

P.L. 2009, CHAPTER 38, *approved April 15, 2009*
Senate, No. 16 (*First Reprint*)

1 AN ACT concerning '[provisional]'¹ driver's 'permits and'¹ licenses
2 and amending 'and supplementing'¹ various parts of the statutory
3 law.
4

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted June 9, 2008.

1 that highlights those motor vehicle laws unique to New Jersey. A
2 road test shall be required for a **[provisional]** probationary license
3 and serve as a demonstration of the applicant's ability to operate a
4 vehicle of the class designated. No person shall sit for a road test
5 unless that person exhibits photo identification deemed acceptable
6 by the commission. A high school student who has completed a
7 course of behind-the-wheel automobile driving education approved
8 by the State Department of Education and conducted in a public,
9 parochial or private school of this State, who has been issued a
10 special learner's permit pursuant to section 1 of P.L.1950, c.127
11 (C.39:3-13.1) prior to January 1, 2003, shall not be required to
12 exhibit photo identification in order to sit for a road test. The
13 commission may waive the road test for any person 18 years of age
14 or older possessing a valid driver's license issued by any other state,
15 the District of Columbia or the United States Territories of
16 American Samoa, Guam, Puerto Rico or the Virgin Islands. The
17 road test shall be given on public streets, where practicable and
18 feasible, but may be preceded by an off-street screening process to
19 assess basic skills. The commission shall approve locations for the
20 road test which pose no more than a minimal risk of injury to the
21 applicant, the examiner and other motorists. No new locations for
22 the road test shall be approved unless the test can be given on
23 public streets.

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

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

1 examination concerning alcohol or drugs as related to highway
2 safety.

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

7 The commission shall expand the driver's license examination to
8 include a question asking whether the applicant is aware of the
9 provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161
10 (C.26:6-57 et seq.) and the procedure for indicating on the driver's
11 license the intention to make a donation of body organs or tissues
12 pursuant to 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
15 commission any current driver's license issued to him by another
16 state or jurisdiction upon his receipt of a driver's license for this
17 State. The commission shall refuse to issue a driver's license if the
18 applicant fails to comply with this provision. An applicant for a
19 permit or license who is less than 18 years of age, and who holds a
20 permit or license for a passenger automobile issued by another state
21 or country that is valid or has expired within a time period
22 designated by the commission, shall be subject to the permit and
23 license requirements and penalties applicable to State permit and
24 license applicants who are of the same age; except that if the other
25 state or country has permit or license standards substantially similar
26 to those of this State, the credentials of the other state or country
27 shall be acceptable.

28 The commission shall create classified licensing of drivers
29 covering the following classifications:

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

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

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

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

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

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

S16 [1R]

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

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

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

24 Motorcycle license or endorsement: \$18.

25

26 Omnibus or school bus endorsement: \$18.

27

28 Basic driver's license: \$18.

29

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

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

40 All applications for renewals of licenses shall be made in a
41 manner prescribed by the commission and in accordance with
42 procedures established by it.

43 The commission in its discretion may refuse to grant a permit or
44 license to drive motor vehicles to a person who is, in its estimation,
45 not a proper person to be granted such a permit or license, but no
46 defect of the applicant shall debar him from receiving a permit or
47 license unless it can be shown by tests approved by the commission

1 that the defect incapacitates him from safely operating a motor
2 vehicle.

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

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

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

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

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

29

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

1 P.L.1950, c.127 (C.39:3-13.4) as they pertain to a **[provisional]**
2 probationary driver's license holder.
3 (cf: P.L.2001, c.420, s.5)

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

6 39:3-13. The chief administrator may, in his discretion, issue to
7 a person over 17 years of age an examination permit, under the
8 hand and seal of the chief administrator, allowing such person, for
9 the purpose of fitting himself to become a licensed driver, to
10 operate a designated class of motor vehicles other than passenger
11 automobiles and motorcycles of persons licensed to operate
12 motorcycles only for a specified period of not more than 90 days,
13 while in the company and under the supervision of a driver licensed
14 to operate such designated class of motor vehicles.

