

**SENATE, No. 2848**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED MAY 21, 2009

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**  
**District 4 (Camden and Gloucester)**  
**Senator SEAN T. KEAN**  
**District 11 (Monmouth)**

**SYNOPSIS**

Expands requirements for special learner's and examination permits.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/12/2009)**

1 AN ACT concerning special learner's and examination permits and  
2 amending various parts of the statutory law.

3

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

6

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

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

17 The chief administrator, in his discretion, may issue for a  
18 specified period of not less than one year a passenger automobile or  
19 motorcycle-only examination permit to a person over 17 years of  
20 age regardless of whether a person has completed a course of  
21 behind-the-wheel automobile driving education pursuant to section  
22 1 of P.L.1950, c.127 (C.39:3-13.1).

23 An examination permit applicant who is under 18 years of age  
24 shall obtain the signature of a parent or guardian for submission to  
25 the commission on a form prescribed by the chief administrator.  
26 The chief administrator shall postpone for six months the driving  
27 privileges of any person who submits a fraudulent signature for a  
28 parent or guardian.

29 An examination permit shall not be issued to an applicant who is  
30 less than 21 years of age unless the applicant has completed a teen  
31 driver orientation program approved by the Division of Highway  
32 Traffic Safety in the Department of Law and Public Safety in  
33 consultation with the commission. An examination permit  
34 applicant who is under 18 years of age shall not be issued an  
35 examination permit unless at least one of the applicant's parents or  
36 guardians has completed an approved teen driver orientation  
37 program. In the event that a parent or guardian is unavailable to  
38 complete the teen driver orientation program, completion by  
39 another relative who is at least 21 years of age, or a supervising  
40 adult who is at least 21 years of age and has been licensed to drive a  
41 passenger automobile or motorcycle, as the case may be, for not  
42 less than three years, shall be deemed to meet the requirement that a  
43 parent or guardian complete the program. The teen driver  
44 orientation program shall be made available to the parent or  
45 guardian of an applicant for an examination permit who is at least

**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 18 years of age, but less than 21 years of age. Prior to the issuance  
2 of an examination permit, the applicant shall submit for review to  
3 the commission a certificate indicating that the applicant and, if  
4 required, at least one of the applicant's parents or guardians, or  
5 other relative or supervising adult as permitted by this section, has  
6 completed an approved teen driver orientation program. The chief  
7 administrator shall postpone or suspend for six months the driving  
8 privileges of any examination permit applicant who submits a  
9 fraudulent certificate of completion.

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

45 When notified by a court of competent jurisdiction that an  
46 examination permit holder has been convicted of a violation which  
47 causes the permit holder to accumulate more than two motor vehicle  
48 points or has been convicted of a violation of R.S.39:4-50; section 2

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

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

41 Each permit shall be sufficient license for the person to operate  
42 such designated class of motor vehicles in this State during the  
43 period specified, while in the company of and under the control of a  
44 driver licensed by this State to operate such designated class of  
45 motor vehicles, or, in the case of a commercial driver license  
46 permit, while in the company of and under the control of a holder of  
47 a valid commercial driver license for the appropriate license class  
48 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 residency  
12 is altered, false or otherwise invalid, the chief administrator shall  
13 refuse to grant the permit until such time as the document may be  
14 verified by the issuing agency to the chief administrator's  
15 satisfaction.

16 Prior to obtaining a provisional license, the holder of an  
17 examination permit who obtains such permit before reaching 21  
18 years of age shall satisfactorily complete a six-hour course of  
19 private, one-on-one behind-the-wheel automobile driving education  
20 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) and shall  
21 complete a minimum of 50 hours of practice driving, ten hours of  
22 which are completed during hours of darkness, as certified by the  
23 permit holder's parent or guardian, or by the person who  
24 accompanied and supervised the permit holder during the practice  
25 driving. In lieu of the six-hour behind-the-wheel automobile  
26 driving education course and a minimum of 50 hours of certified  
27 practice driving, the permit holder shall complete a minimum of  
28 100 hours of certified practice driving, 20 hours of which are  
29 completed during hours of darkness, as certified by the permit  
30 holder's parent or guardian, or by the person who accompanied and  
31 supervised the permit holder during the practice driving. The chief  
32 administrator shall suspend for six months the driving privileges of  
33 any examination permit holder who submits a fraudulent  
34 certification of a parent, guardian, or supervising driver.

