ASSEMBLY, No. 4165

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2016

Sponsored by:
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District 33 (Hudson)
Assemblyman RAJ MUKHERJI
District 33 (Hudson)
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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)
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AN ACT concerning bicycle and pedestrian safety and amending

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

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

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

No person under 18 years of age shall be issued a basic license to
drive motor vehicles, nor shall a person be issued a validated
permit, including a validated examination permit, until the applicant
has passed a satisfactory examination and other requirements as to
the applicant's ability as an operator. The examination shall include
a test of the applicant's vision, the applicant's ability to
understand traffic control devices, the applicant's knowledge of
safe driving practices, including the dangers of driving a vehicle in
an aggressive manner, which shall include, but not be limited to,
unexpectedly altering the speed of a vehicle, making improper or
erratic traffic lane changes, disregarding traffic control devices,
failing to yield the right of way, and following another vehicle too
closely;

the applicant’s knowledge of operating a motor vehicle
in a manner that safely shares the roadway with pedestrians,
bicyclists, skaters, riders of motorized-scooters and other non-
motorized vehicles, which shall include, but not be limited to,
passing a cyclist on the road, recognizing bicycle lanes, navigating
intersections with pedestrians and cyclists, and exiting a vehicle
without endangering pedestrians and cyclists;

the effects
that ingestion of alcohol or drugs has on a person's ability to operate
a motor vehicle;

the applicant's knowledge of such portions of
the mechanism of motor vehicles as is necessary to insure the safe
operation of a vehicle of the kind or kinds indicated by the
applicant;

and

the laws and ordinary usages of the road.

No person shall sit for an examination for any permit without
exhibiting photo identification deemed acceptable by the
commission, unless that person is a high school student
participating in a course of automobile driving education approved
by the State Department of Education and conducted in a public,
parochial, or private school of this State, pursuant to section 1 of
P.L.1950, c.127 (C.39:3-13.1). The commission may waive the
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.
or older possessing a valid driver's license issued by any other state,
the District of Columbia, or the United States Territories of
American Samoa, Guam, Puerto Rico, or the Virgin Islands. The
commission shall be required to provide that person with a booklet
that highlights those motor vehicle laws unique to New Jersey. A
road test shall be required for a probationary license and serve as a
demonstration of the applicant's ability to operate a vehicle of the
class designated. No person shall sit for a road test unless that
person exhibits photo identification deemed acceptable by the
commission. A high school student who has completed a course of
behind-the-wheel automobile driving education approved by the
State Department of Education and conducted in a public, parochial,
or private school of this State, who has been issued a special
learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be required to exhibit photo
identification in order to sit for a road test. The commission may
waive the road test for any person 18 years of age or older
possessing a valid driver's license issued by any other state, the
District of Columbia, or the United States Territories of American
Samoa, Guam, Puerto Rico, or the Virgin Islands. The road test
shall be given on public streets, where practicable and feasible, but
may be preceded by an off-street screening process to assess basic
skills. The commission shall approve locations for the road test
which pose no more than a minimal risk of injury to the applicant,
the examiner, and other motorists. No new locations for the road
test shall be approved unless the test can be given on public streets.
A person who successfully completes a road test for a
motorcycle license or a motorcycle endorsement when operating a
motorcycle or motorized scooter with an engine displacement of
less than 231 cubic centimeters shall be issued a motorcycle license
or endorsement restricting the person's operation of such vehicles to
any motorcycle with an engine displacement of 500 cubic
centimeters or less. A person who successfully completes a road
test for a motorcycle license or motorcycle endorsement when
operating a motorcycle with an engine displacement of 231 or more
cubic centimeters shall be issued a motorcycle license or
endorsement without any restriction as to engine displacement.
Any person who successfully completes an approved motorcycle
safety education course established pursuant to the provisions of
section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a
motorcycle license or endorsement without restriction as to engine
displacement.
The commission shall issue a basic driver's license to operate a
motor vehicle other than a motorcycle to a person over 18 years of
age who previously has not been licensed to drive a motor vehicle
in this State or another jurisdiction only if that person has: (1)
operated a passenger automobile in compliance with the
requirements of this title for not less than one year, not including
any period of suspension or postponement, from the date of
issuance of a probationary license pursuant to section 4 of
P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two
motor vehicle points; (3) not been convicted in the previous year for
a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
50.4a), P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-
5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-
related violation the commission determines to be significant and
applicable pursuant to regulation; and (4) passed an examination of
the applicant's ability to operate a motor vehicle pursuant to this
section.

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

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

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

The commission shall expand the driver's license examination to
include a question asking whether the applicant is aware of the
dangers of failing to comply with this State's motor vehicle traffic
laws and the "STOP for Nikhil Safety Pledge" set forth in
subsection e. of R.S.39:3-41.
Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the commission any current driver's license issued to the applicant by another state or jurisdiction upon the applicant's receipt of a driver's license for this State. The commission shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is less than 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the commission, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

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

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

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

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

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

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

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

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

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

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

- Motorcycle license or endorsement: $18.
- Omnibus or school bus endorsement: $18.
- Basic driver's license: $18.

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

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

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

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

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.
If the commission has reasonable cause to suspect that any document presented by an applicant as proof of identity, age or legal residency is altered, false or otherwise invalid, the commission shall refuse to grant the permit or license until such time as the document may be verified by the issuing agency to the commission's satisfaction.

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

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

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

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

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

b. The Director of the Division of Highway Traffic Safety, in consultation with the Chief Administrator of the New
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Jersey Motor Vehicle Commission, shall produce an informational brochure for parents and guardians of beginning drivers under the age of 18 years. The commission shall ensure that the parents or guardians of a permit holder receive these brochures at the time a permit is issued to a beginning driver. The brochures shall include, but not be limited to, the following information:

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

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

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

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

STATEMENT

This bill requires that the curriculum for approved classroom driver education courses and the informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of beginning drivers include information concerning the importance of safely sharing the road with bicycles and pedestrians. The bill requires the courses and brochures to emphasize the importance of operating a motor vehicle in a manner that safely shares the roadway with pedestrians, bicyclists, skaters, riders of motorized-scooters and other non-motorized vehicles. The bill further requires that the curriculum should include, but not be limited to, topics such as passing a cyclist on the road, recognizing
bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists. The bill further requires the MVC to include bicycle and pedestrian safety as part of the written examination required to obtain an examination permit and basic driver’s license.