearing, shall also postpone the issuance of a basic license for 90 days. When the director is notified by a court of competent jurisdiction that a special learner's permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and he is not otherwise subject to any other suspension penalty therefor, the director shall, without the exercise of discretion or a hearing, suspend the special learner's permit for six months.

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

C.39:3-13.4 Provisional driver's license.

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

The holder of a provisional license shall be permitted to operate the passenger automobile with only one additional passenger in the vehicle besides persons with whom the holder resides, except that this passenger restriction shall not apply when either the holder of the provisional license or one other passenger is at least 21 years of age. Further, the holder of the provisional license who is under 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 holder of the provisional license shall not use any interactive wireless communication device, except in an emergency,while operating a moving passenger automobile on a public road or highway. "Use" shall include, but not be limited to, talking or listening on any interactive wireless communication device or operating its keys, buttons or other controls. In addition, the holder of the provisional license shall ensure that all occupants of the vehicle are secured in a properly adjusted and fastened seat belt or child restraint system. In addition to any other penalties provided under law, the holder of a provisional license who accumulates more than two motor vehicle points or is 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 law the director deems to be significant and applicable pursuant to regulation shall, for the first violation, be required to satisfactorily complete a remedial training course of not less than four hours which may be given by the division, a drivers' school licensed by the director pursuant to section 2 of P.L.1951, c.216 (C.39:12-2) or any Statewide safety organization approved by the director. The course shall be administered pursuant to rules and regulations promulgated by the director and subject to oversight by the division. The authority of the director to suspend, revoke or deny issuance of an initial or renewal license to operate a drivers' school or an instructor's license, and to assess fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to any violations related to the administration of a remedial training course. The permit holder shall also remit a course fee prior to the commencement of the course. When notified by a court of competent jurisdiction that a provisional license holder has been convicted of a second or subsequent violation, in addition to any other penalties provided under law, the director shall, without the exercise of discretion or a hearing, suspend the provisional license for three months and shall postpone eligibility for a basic license for an equivalent period. In addition, when the director is notified by a court of competent jurisdiction

that a provisional license holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle, and he is not otherwise subject to any other suspension penalty therefor, the director shall, without the exercise of discretion or a hearing, suspend the provisional license for six months.

A provisional license may be sent by mail and shall be clearly identifiable and distinguishable in appearance from a basic license by any name, mark, color or device deemed appropriate by the director.

9. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as follows:

C.39:12-2 License required to conduct drivers' school; application; fees.

2. No person shall engage in the business of conducting a drivers' school without being licensed therefor by the Director of Motor Vehicles. Application therefor shall be in writing and contain such information therein as he shall require on initial and renewal applications, including the applicant's Federal Tax Identification number, State tax identification number and proof of workers' compensation insurance coverage by a mutual association or stock company authorized to write coverage on such risks in this State or written authorization by the Commissioner of Banking and Insurance to self-insure for workers' compensation pursuant to R.S.34:15-77. The applicant shall file a surety bond in the amount of \$10,000 issued by a company authorized to transact surety business in this State and payable to the division. A license shall not be issued or renewed unless the applicant or an employee is shall be a drivers' school instructor licensed by the division for the previous two years, and have successfully provided a minimum of 500 hours of behind-the-wheel instruction] a qualified supervising instructor. For purposes of this section, a "qualified supervising instructor" shall mean a drivers' school instructor who a. is currently licensed and has been licensed by the division for at least two years prior to submission of the initial or renewal application, b. has successfully provided a minimum of 500 hours of behind-the-wheel instruction, and c. has successfully completed a three credit New Jersey driver education college course offered by a college or university licensed by the New Jersey Commission on Higher Education. The applicant shall furnish , together with the application,satisfactory evidence that the applicant or an employee is a qualified supervising instructor as set forth herein, except that an applicant for license renewal shall have one year after the date this act becomes effective to furnish evidence of completion of a three credit New Jersey driver education college course to the division. If the application is approved, the applicant shall be granted a license to teach approved courses in classroom and behind-the-wheel driver education upon the payment of a fee of \$250.00; provided, however, no license fee shall be charged for the issuance of a license to any board of education, school board, public, private or parochial school, which conducts a course in driver education, approved by the State Department of Education. A license so issued shall be valid during the calendar year. The annual fee for renewal shall be \$200. The director shall issue a license certificate or license certificates to each licensee, one of which shall be displayed in each place of business of the licensee.

A public, parochial or private school or a drivers' school licensed by the director pursuant to this section shall be authorized to provide behind-the-wheel driving instruction.

Upon further application to the director, a drivers' school licensed by the director pursuant to this section may be approved by the director to conduct a State approved written drivers' examination, eye examination, or remedial training course, subject to a fee and annual renewal thereof in an amount which shall be determined by the director. The examinations and training course shall be administered pursuant to rules and regulations promulgated by the director and subject to oversight by the division. The authority of the director to suspend, revoke or deny issuance of an initial or renewal license to operate a drivers' school or an instructor's license, and to assess fines, pursuant to this chapter, shall apply to any violations related to the administration of a State approved written drivers' examination, eye examination or remedial training course.

In case of the loss, mutilation or destruction of a certificate, the director shall issue a duplicate upon proof of the facts and the payment of a fee of \$5.

C.39:12-4.1 Inspection of premises of licensee; violations, fines.

10. The director shall make or cause to be made a full and complete inspection, at least annually, of the premises of each licensee at reasonable hours as the director may deem necessary to be assured that the licensee and the premises comply at all times with the provisions of this title governing drivers' schools, as well as the rules and regulations and the minimum standards established thereunder. A violation of such rules, regulations and standards sufficient to be considered more than de minimis shall result in a fine for the first violation of no less than \$500 or more than \$1,500; for a second violation, a fine of no less than \$1,500 or more than \$2,500; and for a third or subsequent violation, the suspension or revocation by the director of the license of any drivers' school.

C.39:3-13.8 Fine for violations of special learners permit conditions.

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

- a. supervision requirements for permit holders;
- b. passenger restrictions;
- c. hours of operation;
- d. seat belt requirements;
- e. interactive wireless communication device use restrictions; or
- f. any other violation of the conditions of a permit or provisional license as the director may designate.

C.39:2-9.8 Construction of act concerning graduated driver licensing and driving schools.

12. The provisions of this act are not intended, nor shall they be construed or used, as a basis to privatize existing services or programs, or in any manner reduce the number of State employees performing driver testing duties in the Division of Motor Vehicles.

13. This act shall take effect immediately and shall apply to any applicant for an initial special learner's permit or examination permit on or after the effective date of this act.

Approved January 8, 2002.