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

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

6 The required fees for special learners' permits and examination  
7 permits shall be as follows:

- 8
- 9 Basic driver's license.....up to \$10
  - 10
  - 11 Motorcycle license or endorsement.....\$ 5
  - 12
  - 13 Omnibus or school bus endorsement.....\$25
  - 14

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

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

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

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

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

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

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

3       1. The Chief Administrator of the New Jersey Motor Vehicle  
4 Commission may issue to a person over 16 years of age a special  
5 learner's permit, under the hand and seal of the chief administrator,  
6 allowing such person, for the purpose of preparing himself to  
7 qualify for a provisional license for a passenger automobile by  
8 operating a dual pedal controlled motor vehicle while taking a  
9 required course of private, one-on-one behind-the-wheel automobile  
10 driving education approved by the State Department of Education  
11 and conducted in a public, parochial, or private school of this State  
12 or a course of private, one-on-one behind-the-wheel automobile  
13 driving instruction conducted by a drivers' school duly licensed  
14 pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.).

15       Within 12 months of the effective date of P.L. , c. (C. )  
16 (pending before the Legislature as this bill), the commission shall  
17 adopt a standard, up-to-date curriculum to be implemented by  
18 public, parochial, or private schools and licensed drivers' schools  
19 offering the course of behind-the wheel automobile driving  
20 education required by this section. This curriculum shall be  
21 developed by the commission in consultation with the Division of  
22 Highway Traffic Safety in the Department of Law and Public  
23 Safety, the State Department of Education, and licensed drivers'  
24 schools in this State.

25       The special learner's permit shall be issued in lieu of the  
26 examination permit provided for in R.S.39:3-13. In addition to  
27 requiring an applicant for a permit to submit satisfactory proof of  
28 identity and age, the chief administrator also shall require the  
29 applicant to provide, as a condition for obtaining a permit,  
30 satisfactory proof that the applicant's presence in the United States  
31 is authorized under federal law. If the chief administrator has  
32 reasonable cause to suspect that any document presented by an  
33 applicant as proof of identity, age or legal residency is altered, false  
34 or otherwise invalid, the chief administrator shall refuse to grant the  
35 permit until such time as the document may be verified by the  
36 issuing agency to the chief administrator's satisfaction.

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

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

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

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

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

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

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

34

35 4. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to read  
36 as follows:

37 3. No special permit shall be issued unless the person applying  
38 therefor shall present a written application for the same, bearing a  
39 certification by the principal of the school indicating that the person  
40 is enrolled in an approved private, one-on-one behind-the-wheel  
41 driving education course in the school of which he is principal or by  
42 the person operating a duly licensed drivers' school indicating that  
43 the person has contracted to take a course of private, one-on-one  
44 behind-the-wheel automobile driving instruction offered by the  
45 school and shall pay a sum of up to \$10 as determined by the  
46 **【director】** chief administrator to an agent of the **【Division of Motor**  
47 **Vehicles】** commission, which sum shall be turned over by the agent

1 to the **[director]** chief administrator, and by him remitted with the  
2 other funds collected in **[his division]** the commission to the State  
3 Treasurer, in accordance with law. A special learner's permit to  
4 operate a passenger automobile shall not be issued to any person  
5 younger than 18 years of age without the signature of a parent or  
6 guardian. The signature shall be submitted to the **[division]**  
7 commission on a form prescribed by the **[director]** chief  
8 administrator. The **[director]** chief administrator shall postpone for  
9 six months the driving privileges of any **[person]** special learner's  
10 permit applicant who submits a fraudulent signature for a parent or  
11 guardian.