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

26 For six months immediately following the validation of an
27 examination permit, and until the holder passes the road test, the
28 holder who is less than 21 years of age shall operate the passenger
29 automobile or motorcycle only when accompanied by, and under
30 the supervision of, a New Jersey licensed driver who is at least 21
31 years of age and has been licensed to drive a passenger automobile
32 or motorcycle, as the case may be, for not less than three years.
33 The holder of an examination permit who is at least 21 years of age
34 shall operate the passenger automobile or motorcycle for the first
35 three months under such supervision and until the holder passes the
36 road test. The supervising driver of the passenger automobile shall
37 sit in the front seat of the vehicle. Whenever operating a vehicle
38 while in possession of an examination permit, the holder of the
39 permit shall operate the passenger automobile with only one
40 additional passenger in the vehicle excluding **'[persons with whom**
41 **the holder resides]** dependents of the permit holder¹, except that
42 this passenger restriction shall not apply when **'[either]**¹ the permit
43 holder **'[or one other passenger]**¹ is at least 21 years of age ¹or
44 when the permit holder is accompanied by a parent or guardian¹.
45 Further, the holder of the permit who is less than 21 years of age
46 shall not drive during the hours between **'[12:01 a.m.] 11:01 p.m.**¹
47 and 5 a.m.; provided, however, that this condition may be waived

1 for an emergency which, in the judgment of local police, is of
2 sufficient severity and magnitude to substantially endanger the
3 health, safety, welfare or property of a person, or for any bona fide
4 employment or religion-related activity if the employer or
5 appropriate religious authority provides written verification of such
6 activity in a manner provided for by the **[director]** chief
7 administrator. The holder of the examination permit shall not use
8 any 'hand-held or hands-free' interactive wireless communication
9 device, except in an emergency, while operating a moving
10 passenger automobile on a public road or highway. "Use" shall
11 include, but not be limited to, talking or listening on any 'hand-held
12 or hands-free' interactive wireless communication device or
13 operating its keys, buttons or other controls. The passenger
14 automobile permit holder shall ensure that all occupants of the
15 vehicle are secured in a properly adjusted and fastened seat belt or
16 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 chief administrator deems
24 significant and applicable pursuant to regulation, in addition to any
25 other penalty that may be imposed, the chief administrator shall,
26 without the exercise of discretion or a hearing, suspend the
27 examination permit holder's examination permit for 90 days. The
28 chief administrator shall restore the permit following the term of the
29 permit suspension if the permit holder satisfactorily completes a
30 remedial training course of not less than four hours which may be
31 given by the commission, a '**[drivers']** driving' school licensed by
32 the chief administrator pursuant to section 2 of P.L.1951, c.216
33 (C.39:12-2) or any Statewide safety organization approved by the
34 chief administrator. The course shall be subject to oversight by the
35 commission according to its guidelines. The permit holder shall
36 also remit a course fee prior to the commencement of the course.
37 The chief administrator also shall postpone without the exercise of
38 discretion or a hearing the issuance of a basic license for 90 days if
39 the chief administrator is notified by a court of competent
40 jurisdiction that the examination permit holder, after completion of
41 the remedial training course, has been convicted of any motor
42 vehicle violation which results in the imposition of any motor
43 vehicle points or has been convicted of a violation of R.S.39:4-50;
44 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182
45 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
46 N.J.S.2C:12-1 or any other motor vehicle-related law the chief
47 administrator deems significant and applicable pursuant to

1 regulation. When the chief administrator is notified by a court of
2 competent jurisdiction that an examination permit holder has been
3 convicted of any alcohol or drug-related offense unrelated to the
4 operation of a motor vehicle and is not otherwise subject to any
5 other suspension penalty therefor, the chief administrator shall,
6 without the exercise of discretion or a hearing, suspend the
7 examination permit for six months.

8 An examination permit for a motorcycle or a commercial motor
9 vehicle issued to a handicapped person, as determined by the New
10 Jersey Motor Vehicle Commission after consultation with the
11 Department of Education, shall be valid for nine months or until the
12 completion of the road test portion of his license examination,
13 whichever period is 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
16 period specified, while in the company of and under the control of a
17 driver licensed by this State to operate such designated class of
18 motor vehicles, or, in the case of a commercial driver license
19 permit, while in the company of and under the control of a holder of
20 a valid commercial driver license for the appropriate license class
21 and with the appropriate endorsements issued by this or any other
22 state. Such person, as well as the licensed driver, except for a motor
23 vehicle examiner administering a driving skills test, shall be held
24 accountable for all violations of this subtitle committed by such
25 person while in the presence of the licensed driver. In addition to
26 requiring an applicant for an examination permit to submit
27 satisfactory proof of identity and age, the chief administrator also
28 shall require the applicant to provide, as a condition for obtaining
29 the permit, satisfactory proof that the applicant's presence in the
30 United States is authorized under federal law. If the chief
31 administrator has reasonable cause to suspect that any document
32 presented by an applicant as proof of identity, age or legal residency
33 is altered, false or otherwise invalid, the chief administrator shall
34 refuse to grant the permit until such time as the document may be
35 verified by the issuing agency to the chief administrator's
36 satisfaction.

