

# ASSEMBLY, No. 4165

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2016

**Sponsored by:**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Jimenez**

**SYNOPSIS**

Requires high school driver education course, certain new driver brochures, and driver's license written exam to include bicycle and pedestrian safety information.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/13/2016)**

1 AN ACT concerning bicycle and pedestrian safety and amending  
2 R.S.39:3-10 and P.L.1998, c.108.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.39:3-10 is amended to read as follows:

8 39:3-10. No person shall drive a motor vehicle on a public  
9 highway in this State unless the person is under supervision while  
10 participating in a behind-the-wheel driving course pursuant to  
11 section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a  
12 validated permit, or a probationary or basic driver's license issued to  
13 that person in accordance with this article.

14 No person under 18 years of age shall be issued a basic license to  
15 drive motor vehicles, nor shall a person be issued a validated  
16 permit, including a validated examination permit, until the applicant  
17 has passed a satisfactory examination and other requirements as to  
18 the applicant's ability as an operator. The examination shall include  
19 a test of the applicant's vision~~[,]~~ ; the applicant's ability to  
20 understand traffic control devices~~[,]~~ ; the applicant's knowledge of  
21 safe driving practices, including the dangers of driving a vehicle in  
22 an aggressive manner, which shall include, but not be limited to,  
23 unexpectedly altering the speed of a vehicle, making improper or  
24 erratic traffic lane changes, disregarding traffic control devices,  
25 failing to yield the right of way, and following another vehicle too  
26 closely~~[,]~~ ; the applicant's knowledge of operating a motor vehicle  
27 in a manner that safely shares the roadway with pedestrians,  
28 bicyclists, skaters, riders of motorized-scooters and other non-  
29 motorized vehicles, which shall include, but not be limited to,  
30 passing a cyclist on the road, recognizing bicycle lanes, navigating  
31 intersections with pedestrians and cyclists, and exiting a vehicle  
32 without endangering pedestrians and cyclists; [and of] the effects  
33 that ingestion of alcohol or drugs has on a person's ability to operate  
34 a motor vehicle[,] ; the applicant's knowledge of such portions of  
35 the mechanism of motor vehicles as is necessary to insure the safe  
36 operation of a vehicle of the kind or kinds indicated by the  
37 applicant[,] ; and [of] the laws and ordinary usages of the road.  
38 No person shall sit for an examination for any permit without  
39 exhibiting photo identification deemed acceptable by the  
40 commission, unless that person is a high school student  
41 participating in a course of automobile driving education approved  
42 by the State Department of Education and conducted in a public,  
43 parochial, or private school of this State, pursuant to section 1 of  
44 P.L.1950, c.127 (C.39:3-13.1). The commission may waive the  
45 written law knowledge examination for any person 18 years of age

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

27 A person who successfully completes a road test for a  
28 motorcycle license or a motorcycle endorsement when operating a  
29 motorcycle or motorized scooter with an engine displacement of  
30 less than 231 cubic centimeters shall be issued a motorcycle license  
31 or endorsement restricting the person's operation of such vehicles to  
32 any motorcycle with an engine displacement of 500 cubic  
33 centimeters or less. A person who successfully completes a road  
34 test for a motorcycle license or motorcycle endorsement when  
35 operating a motorcycle with an engine displacement of 231 or more  
36 cubic centimeters shall be issued a motorcycle license or  
37 endorsement without any restriction as to engine displacement.  
38 Any person who successfully completes an approved motorcycle  
39 safety education course established pursuant to the provisions of  
40 section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a  
41 motorcycle license or endorsement without restriction as to engine  
42 displacement.

43 The commission shall issue a basic driver's license to operate a  
44 motor vehicle other than a motorcycle to a person over 18 years of  
45 age who previously has not been licensed to drive a motor vehicle  
46 in this State or another jurisdiction only if that person has: (1)  
47 operated a passenger automobile in compliance with the  
48 requirements of this title for not less than one year, not including

1 any period of suspension or postponement, from the date of  
2 issuance of a probationary license pursuant to section 4 of  
3 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two  
4 motor vehicle points; (3) not been convicted in the previous year for  
5 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-  
6 50.4a), P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-  
7 5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-  
8 related violation the commission determines to be significant and  
9 applicable pursuant to regulation; and (4) passed an examination of  
10 the applicant's ability to operate a motor vehicle pursuant to this  
11 section.

12 The commission shall expand the driver's license examination by  
13 20%. The additional questions to be added shall consist solely of  
14 questions developed in conjunction with the Department of Health  
15 concerning the use of alcohol or drugs as related to highway safety.  
16 The commission shall develop, in conjunction with the Department  
17 of Health, supplements to the driver's manual which shall include  
18 information necessary to answer any question on the driver's license  
19 examination concerning alcohol or drugs as related to highway  
20 safety.