12 A special learner's permit shall not be issued to an applicant who  
13 is less than 18 years of age unless the applicant has completed a  
14 teen driver orientation program approved by the Division of  
15 Highway Traffic Safety in the Department of Law and Public Safety  
16 in consultation with the commission. An applicant who is under 18  
17 years of age shall not be issued a special learner's permit unless at  
18 least one of the applicant's parents or guardians has completed an  
19 approved teen driver orientation program. In the event that a  
20 parent or guardian is unavailable to complete the teen driver  
21 orientation program, completion by another relative who is at least  
22 21 years of age, or a supervising adult who is at least 21 years of  
23 age and has been licensed to drive a passenger automobile or  
24 motorcycle, as the case may be, for not less than three years shall be  
25 deemed to meet the requirement that a parent or guardian complete  
26 the program. Prior to the issuance of a special learner's permit, the  
27 applicant shall submit for review to the commission a certificate  
28 indicating that the applicant and at least one of the applicant's  
29 parents or guardians, or other relative or supervising adult as  
30 permitted by this section, has completed an approved teen driver  
31 orientation program. The chief administrator shall postpone or  
32 suspend for six months the driving privileges of any special  
33 learner's permit applicant who submits a fraudulent certificate of  
34 completion.

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

36  
37 5. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to read  
38 as follows:

39 4. The holder of a special learner's permit shall be entitled to a  
40 provisional driver's license (1) upon attaining the age of 17 years,  
41 (2) upon the satisfactory completion of an approved private, one-  
42 on-one behind-the-wheel automobile driving education course as  
43 indicated upon the face of the special permit over the signature of  
44 the principal of the school or the person operating the drivers'  
45 school in which the course was conducted, (3) upon the completion  
46 of **[six months']** one year driving experience with a validated  
47 special learner's permit in compliance with the provisions of section

1 6 of P.L.1977, c.25 (C.39:3-13.2a) **[and]**, (4) upon passing the road  
2 test pursuant to R.S.39:3-10, and (5) upon completing a minimum  
3 of 50 hours of practice driving, ten hours of which are completed  
4 during hours of darkness, as certified by the permit holder's parent  
5 or guardian, or by the person who accompanied and supervised the  
6 permit holder during the practice driving. The chief administrator  
7 shall suspend for six months the driving privileges of any special  
8 learner's permit holder who submits a fraudulent certification of a  
9 parent, guardian, or supervising driver.

10 The holder of a provisional license shall be permitted to operate  
11 the passenger automobile with only one additional passenger in the  
12 vehicle besides persons with whom the holder resides, except that  
13 this passenger restriction shall not apply when either the holder of  
14 the provisional license or one other passenger is at least 21 years of  
15 age. Further, the holder of the provisional license who is under 21  
16 years of age shall not drive during the hours between 12:01 a.m.  
17 and 5 a.m.; provided however, that this condition may be waived for  
18 an emergency which, in the judgment of local police, is of sufficient  
19 severity and magnitude to substantially endanger the health, safety,  
20 welfare or property of a person or for any bona fide employment or  
21 religion-related activity if the employer or appropriate religious  
22 authority provides written verification of such activity in a manner  
23 provided for by the **[director]** chief administrator. The holder of  
24 the provisional license shall not use any interactive wireless  
25 communication device, except in an emergency, while operating a  
26 moving passenger automobile on a public road or highway. "Use"  
27 shall include, but not be limited to, talking or listening on any  
28 interactive wireless communication device or operating its keys,  
29 buttons or other controls. In addition, the holder of the provisional  
30 license shall ensure that all occupants of the vehicle are secured in a  
31 properly adjusted and fastened seat belt or child restraint system. In  
32 addition to any other penalties provided under law, the holder of a  
33 provisional license who accumulates more than two motor vehicle  
34 points or is convicted of a violation of R.S.39:4-50; section 2 of  
35 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 law the **[director]** chief administrator deems to  
38 be significant and applicable pursuant to regulation shall, for the  
39 first violation, be required to satisfactorily complete a remedial  
40 training course of not less than four hours which may be given by  
41 the **[division]** commission, a drivers' school licensed by the  
42 **[director]** chief administrator pursuant to section 2 of P.L.1951,  
43 c.216 (C.39:12-2) or any Statewide safety organization approved by  
44 the **[director]** chief administrator. The course shall be administered  
45 pursuant to rules and regulations promulgated by the **[director]**  
46 chief administrator and subject to oversight by the **[division]**  
47 commission. The authority of the **[director]** chief administrator to