37 The holder of an examination permit shall be required to take a
38 road test in order to obtain a **【provisional】** probationary license. No
39 road test for any person who has been issued an examination permit
40 to operate a passenger vehicle shall be given unless the person has
41 met the requirements of this section. No road test for a
42 **【provisional】** probationary license shall be given unless the
43 applicant has first secured an examination permit and no such road
44 test shall be scheduled for an applicant who has secured an
45 examination permit for a passenger vehicle or a motorcycle for
46 which an endorsement is not required until at least six months for
47 an applicant under 21 years of age or three months for an applicant
48 21 years of age or older shall have elapsed following the validation

1 of the examination permit for practice driving or, in the case of an
2 examination permit for other vehicles, until 20 days have elapsed.
3 In the case of an omnibus endorsement or school bus, no road test
4 shall be scheduled until at least 10 days shall have elapsed. Every
5 applicant for an examination permit to qualify for an omnibus
6 endorsement or an articulated vehicle endorsement shall be a holder
7 of a valid basic driver's license.

8 The required fees for special learners' permits and examination
9 permits shall be as follows:

10

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

12

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

14

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

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

23 The specified period for which a permit is issued may be
24 extended for not more than an additional 60 days, without payment
25 of added fee, upon application made by the holder thereof, where
26 the holder has applied to take the examination for a driver's license
27 prior to the expiration of the original period for which the permit
28 was issued and the chief administrator was unable to schedule an
29 examination during said period.

30 As a condition for the issuance of an examination permit under
31 this section, the chief administrator shall secure a digitized picture
32 of the applicant. The picture shall be stored in a manner prescribed
33 by the chief administrator and may be displayed on the examination
34 permit.

35 The chief administrator may require that whenever a person to
36 whom an examination permit has been issued has reconstructive or
37 cosmetic surgery which significantly alters the person's facial
38 features, the person shall notify the chief administrator who may
39 require the picture of the person to be updated.

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

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

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

3 1. Upon request, the Motor Vehicle Commission shall provide
4 the parent or guardian of a special learner's permit holder, an
5 examination permit holder, or a **[provisional]** probationary license
6 holder under 18 years of age with information pertaining to the
7 driving privilege status and any vehicular accident or violation
8 information on the minor's driving record. When requesting this
9 information about the minor's driving record, the parent or guardian
10 shall be required to provide the parent or guardian's name, date of
11 birth, address, and driver's license number as well as the name, date
12 of birth, address, and driver's license number of the permit or
13 **[provisional]** probationary license holder.
14 (cf: P.L.2007, c.285, s.1)
15

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

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

42 The special learner's permit described above, when issued to a
43 person taking a course of behind-the-wheel driving education
44 conducted in a public, parochial or private school, shall be retained
45 in the office of the school principal at all times except during such
46 time as the person to whom the permit is issued is undergoing
47 behind-the-wheel automobile driving instruction. The chief

1 administrator may make such rules and regulations as he may deem
2 necessary to carry out the provisions of this section.

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

4

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

7 6. a. Any person to whom a special learner's permit has been
8 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
9 successful completion of a State approved written examination, eye
10 examination and an approved minimum six-hour behind-the-wheel
11 driving course, shall be entitled to retain the special learner's permit
12 in his own possession. The special learner's permit shall be
13 validated by the **[division]** commission for the purpose of driving a
14 motor vehicle on a public highway in this State after the holder has
15 successfully met the necessary examination requirements, and upon
16 the successful completion of a behind-the-wheel driving course.
17 Such person may operate a motor vehicle of the class for which a
18 basic driver's license is required except during the hours between
19 11:01 p.m. and 5:00 a.m. while in the company and under the
20 supervision, from the front passenger seat, of a licensed motor
21 vehicle driver of this State who is over 21 years of age and has been
22 licensed to drive a passenger automobile for at least three years.
23 Such special permit shall be valid until such person's seventeenth
24 birthday or until he qualifies for a **[provisional]** probationary
25 license. Except during an instructional period of a behind-the-
26 wheel driving course, the holder of a special permit shall operate a
27 passenger automobile with only the following passengers: (1) the
28 supervising passenger; (2) **'[persons who share the permit holder's**
29 **residence]** any parent, guardian, or dependent of the special permit
30 holder¹; and (3) one additional passenger **'[who does not reside**
31 **with the permit holder]**¹. The holder of the special learner's permit
32 shall not use any **'hand-held or hands-free'** interactive wireless
33 communication device, except in an emergency, while operating a
34 moving passenger automobile on a public road or highway. "Use"
35 shall include, but not be limited to, talking or listening on any
36 **'hand-held or hands-free'** interactive wireless communication
37 device or operating its keys, buttons or other controls. All occupants
38 of the automobile shall be secured in a properly adjusted and
39 fastened seat belt or child restraint system.