21 Up to 20 questions may be added to the examination on subjects  
22 to be determined by the commission that are of particular relevance  
23 to youthful drivers, including the importance of operating a motor  
24 vehicle in a manner that safely shares the roadway with pedestrians,  
25 bicyclists, skaters, riders of motorized-scooters and other non-  
26 motorized vehicles, which shall include, but not be limited to,  
27 passing a cyclist on the road, recognizing bicycle lanes, navigating  
28 intersections with pedestrians and cyclists, and exiting a vehicle  
29 without endangering pedestrians and cyclists, and the dangers of  
30 driving a vehicle in an aggressive manner, which shall include, but  
31 not be limited to, unexpectedly altering the speed of a vehicle,  
32 making improper or erratic traffic lane changes, disregarding traffic  
33 control devices, failing to yield the right of way, and following  
34 another vehicle too closely, after consultation with the Director of  
35 the Division of Highway Traffic Safety in the Department of Law  
36 and Public Safety.

37 The commission shall expand the driver's license examination to  
38 include a question asking whether the applicant is aware of the  
39 provisions of the "Revised Uniform Anatomical Gift Act,"  
40 P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on  
41 the driver's license the intention to make a donation of body organs  
42 or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

43 The commission shall expand the driver's license examination to  
44 include a question asking whether the applicant is aware of the  
45 dangers of failing to comply with this State's motor vehicle traffic  
46 laws and the "STOP for Nikhil Safety Pledge" set forth in  
47 subsection e. of R.S.39:3-41.

1 Any person applying for a driver's license to operate a motor  
2 vehicle or motorized bicycle in this State shall surrender to the  
3 commission any current driver's license issued to the applicant by  
4 another state or jurisdiction upon the applicant's receipt of a driver's  
5 license for this State. The commission shall refuse to issue a  
6 driver's license if the applicant fails to comply with this provision.  
7 An applicant for a permit or license who is less than 18 years of  
8 age, and who holds a permit or license for a passenger automobile  
9 issued by another state or country that is valid or has expired within  
10 a time period designated by the commission, shall be subject to the  
11 permit and license requirements and penalties applicable to State  
12 permit and license applicants who are of the same age; except that if  
13 the other state or country has permit or license standards  
14 substantially similar to those of this State, the credentials of the  
15 other state or country shall be acceptable.

16 The commission shall create classified licensing of drivers  
17 covering the following classifications:

18 a. Motorcycles, except that for the purposes of this section,  
19 motorcycle shall not include any three-wheeled motor vehicle  
20 equipped with a single cab with glazing enclosing the occupant,  
21 seats similar to those of a passenger vehicle or truck, seat belts and  
22 automotive steering or any vehicle defined as a motorcycle pursuant  
23 to R.S.39:1-1 having a motor with a maximum piston displacement  
24 that is less than 50 cubic centimeters or a motor that is rated at no  
25 more than 1.5 brake horsepower with a maximum speed of no more  
26 than 35 miles per hour on a flat surface.

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

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

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

33 Every applicant for a license under classification b. shall be a  
34 holder of a basic driver's license. Any issuance of a license under  
35 classification b. shall be by endorsement on the basic driver's  
36 license.

37 A driver's license for motorcycles may be issued separately, but  
38 if issued to the holder of a basic driver's license, it shall be by  
39 endorsement on the basic driver's license. The holder of a basic  
40 driver's license or a separately issued motorcycle license shall be  
41 authorized to operate a motorcycle having a motor with a maximum  
42 piston displacement that is less than 50 cubic centimeters or a motor  
43 that is rated at no more than 1.5 brake horsepower with a maximum  
44 speed no more than 35 miles per hour on a flat surface.

45 The commission, upon payment of the lawful fee and after it or a  
46 person authorized by it has examined the applicant and is satisfied  
47 of the applicant's ability as an operator, may, in its discretion, issue  
48 a license to the applicant to drive a motor vehicle. The license shall

1 authorize him to drive any registered vehicle, of the kind or kinds  
2 indicated, and shall expire, except as otherwise provided, on the last  
3 day of the 48th calendar month following the calendar month in  
4 which such license was issued.

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

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

20 Motorcycle license or endorsement: \$18.

21 Omnibus or school bus endorsement: \$18.

22 Basic driver's license: \$18.

23 The commission shall waive the payment of fees for issuance of  
24 omnibus endorsements whenever an applicant establishes to the  
25 commission's satisfaction that said applicant will use the omnibus  
26 endorsement exclusively for operating omnibuses owned by a  
27 nonprofit organization duly incorporated under Title 15 or 16 of the  
28 Revised Statutes or Title 15A of the New Jersey Statutes.

29 The commission shall issue licenses for the following license  
30 period on and after the first day of the calendar month immediately  
31 preceding the commencement of such period, such licenses to be  
32 effective immediately.

33 All applications for renewals of licenses shall be made in a  
34 manner prescribed by the commission and in accordance with  
35 procedures established by it.