1 suspend, revoke or deny issuance of an initial or renewal license to  
2 operate a drivers' school or an instructor's license, and to assess  
3 fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to  
4 any violations related to the administration of a remedial training  
5 course. The permit holder shall also remit a course fee prior to the  
6 commencement of the course. When notified by a court of  
7 competent jurisdiction that a provisional license holder has been  
8 convicted of a second or subsequent violation, in addition to any  
9 other penalties provided under law, the **【director】** chief  
10 administrator shall, without the exercise of discretion or a hearing,  
11 suspend the provisional license for three months and shall postpone  
12 eligibility for a basic license for an equivalent period. In addition,  
13 when the **【director】** chief administrator is notified by a court of  
14 competent jurisdiction that a provisional license holder has been  
15 convicted of any alcohol or drug-related offense unrelated to the  
16 operation of a motor vehicle, and he is not otherwise subject to any  
17 other suspension penalty therefor, the **【director】** chief administrator  
18 shall, without the exercise of discretion or a hearing, suspend the  
19 provisional license for six months.

20 A provisional license may be sent by mail and shall be clearly  
21 identifiable and distinguishable in appearance from a basic license  
22 by any name, mark, color or device deemed appropriate by the  
23 **【director】** chief administrator.  
24 (cf: P.L.2001, c.420, s.8)  
25

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

28 8. a. The Director of the **【Office】** Division of Highway Traffic  
29 Safety in the Department of Law and Public Safety, after  
30 consultation with the **【Director of the Division of Motor Vehicles in**  
31 **the Department of Transportation】** Chief Administrator of the New  
32 Jersey Motor Vehicle Commission and the State Review Board on  
33 Driver Education established in section 10 of P.L.1998, c.108  
34 (C.27:5F-43), shall develop curriculum guidelines for use by  
35 teachers of approved classroom driver education courses. The  
36 course of instruction for approved courses shall be no less than 30  
37 hours in length and be designed to develop and instill the  
38 knowledge and attitudes necessary for the safe operation and  
39 driving of motor vehicles. Defensive driving, highway courtesy,  
40 accident avoidance, understanding and respect for the State's motor  
41 vehicle laws, insurance fraud and State requirements for and  
42 benefits of maintaining automobile insurance shall be emphasized.  
43 The incorporation of these curriculum guidelines in these classroom  
44 courses and the use of related instructional materials shall be a  
45 requirement for approval of the course by the **【Director of the**  
46 **Division of Motor Vehicles】** Chief Administrator of the New Jersey  
47 Motor Vehicle Commission.

1       b. The Director of the ~~【Office】~~ Division of Highway Traffic  
2 Safety, in consultation with the ~~【Director of the Division of Motor~~  
3 ~~Vehicles】~~ Chief Administrator of the New Jersey Motor Vehicle  
4 Commission, shall produce an informational brochure for parents  
5 and guardians of beginning drivers under the age of 18 years. The  
6 ~~【division shall ensure that the parents or guardians of a permit~~  
7 ~~holder receive these】~~ brochures ~~【at the time a permit is issued to a~~  
8 ~~beginning driver】~~ shall be distributed at approved teen driver  
9 orientation programs, as required by R.S.39:3-13 or section 3 of  
10 P.L.1950, c.127 (39:3-13.3), whichever is applicable. The  
11 brochures shall include, but not be limited to, the following  
12 information:

- 13       (1) Setting an example for the beginning driver;
- 14       (2) Accident and fatality statistics about beginning drivers;
- 15       (3) Causes of accidents among beginning drivers;
- 16       (4) The need to supervise vehicle operation by a beginning  
17 driver;
- 18       (5) Methods to coach a beginning driver on how to reduce  
19 accidents;
- 20       (6) A description of the graduated driver's license program;
- 21 ~~【and】~~
- 22       (7) Benefits of classroom and behind-the-wheel driver education  
23 under the direction of State certified or licensed driving instructors,  
24 as the case may be ; and
- 25       (8) A sample practice driving log.  
26 (cf: P.L.2001, c.420, s.1)

27  
28       7. This act shall take effect on the first day of the 13th month  
29 after enactment, but the New Jersey Motor Vehicle Commission  
30 may take such anticipatory action necessary to implement the  
31 provisions of this act.

32

33

34

#### STATEMENT

35

36       This bill would add certain requirements for applicants and  
37 holders of special learner's permits and examination permits.

