

ASSEMBLY, No. 1738

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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Marin, Assemblymen Chiaravalloti, Giblin, Assemblywomen Chaparro,
Lampitt, Assemblyman Green, Assemblywomen McKnight, Jimenez,
Assemblyman Mejia and Assemblywoman Lopez**

SYNOPSIS

Establishes the "New Jersey Safe and Responsible Driver Act."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 6/15/2018)

1 AN ACT concerning driver's licenses, supplementing chapter 3 of
2 Title 39 of the Revised Statutes, and amending P.L.1997, c.151.

3

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

6

7 1. (New section) This act shall be known and may be cited as
8 the "New Jersey Safe and Responsible Driver Act."

9

10 2. (New section) a. The chief administrator shall issue a
11 driver's license to a person who satisfies the requirements for the
12 issuance of a basic driver's license but cannot provide proof of
13 lawful presence in the United States.

14 b. Each applicant for a driver's license pursuant to the
15 provisions of this act shall be required to submit to the commission,
16 upon request, proof of identity, date of birth, and residence in the
17 State of New Jersey. If the applicant has been issued a social
18 security number, the applicant shall provide it to the commission.

19 The chief administrator shall adopt, pursuant to the
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
21 seq.), regulations establishing the documentation necessary to prove
22 an applicant's identity, date of birth, and residence in this State.
23 The documents may include, but not be limited to, an original or
24 certified copy of the following documents or combination of
25 documents, as determined by the chief administrator:

26 (1) a valid, unexpired consular identification document issued
27 by a consulate from the applicant's country of citizenship; a valid,
28 unexpired passport from the applicant's country of citizenship; a
29 driver's license or identification card issued by another state or a
30 municipality; a United States military identification document; a
31 foreign driver's license; a foreign federal electoral photo card; a
32 document issued by the Department of Homeland Security or a
33 court; a student identification document; a marriage license or
34 divorce certificate; or other proof of identity, as designated by the
35 chief administrator. The documents may be expired if they are
36 presented with other acceptable proof of identity;

37 (2) an original birth certificate, adoption records, an official
38 school or college transcript that includes the applicant's date of
39 birth, a foreign school record that includes a photograph of the
40 applicant at the age the record was issued, or other proof of age, as
41 designated by the chief administrator;

42 (3) a home utility bill, lease or rental agreement, a property tax
43 bill or statement issued within the previous 12 months, an income
44 tax return, a deed or title to real property, or other proof of New
45 Jersey residence, as designated by the chief administrator.

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 Applicants who are unable to provide the documents listed in
2 paragraphs (1) through (3) of this subsection, but who are able to
3 provide alternative documents shall be subject to a secondary
4 review to determine whether the applicant has presented sufficient
5 information to verify his identity, age, and residence in this State.

6 If a document listed under paragraph (1) or (2) of this subsection
7 is in a language other than English, the chief administrator may
8 require the applicant to submit a certified translation of the
9 document into English if a bilingual employee of the New Jersey
10 Motor Vehicle Commission is not able to read and interpret the
11 document.

12 c. A person applying for a driver's license under the provisions
13 of this act is required to pay all fees applicable for the issuance of a
14 basic driver's license. The commission may charge the applicant an
15 additional fee, not to exceed \$50 per driver's license, to offset the
16 administrative costs associated with the production and distribution
17 of driver's licenses issued pursuant to this act. This administrative
18 fee may be assessed by the commission only until the first day of
19 the 36th month following the effective date of this act, at which
20 time the additional fee shall expire and a driver's license issued
21 under this act shall be subject to the same fees applicable to the
22 issuance of a basic driver's license.

23 d. Any person applying for a driver's license under this act
24 who provides false documentation or who knowingly makes a false
25 statement on an application for the purpose of obtaining a driver's
26 license shall be guilty of an offense pursuant to N.J.S.2C:21-4.

27
28 3. (New section) a. A driver's license issued under this act
29 shall be valid for four years from the date of issuance. While the
30 license is valid, the holder shall have the same privileges and shall
31 be bound by the same legal responsibilities with respect to the
32 operation of a motor vehicle as the holder of a basic driver's license
33 issued pursuant to this chapter.

34 b. It shall be an unlawful discrimination violation for any
35 person to discriminate, pursuant to the provisions of paragraph (1)
36 of subsection f. of section 11 of P.L.1945, c.169 (C.10:5-12),
37 against an individual based upon the fact that the individual holds
38 or presents a driver's license issued under this act.