36 The commission in its discretion may refuse to grant a permit or  
37 license to drive motor vehicles to a person who is, in its estimation,  
38 not a proper person to be granted such a permit or license, but no  
39 defect of the applicant shall debar the applicant from receiving a  
40 permit or license unless it can be shown by tests approved by the  
41 commission that the defect incapacitates the applicant from safely  
42 operating a motor vehicle.

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

1 If the commission has reasonable cause to suspect that any  
2 document presented by an applicant as proof of identity, age or  
3 legal residency is altered, false or otherwise invalid, the  
4 commission shall refuse to grant the permit or license until such  
5 time as the document may be verified by the issuing agency to the  
6 commission's satisfaction.

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

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

21 (cf: P.L.2015, c.78, s.1)

22

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

25 8. a. he Director of the **【Office】** Division of Highway Traffic  
26 Safety in the Department of Law and Public Safety, after  
27 consultation with the Chief Administrator of the New Jersey Motor  
28 Vehicle Commission in, but not of, the Department of  
29 Transportation, shall develop curriculum guidelines for use by  
30 teachers of approved classroom driver education courses. The  
31 course of instruction for approved courses shall be no less than 30  
32 hours in length and be designed to develop and instill the  
33 knowledge and attitudes necessary for the safe operation and  
34 driving of motor vehicles. Defensive driving, highway courtesy,  
35 bicycle and pedestrian safety, dangers of driving a vehicle in an  
36 aggressive manner, which shall include, but not be limited to,  
37 unexpectedly altering the speed of a vehicle, making improper or  
38 erratic traffic lane changes, disregarding traffic control devices,  
39 failing to yield the right of way, and following another vehicle too  
40 closely, accident avoidance, understanding and respect for the  
41 State's motor vehicle laws, insurance fraud, and State requirements  
42 for and benefits of maintaining automobile insurance shall be  
43 emphasized. The incorporation of these curriculum guidelines in  
44 these classroom courses and the use of related instructional  
45 materials shall be a requirement for approval of the course by the  
46 chief administrator.

47 b. The Director of the **【Office】** Division of Highway Traffic  
48 Safety, in consultation with the Chief Administrator of the New

1 Jersey Motor Vehicle Commission, shall produce an informational  
2 brochure for parents and guardians of beginning drivers under the  
3 age of 18 years. The commission shall ensure that the parents or  
4 guardians of a permit holder receive these brochures at the time a  
5 permit is issued to a beginning driver. The brochures shall include,  
6 but not be limited to, the following information:

- 7 (1) Setting an example for the beginning driver;
- 8 (2) Accident and fatality statistics about beginning drivers;
- 9 (3) Causes of accidents among beginning drivers;
- 10 (4) The need to supervise vehicle operation by a beginning  
11 driver;
- 12 (5) Methods to coach a beginning driver on how to reduce  
13 accidents;
- 14 (6) A description of the graduated driver's license program;
- 15 (7) Benefits of classroom and behind-the-wheel driver education  
16 under the direction of State certified or licensed driving instructors,  
17 as the case may be; and
- 18 (8) The dangers of driving a vehicle in an aggressive manner,  
19 which shall include, but not be limited to, unexpectedly altering the  
20 speed of a vehicle, making improper or erratic traffic lane changes,  
21 disregarding traffic control devices, failing to yield the right of way,  
22 and following another vehicle too closely.

23 (9) Maintaining an awareness of operating a motor vehicle in a  
24 manner that safely shares the roadway with pedestrians, bicyclists,  
25 skaters, riders of motorized-scooters and other non-motorized  
26 vehicles, which shall include, but not be limited to, passing a cyclist  
27 on the road, recognizing bicycle lanes, navigating intersections with  
28 pedestrians and cyclists, and exiting a vehicle without endangering  
29 pedestrians and cyclists.

30 (cf: P.L.2015, c.36, s.2)

31

32 3. This act shall take effect on the first day of the seventh month  
33 after enactment.

34

35

36

#### STATEMENT

37

38 This bill requires that the curriculum for approved classroom  
39 driver education courses and the informational brochure distributed  
40 by the New Jersey Motor Vehicle Commission (MVC) to the  
41 parents and guardians of beginning drivers include information  
42 concerning the importance of safely sharing the road with bicycles  
43 and pedestrians. The bill requires the courses and brochures to  
44 emphasize the importance of operating a motor vehicle in a manner  
45 that safely shares the roadway with pedestrians, bicyclists, skaters,  
46 riders of motorized-scooters and other non-motorized vehicles. The  
47 bill further requires that the curriculum should include, but not be  
48 limited to, topics such as passing a cyclist on the road, recognizing



- 1 bicycle lanes, navigating intersections with pedestrians and cyclists,
- 2 and exiting a vehicle without endangering pedestrians and cyclists.
- 3 The bill further requires the MVC to include bicycle and
- 4 pedestrian safety as part of the written examination required to
- 5 obtain an examination permit and basic driver's license.