38       Under this State's graduated driver licensing system, persons  
39 who are at least 16 years of age can obtain a special learner's permit  
40 for the purpose of preparing himself to qualify for a provisional  
41 license by operating a motor vehicle while taking a required course  
42 of behind-the-wheel automobile driving education. Upon  
43 successful completion of a six-hour course of behind-the-wheel  
44 automobile driving education, a special learner's permit holder may  
45 engage in supervised practice driving. A person who is at least 17  
46 years of age can obtain an examination permit for the purpose of  
47 supervised practice driving, but is not required to enroll in or

1 complete the behind-the-wheel course to obtain the examination  
2 permit. Drivers who satisfy the requirements of the special  
3 learner's permit or examination permit, including driving under  
4 supervision for six months and passing a road test, move on to a  
5 provisional driver's license pursuant to which they are authorized to  
6 practice unsupervised driving with certain passenger, hourly, and  
7 other restrictions.

8 Under the bill, an applicant for a special learner's permit or  
9 examination permit who is under 18 years of age cannot obtain such  
10 permit unless the applicant and at least one of the permit applicant's  
11 parents or guardians has first completed a teen driver orientation  
12 program approved by the Division of Highway Traffic Safety in the  
13 Department of Law and Public Safety, in consultation with the New  
14 Jersey Motor Vehicle Commission (MVC). In the event that a  
15 parent or guardian is unable to complete the teen driver orientation  
16 program, the bill provides that completion by another relative who  
17 is at least 21 years of age, or by a supervising adult who is at least  
18 21 years of age and who has been licensed to drive a passenger  
19 automobile or motorcycle for at least three years, shall be deemed  
20 to meet the requirement that a parent or guardian complete the  
21 program. The teen driver orientation program shall also be made  
22 available to, but not required of, the parent or guardian of an  
23 examination permit applicant who is at least 18 years of age but less  
24 than 21. The bill requires all permit applicants to submit to the  
25 MVC a certificate indicating that the applicant and, if required, at  
26 least one of the applicant's parents or guardians, or other relative or  
27 supervising adult as permitted under the bill, has completed the teen  
28 driver orientation program. The Chief Administrator of the MVC  
29 shall suspend or postpone the driving privileges of any applicant  
30 who submits a fraudulent certificate of completion.

31 This bill would further change the graduated driver licensing law  
32 by requiring holders of examination permits and special learner's  
33 permit under the age of 21 to complete a minimum number of hours  
34 of certified practice driving. Persons with a special learner's permit  
35 would still have to satisfy the behind-the-wheel automobile driving  
36 education requirement; in addition, they would have to complete at  
37 least 50 hours of practice driving, including 10 hours of which are  
38 completed during hours of darkness. Persons 17 to 20 years old  
39 who have been issued an examination permit would have two  
40 choices: (1) they could similarly complete an approved six-hour  
41 behind-the-wheel course and 50 hours of certified driving with 10  
42 hours completed during hours of darkness; or (2) they could  
43 complete 100 hours of certified driving, with 20 hours completed  
44 during hours of darkness. The parent or guardian, or the  
45 supervising driver, of a permit holder must certify that these hours  
46 of practice driving were completed. The Chief Administrator of the  
47 MVC shall suspend the driving privileges of any permit holder who  
48 submits a fraudulent certification.

1       The bill provides that the six-hour, behind-the-wheel automobile  
2 driving education course required pursuant to the State's graduated  
3 driver licensing law must be private and one-on-one.

4       The bill requires the MVC to adopt a standard, up-to-date  
5 curriculum to be implemented by public, private, and parochial  
6 schools and licensed drivers' schools offering courses of behind-  
7 the-wheel automobile driving education. The bill requires the  
8 curriculum to be developed by the MVC in consultation with the  
9 Division of Highway Traffic Safety, the State Department of  
10 Education, and licensed drivers' schools in this State.

11       The bill increases from six months to 12 months the amount of  
12 time that a permit holder must hold such a permit before becoming  
13 eligible for a provisional license.

14       The bill requires the distribution of informational brochures to  
15 the parents and guardians of beginning drivers under the age of 18  
16 at approved teen driver orientation programs. Under current law,  
17 such brochures are submitted at the time a permit is issued to a  
18 beginning driver. The bill requires a sample practice driving log, in  
19 addition to other required information, to be included in the  
20 brochure.