39 c. Any public official who discriminates against an individual
40 who holds or presents a driver's license issued under this act shall
41 be guilty of a crime of official deprivation of civil rights pursuant to
42 section 2 of P.L.2003, c.31 (C.2C:30-6).

43 d. No underwriting rule shall operate in such a manner as to
44 assign a risk to a rating plan, pursuant to the provisions of section
45 15 of P.L.1997, c.151 (C.17:29A-46.2), on the basis of an insured
46 holding a driver's license issued under this act.

1 4. (New section) a. The chief administrator shall adopt,
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.), regulations concerning the form and design of
4 the driver's license issued pursuant to this act and any other
5 regulations necessary for the effective implementation of this act.
6 The regulations shall require that each driver's license issued
7 pursuant to this act include a digitized picture of the person to
8 whom the card was issued and meet the applicable requirements for
9 construction of driver's licenses in section 3 of P.L.1979, c.261
10 (C.39:3-10h). The regulations also shall require that the driver's
11 license issued pursuant to this act contain the statement "Federal
12 Limits Apply" on the front of the driver's license in the smallest
13 font size contained on the license. In addition, the back of the
14 driver's license shall contain the statement "This card is not
15 acceptable for official federal purposes. This license is issued only
16 as a license to drive a motor vehicle. It does not establish eligibility
17 for employment, voter registration, or public benefits."

18 b. Any personal information collected by the commission from
19 an applicant for a driver's license pursuant to the provisions of this
20 act is subject to the same disclosure restrictions that apply to
21 personal information collected from applicants for driver's licenses.
22 In addition, this information shall not be considered a public record
23 and notwithstanding the provisions of section 2 of P.L.1997, c.188
24 (C.39:2-3.4), shall not be disclosed to any federal, State, or local
25 governmental entity without probable cause or a valid warrant.

26 c. A driver's license issued pursuant to this act shall not be
27 considered evidence of an individual's citizenship or immigration
28 status and shall not be used as a basis for an investigation, arrest,
29 citation, or detention.

30 d. On the first day of the 48th month following the effective date
31 of this act, the chief administrator shall submit to the Governor and the
32 Legislature a report evaluating the effectiveness of the issuance of the
33 driver's licenses issued pursuant to this act. The report shall provide
34 data on the number of convictions for violations of subsections b. and
35 c. of section 3 of P.L. , c. (C.) (pending before the Legislature
36 as this bill) and subsection d. of section 2 of P.L. , c. (C.)
37 (pending before the Legislature as this bill). Information pertaining
38 to the identity of any specific individual shall not be provided in the
39 report.

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41 5. (New section) The chief administrator shall establish and
42 conduct a public education campaign regarding the availability of
43 driver's licenses issued pursuant to this act and the requirements for
44 obtaining such a license.

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46 6. Section 15 of P.L.1997, c.151 (C.17:29A-46.2) is amended
47 to read as follows:

1 15. a. Insurers shall put in writing all underwriting rules
2 applicable to each rate level utilized pursuant to section 14 of
3 P.L.1997, c.151 (C.17:29A-46.1). An insurer may take into account
4 factors, including, but not limited to, driving record characteristics
5 appropriate for underwriting and classification in formulating its
6 underwriting rules; provided that no underwriting rule based on
7 motor vehicle violations shall be formulated in such a manner as to
8 assign any named insured to a rating tier other than the standard
9 rating tier applicable to the insured's territory solely on the basis of
10 accumulating four motor vehicle points or less. No underwriting
11 rule shall operate in such a manner as to assign a risk to a rating
12 plan on the basis of the territory in which the insured resides or any
13 other factor which the commissioner finds is a surrogate for
14 territory. No underwriting rule shall operate in such a manner as to
15 assign a risk to a rating plan on the basis of an insured holding a
16 driver's license issued pursuant to P.L. , c. (C.) (pending
17 before the Legislature as this bill). An insurer which knowingly
18 fails to transact automobile insurance consistently with its
19 underwriting rules shall be subject to a fine of not less than \$1,000
20 for each violation.

