

P.L. 2009, CHAPTER 37, *approved April 15, 2009*  
Senate Committee Substitute for  
Senate, No. 2314

1 AN ACT concerning special learner's permits, examination permits,  
2 and provisional driver's licenses, designated as "Kyleigh's Law,"  
3 and amending various parts of the statutory law.  
4

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

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

10 6. a. Any person to whom a special learner's permit has been  
11 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon  
12 successful completion of a State approved written examination, eye  
13 examination, and an approved minimum six-hour behind-the-wheel  
14 driving course, shall be entitled to retain the special learner's permit  
15 in his own possession. The special learner's permit shall be  
16 validated by the **[division]** commission for the purpose of driving a  
17 motor vehicle on a public highway in this State after the holder has  
18 successfully met the necessary examination requirements, and upon  
19 the successful completion of a behind-the-wheel driving course.  
20 Such person may operate a motor vehicle of the class for which a  
21 basic driver's license is required except during the hours between  
22 11:01 p.m. and 5:00 a.m. while in the company and under the  
23 supervision, from the front passenger seat, of a licensed motor  
24 vehicle driver of this State who is over 21 years of age and has been  
25 licensed to drive a passenger automobile for at least three years.  
26 Such special permit shall be valid until such person's seventeenth  
27 birthday or until he qualifies for a provisional license. Except  
28 during an instructional period of a behind-the-wheel driving course,  
29 the holder of a special permit shall operate a passenger automobile  
30 with only the following passengers: (1) the supervising passenger;  
31 (2) persons who share the permit holder's residence; and (3) one  
32 additional passenger who does not reside with the permit holder.  
33 The holder of the special learner's permit shall not use any  
34 interactive wireless communication device, except in an emergency,  
35 while operating a moving passenger automobile on a public road or  
36 highway. "Use" shall include, but not be limited to, talking or  
37 listening on any interactive wireless communication device or  
38 operating its keys, buttons, or other controls. All occupants of the  
39 automobile shall be secured in a properly adjusted and fastened seat  
40 belt or child restraint system.

**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     The chief administrator shall provide the holder of a special  
2 learner's permit with two removable, transferable, highly visible,  
3 reflective decals indicating that the driver of the vehicle may be the  
4 holder of a special learner's permit. The decals shall be designed  
5 by the chief administrator, in consultation with the Division of  
6 Highway Traffic Safety in the Department of Law and Public  
7 Safety. The chief administrator may charge a fee for the decals not  
8 to exceed the actual cost of producing and distributing the decals.  
9 The decals shall be displayed in a manner prescribed by the chief  
10 administrator, in consultation with the Division of Highway Traffic  
11 Safety in the Department of Law and Public Safety, and shall be  
12 clearly visible to law enforcement officers. The holder of a special  
13 learner's permit shall not operate a vehicle unless the decals are  
14 displayed. The decal shall be removed once the driver's special  
15 learner's permit period has ended.

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

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

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

18

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

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

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

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

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

28 The chief administrator shall provide the holder of an  
29 examination permit with two removable, transferable, highly  
30 visible, reflective decals indicating that the driver of the vehicle  
31 may be the holder of an examination permit. The decals shall be  
32 designed by the chief administrator, in consultation with the  
33 Division of Highway Traffic Safety in the Department of Law and  
34 Public Safety. The chief administrator may charge a fee for the  
35 decals not to exceed the actual cost of producing and distributing  
36 the decals. The decals shall be displayed in a manner prescribed by  
37 the chief administrator, in consultation with the Division of  
38 Highway Traffic Safety in the Department of Law and Public  
39 Safety, and shall be clearly visible to law enforcement officers. The  
40 holder of an examination permit shall not operate a vehicle unless  
41 the decals are displayed. The decal shall be removed once the  
42 driver's examination permit period has ended.

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

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

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

40 Each permit shall be sufficient license for the person to operate  
41 such designated class of motor vehicles in this State during the  
42 period specified, while in the company of and under the control of a  
43 driver licensed by this State to operate such designated class of  
44 motor vehicles, or, in the case of a commercial driver license  
45 permit, while in the company of and under the control of a holder of  
46 a valid commercial driver license for the appropriate license class  
47 and with the appropriate endorsements issued by this or any other

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

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

34 The required fees for special learners' permits and examination  
 35 permits shall be as follows:

- 36
- 37 Basic driver's license.....up to \$10
- 38
- 39 Motorcycle license or endorsement.....\$ 5
- 40
- 41 Omnibus or school bus endorsement.....\$25
- 42

43 The chief administrator shall waive the payment of fees for  
 44 issuance of examination permits for omnibus endorsements  
 45 whenever the applicant establishes to the chief administrator's  
 46 satisfaction that said applicant will use the omnibus endorsement  
 47 exclusively for operating omnibuses owned by a nonprofit

1 organization duly incorporated under Title 15 or 16 of the Revised  
2 Statutes or Title 15A of the New Jersey Statutes.

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

10 As a condition for the issuance of an examination permit under  
11 this section, the chief administrator shall secure a digitized picture  
12 of the applicant. The picture shall be stored in a manner prescribed  
13 by the chief administrator and may be displayed on the examination  
14 permit.

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

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

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

28

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

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

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

1 license who is under 21 years of age shall not drive during the hours  
2 between 12:01 a.m. and 5 a.m.; provided however, that this  
3 condition may be waived for an emergency which, in the judgment  
4 of local police, is of sufficient severity and magnitude to  
5 substantially endanger the health, safety, welfare, or property of a  
6 person or for any bona fide employment or religion-related activity  
7 if the employer or appropriate religious authority provides written  
8 verification of such activity in a manner provided for by the  
9 **【director】** chief administrator.

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

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

42 e. When notified by a court of competent jurisdiction that a  
43 provisional license holder has been convicted of a second or  
44 subsequent violation, in addition to any other penalties provided  
45 under law, the **【director】** chief administrator shall, without the  
46 exercise of discretion or a hearing, suspend the provisional license

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

10 f. The chief administrator shall provide the holder of a  
11 provisional license with two removable, transferable, highly visible,  
12 reflective decals indicating that the driver of the vehicle may be the  
13 holder of a provisional license. The decals shall be designed by the  
14 chief administrator, in consultation with the Division of Highway  
15 Traffic Safety in the Department of Law and Public Safety. The  
16 chief administrator may charge a fee for the decals not to exceed the  
17 actual cost of producing and distributing the decals. The decals  
18 shall be displayed in a manner prescribed by the chief  
19 administrator, in consultation with the Division of Highway Traffic  
20 Safety in the Department of Law and Public Safety, and shall be  
21 clearly visible to law enforcement officers. The holder of a  
22 provisional license shall not operate a vehicle unless the decals are  
23 displayed. The decal shall be removed once the driver's provisional  
24 license period has ended.

25 g. A provisional license may be sent by mail and shall be  
26 clearly identifiable and distinguishable in appearance from a basic  
27 license by any name, mark, color, or device deemed appropriate by  
28 the **[director]** chief administrator.

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

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

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

- 36 a. supervision requirements for permit holders;  
37 b. passenger restrictions;  
38 c. hours of operation;  
39 d. seat belt requirements;  
40 e. interactive wireless communication device use restrictions;

41 **[or]**

42 f. any other violation of the conditions of a permit or  
43 provisional license as the **[director]** chief administrator may  
44 designate; or

45 g. decal requirements **[for permit and provisional license**  
46 holders] .

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

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

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9       “Kyleigh’s law;” requires holders of special learner’s permits,  
10 examination permits, and provisional driver’s licenses to display  
11 certain decals.