40 b. When notified by a court of competent jurisdiction that a
41 special learner's permit holder has been convicted of a violation
42 which causes the permit holder to accumulate more than two motor
43 vehicle points or has been convicted of a violation of R.S.39:4-50;
44 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189
45 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
46 N.J.S.2C:12-1 or any other motor vehicle-related law the **[director]**
47 chief administrator determines to be significant and applicable

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

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

41

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

44 4. a. The holder of a special learner's permit shall be entitled to
45 a **[provisional]** probationary driver's license (1) upon attaining the
46 age of 17 years, (2) upon the satisfactory completion of an approved

1 behind-the-wheel '['automobile driving education] driver training'
2 course as indicated upon the face of the special permit over the
3 signature of the principal of the school or the person operating the
4 '['drivers'] driving' school in which the course was conducted, (3)
5 upon the completion of six months' driving experience with a
6 validated special learner's permit in compliance with the provisions
7 of section 6 of P.L.1977, c.25 (C.39:3-13.2a) and (4) upon passing
8 the road test pursuant to R.S.39:3-10.

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

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

37 d. In addition to any other penalties provided under law, the
38 holder of a ['provisional] probationary license who accumulates
39 more than two motor vehicle points or is convicted of a violation of
40 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
41 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c.
42 of N.J.S.2C:12-1 or any other motor vehicle law the ['director]
43 chief administrator deems to be significant and applicable pursuant
44 to regulation shall, for the first violation, be required to
45 satisfactorily complete a remedial training course of not less than
46 four hours which may be given by the ['division] commission, a

1 '【drivers'】 driving¹ school licensed by the 【director】 chief
2 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2)
3 or any Statewide safety organization approved by the 【director】
4 chief administrator. The course shall be administered pursuant to
5 rules and regulations promulgated by the 【director】 chief
6 administrator and subject to oversight by the 【division】
7 '【commisssion】 commission¹. The authority of the 【director】
8 chief administrator to suspend, revoke or deny issuance of an initial
9 or renewal license to operate a '【drivers'】 driving¹ school or an
10 instructor's license, and to assess fines, pursuant to P.L.1951, c.216
11 (C.39:12-1 et seq.) shall apply to any violations related to the
12 administration of a remedial training course. The permit holder
13 shall also remit a course fee prior to the commencement of the
14 course.

15 e. When notified by a court of competent jurisdiction that a
16 【provisional】 probationary license holder has been convicted of a
17 second or subsequent violation, in addition to any other penalties
18 provided under law, the 【director】 chief administrator shall,
19 without the exercise of discretion or a hearing, suspend the
20 【provisional】 probationary license for three months and shall
21 postpone eligibility for a basic license for an equivalent period. In
22 addition, when the 【director】 chief administrator is notified by a
23 court of competent jurisdiction that a 【provisional】 probationary
24 license holder has been convicted of any alcohol or drug-related
25 offense unrelated to the operation of a motor vehicle, and he is not
26 otherwise subject to any other suspension penalty therefor, the
27 【director】 chief administrator shall, without the exercise of
28 discretion or a hearing, suspend the 【provisional】 probationary
29 license for six months.

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

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

35
36 10. Section 11 of P.L.2001, c.420 (C.39:3-13.8) is amended to
37 read as follows:

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

- 41 a. supervision requirements for permit holders;
- 42 b. passenger restrictions;
- 43 c. hours of operation;
- 44 d. seat belt requirements;
- 45 e. 'hand-held or hands-free¹ interactive wireless
46 communication device use restrictions; or

1 f. any other violation of the conditions of a permit or
2 **[provisional]** probationary license as the **[director]** chief
3 administrator may designate.

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

5

6 '11. (New section) The Division of Highway Traffic Safety in
7 the Department of Law and Public Safety shall develop and
8 undertake a public education campaign to inform the public about
9 the provisions of this act.'

10

11 '[11.] 12.' This act shall take effect on the first day of the 13th
12 month after enactment, but the Chief Administrator of the New
13 Jersey Motor Vehicle Commission may take such anticipatory
14 action necessary to implement the provisions of this act.

15

16

17

18

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