

[Second Reprint]

ASSEMBLY, No. 2740

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MAY 13, 2010

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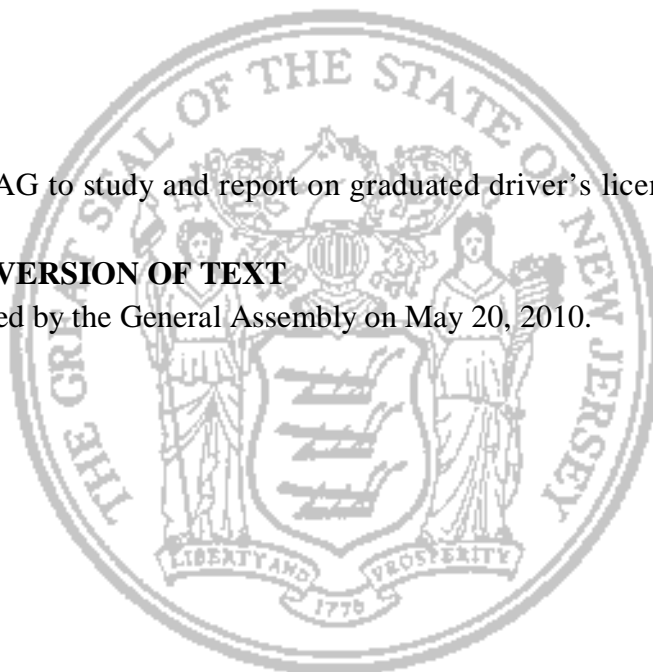
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Assemblymen Caputo, Gusciora, Assemblywomen Voss, Watson Coleman,
Riley, Assemblymen Moriarty, Scalera, Senators Beach and Girgenti**

SYNOPSIS

Requires AG to study and report on graduated driver's license program.

CURRENT VERSION OF TEXT

As amended by the General Assembly on May 20, 2010.



(Sponsorship Updated As Of: 8/24/2010)

1 AN ACT requiring the Attorney General to study and report on the
2 graduated driver's license program ¹[and concerning
3 probationary driver's licenses, amending P.L.1950, c.127, and
4 supplementing Title 39 of the Revised Statutes]¹ .
5

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

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

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

21 b. The holder of a probationary license shall be permitted to
22 operate the passenger automobile with only one additional
23 passenger in the vehicle besides any dependent of the probationary
24 license holder, except that this passenger restriction shall not apply:
25 (1) when (a) the holder of the probationary license is operating the
26 vehicle to, or from, school on a regularly scheduled school day or
27 to, or from, a school activity or function, and (b) every passenger in
28 the vehicle is a sibling, stepbrother, stepsister, half brother, or half
29 sister of, and resides in the same household as, the holder of the
30 probationary license, or (2) when the holder of the probationary
31 license is at least 21 years of age or the probationary license holder
32 is accompanied by a parent or guardian. Further, the holder of the
33 probationary license who is under 21 years of age shall not drive
34 during the hours between 11:01 p.m. and 5 a.m.; provided however,
35 that this condition may be waived for an emergency which, in the
36 judgment of local police, is of sufficient severity and magnitude to
37 substantially endanger the health, safety, welfare, or property of a
38 person or for any bona fide employment or religion-related activity
39 if the employer or appropriate religious authority provides written
40 verification of such activity in a manner provided for by the chief
41 administrator.

42 c. The holder of the probationary license shall not use any
43 hand-held or hands-free interactive wireless communication device,

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:

¹Assembly ATR committee amendments adopted May 13, 2010.

²Assembly floor amendments adopted May 20, 2010.

1 except in an emergency, while operating a moving passenger
2 automobile on a public road or highway. "Use" shall include, but
3 not be limited to, talking or listening on any hand-held or hands-
4 free interactive wireless communication device or operating its
5 keys, buttons, or other controls. In addition, the holder of the
6 probationary license shall ensure that all occupants of the vehicle
7 are secured in a properly adjusted and fastened seat belt or child
8 restraint system.

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

30 e. When notified by a court of competent jurisdiction that a
31 probationary license holder has been convicted of a second or
32 subsequent violation, in addition to any other penalties provided
33 under law, the chief administrator shall, without the exercise of
34 discretion or a hearing, suspend the probationary license for three
35 months, and shall postpone eligibility for a basic license for an
36 equivalent period. In addition, when the chief administrator is
37 notified by a court of competent jurisdiction that a probationary
38 license holder has been convicted of any alcohol or drug-related
39 offense unrelated to the operation of a motor vehicle, and he is not
40 otherwise subject to any other suspension penalty therefor, the chief
41 administrator shall, without the exercise of discretion or a hearing,
42 suspend the probationary license for six months.

43 f. The chief administrator shall provide the holder of a
44 probationary license with two removable, transferable, highly
45 visible, reflective decals indicating that the driver of the vehicle
46 may be the holder of a probationary license. The decals shall be
47 designed by the chief administrator, in consultation with the
48 Division of Highway Traffic Safety in the Department of Law and

1 Public Safety. The chief administrator may charge a fee for the
2 decals not to exceed the actual cost of producing and distributing
3 the decals. The decals shall be displayed in a manner prescribed by
4 the chief administrator, in consultation with the Division of
5 Highway Traffic Safety in the Department of Law and Public
6 Safety, and shall be clearly visible to law enforcement officers. The
7 holder of a probationary license shall not operate a vehicle unless
8 the decals are displayed. The decal shall be removed once the
9 driver's probationary license period has ended.

10 g. A probationary license may be sent by mail and shall be
11 clearly identifiable and distinguishable in appearance from a basic
12 license by any name, mark, color, or device deemed appropriate by
13 the chief administrator.

14 (cf: P.L.2009, c.38, s.9)]¹

15

16 ¹[2. (New section)] 1.¹ The Attorney General, in consultation
17 with the Chief Administrator of the New Jersey Motor Vehicle
18 Commission and the Director of the Office of Highway Traffic
19 Safety in the Department of Law and Public Safety, shall prepare
20 and submit, within ²[one year] six months² of the effective date of
21 this act, to the Chair of the Senate Transportation Committee and
22 the Chair of the Assembly Transportation, Public Works and
23 Independent Authorities Committee, or the respective successor
24 committees, as appropriate, a written report which shall make
25 findings and recommendations on the impact and effectiveness of
26 the State's implementation, under P.L.2001, c.420 (C.39:12-4.1 et
27 al.), of a program concerning new drivers. The report shall examine
28 the operation and safety of motor vehicles by holders of special
29 ¹[learning] learner's¹ permits, examination permits, and
30 probationary driver's licenses and shall also make any
31 recommendations necessary to better effectuate the highway safety
32 of new drivers. The study shall include, but need not be limited to,
33 an examination of the following: supervision requirements for
34 permit holders; passenger restrictions; hours of operation
35 limitations; seat belt requirements; hand-held or hands-free
36 interactive wireless communication device use restrictions; and
37 decal requirements and usage.

38

39 ¹[3.] 2.¹ This act shall take effect immediately and ¹[section
40 2]¹ shall expire on the 30th day following submission of the report
41 required to be prepared under ¹[section 2 of]¹ this act.