21 b. All underwriting rules applicable to each rate level as
22 provided for in section 14 of P.L.1997, c.151 (C.17:29A-46.1) shall
23 be filed with the commissioner and shall be subject to his prior
24 approval. All underwriting rules shall be subject to public
25 inspection. Except as provided in subsection d. of section 27 of
26 P.L.1990, c.8 (C.17:33B-15), insurers shall apply their underwriting
27 rules uniformly and without exception throughout the State, so that
28 every applicant or insured conforming with the underwriting rules
29 will be insured or renewed, and so that every applicant not
30 conforming with the underwriting rules will be refused insurance.

31 c. An insurer with more than one rating plan for private
32 passenger automobile insurance policies providing identical
33 coverages shall not adopt underwriting rules which would permit a
34 person to be insured for private passenger automobile insurance
35 under more than one of the rating plans.

36 d. An insurer that revises its underwriting rules with respect to
37 the assignment of insureds to rating tiers based on the number of
38 accumulated motor vehicle points, as provided by subsection a. of
39 this section, as amended by P.L.2003, c.89, shall certify to the
40 commissioner that the revised rule will produce rates that are
41 revenue neutral based upon the insurer's current coverages and book
42 of business.

43 (cf: P.L.2003, c.89, s.40)

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45 7. This act shall take effect on the first day of the seventh
46 month following enactment, but the Chief Administrator of the
47 Motor Vehicle Commission may take such administrative action in
48 advance of the effective date as may be necessary.

STATEMENT

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This bill establishes the “New Jersey Safe and Responsible Driver Act,” which establishes driver’s licenses for New Jersey residents who cannot prove lawful presence in the United States.

Specifically, under the provisions of this bill, the Motor Vehicle Commission (MVC) is required to issue a driver’s license to a person who satisfies the requirements for the issuance of a basic driver’s license but cannot prove lawful presence in the United States.

Under the bill, each applicant is required to submit to the MVC proof of identity, date of birth, and residency in this State. The substitute specifies certain documents that the chief administrator may accept, in addition to any other documents determined to be appropriate by the chief administrator. The bill provides that applicants who are unable to provide the listed documents, but who are able to provide alternative documents, are to be subject to a secondary review to determine whether the applicant has presented sufficient verification.

In addition, if a document provided by an applicant is in a language other than English, the chief administrator may require the applicant to submit a certified translation of the document into English if a bilingual employee of the MVC is not able to read and interpret the document.

A person applying for this driver’s license is required to pay all fees applicable to the issuance of a basic driver’s license and the commission may charge an additional fee, not to exceed \$50 per driver’s license, to offset administrative costs associated with the production and distribution of the driver’s license. This additional fee is to expire 36 months after the effective date of the bill. Under the bill, the driver’s license is valid for four years.

The bill provides that the commission is required to adopt regulations concerning the form and design of the driver’s license, which is to include a digitized picture of the person to whom the card was issued and the statement “Federal Limits Apply” on the front of the driver’s license in the smallest font size contained on the license. In addition, the back of the driver’s license is to contain the statement “This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits.”

Any personal information collected by the commission is subject to the same disclosure restrictions that apply to personal information collected from applicants for driver’s licenses. In addition, this information is not to be considered a public record and is not to be disclosed to any federal, State, or local governmental entity without probable cause or a valid warrant. The bill also provides that a driver’s license issued under the provisions of the bill is not to be considered evidence of an individual’s citizenship or immigration

1 status and is not to be used as a basis for an investigation, arrest,
2 citation, or detention.

3 In addition, under the provisions of the bill, it is an unlawful
4 discrimination violation for any person, pursuant to the provisions of
5 section 11 of P.L.1945, c.169 (C.10:5-12), to discriminate against an
6 individual based upon the fact that the individual holds or presents a
7 driver's license issued under the bill. In addition, any public official
8 who discriminates against a person who holds or presents a driver's
9 license issued under the bill, is guilty of the crime of official
10 deprivation of civil rights. The bill also provides that an applicant for
11 a driver's license who provides false documentation or who knowingly
12 makes a false statement on an application for the purpose of obtaining
13 this driver's license is guilty of falsifying records.

14 Under the bill, automobile insurers are prohibited from assigning
15 an insured to a rating tier based on the insured holding a driver's
16 license issued under the bill.

17 The bill requires the chief administrator to submit a report to the
18 Governor and the Legislature evaluating the effectiveness of the
19 issuance of driver's licenses under the bill. Finally, under the
20 provisions of the bill, the chief administrator is required to establish
21 and conduct a public education campaign regarding the availability of
22 the driver's license issued under the bill and the requirements for
23 obtaining such a license.