

**SENATE, No. 1160**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JANUARY 25, 2018

**Sponsored by:**

**Senator JAMES W. HOLZAPFEL**

**District 10 (Ocean)**

**SYNOPSIS**

Enhances penalties imposed on drivers who have never been issued a driver's license.

**CURRENT VERSION OF TEXT**

As introduced.



S1160 HOLZAPFEL

2

1 AN ACT concerning penalties imposed on certain drivers, and  
2 amending R.S.39:3-10.

3

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

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

8 39:3-10. A person shall not 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 A person under 18 years of age shall not be issued a basic license  
15 to drive motor vehicles, and a person shall not 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  
19 include: a test of the applicant's vision; the applicant's ability to  
20 understand traffic control devices; the applicant's knowledge of safe  
21 driving practices, including the dangers of driving a vehicle in an  
22 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 the effects that ingestion of  
27 alcohol or drugs has on a person's ability to operate a motor vehicle;  
28 the applicant's knowledge of the dangers of carbon monoxide  
29 poisoning from motor vehicles and techniques for the safe operation  
30 and proper maintenance of a motor vehicle; the applicant's  
31 knowledge of portions of the mechanism of motor vehicles as is  
32 necessary to insure the safe operation of a vehicle of the kind or  
33 kinds indicated by the applicant; and the applicant's knowledge of  
34 the laws and ordinary usages of the road. A person shall not sit for  
35 an examination for any permit without exhibiting photo  
36 identification deemed acceptable by the commission, unless that  
37 person is a high school student participating in a course of  
38 automobile driving education approved by the State Department of  
39 Education and conducted in a public, parochial, or private school of  
40 this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).  
41 The commission may waive the written law knowledge examination  
42 for any person 18 years of age or older possessing a valid driver's  
43 license issued by any other state, the District of Columbia, or the  
44 United States Territories of American Samoa, Guam, Puerto Rico,  
45 or the Virgin Islands. The commission shall be required to provide

**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 that person with a booklet that highlights those motor vehicle laws  
2 unique to New Jersey. A road test shall be required for a  
3 probationary license and serve as a demonstration of the applicant's  
4 ability to operate a vehicle of the class designated. During the road  
5 test, an applicant may use a rear visibility system, parking sensors,  
6 or other technology installed on the motor vehicle that enables the  
7 applicant to view areas directly behind the vehicle or alerts the  
8 applicant of obstacles while parking.

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

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

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

**S1160 HOLZAPFEL**

1 requirements of this Title for not less than one year, not including  
2 any period of suspension or postponement, from the date of  
3 issuance of a probationary license pursuant to section 4 of  
4 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two  
5 motor vehicle points; (3) not been convicted in the previous year for  
6 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-  
7 50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129,  
8 N.J.S.2C:11-5, section 1 of P.L.2017, c.165 (C.2C:11-5.3),  
9 subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related  
10 violation the commission determines to be significant and  
11 applicable pursuant to regulation; and (4) passed an examination of  
12 the applicant's ability to operate a motor vehicle pursuant to this  
13 section.

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

23 Up to 20 questions may be added to the examination on subjects  
24 to be determined by the commission that are of particular relevance  
25 to youthful drivers, including the dangers of driving a vehicle in an  
26 aggressive manner, which shall include, but not be limited to,  
27 unexpectedly altering the speed of a vehicle, making improper or  
28 erratic traffic lane changes, disregarding traffic control devices,  
29 failing to yield the right of way, and following another vehicle too  
30 closely, after consultation with the Director of the Division of  
31 Highway Traffic Safety in the Department of Law and Public  
32 Safety.

33 The commission shall expand the driver's license examination to  
34 include a question asking whether the applicant is aware of the  
35 provisions of the "Revised Uniform Anatomical Gift Act,"  
36 P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on  
37 the driver's license the intention to make a donation of body organs  
38 or tissues pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

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

44 The commission shall expand the driver's license examination to  
45 include questions concerning the dangers of carbon monoxide  
46 poisoning from motor vehicles and techniques for the safe operation  
47 and proper maintenance of a motor vehicle.

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) d. All motor  
30 vehicles not included in classifications a. and b. A license issued  
31 pursuant to this classification d. shall be referred to as the "basic  
32 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 person to drive a motor vehicle. The license shall

**S1160 HOLZAPFEL**

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1 authorize the applicant to drive any registered vehicle, of the kind  
2 or kinds indicated.

3 The license shall expire, except as otherwise provided, during the  
4 fourth calendar year following the date in which the license was  
5 issued and on the same calendar day as the person's date of birth. If  
6 the person's date of birth does not correspond to a calendar day of  
7 the fourth calendar year, the license shall expire on the last day of  
8 the person's birth month.

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

22 The required fee for a license for the license period shall be as  
23 follows:

24 Motorcycle license or endorsement: \$18.

25 Omnibus or school bus endorsement: \$18.

26 Basic driver's license: \$18.

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

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

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

40 The commission in its discretion may refuse to grant a permit or  
41 license to drive motor vehicles to a person who is, in its estimation,  
42 not a proper person to be granted a permit or license, but a defect of  
43 the applicant shall not debar the applicant from receiving a permit  
44 or license unless it can be shown by tests approved by the  
45 commission that the defect incapacitates the applicant from safely  
46 operating a motor vehicle.

47 In addition to requiring an applicant for a driver's license to  
48 submit satisfactory proof of identity and age, the commission also

S1160 HOLZAPFEL

1 shall require the applicant to provide, as a condition for obtaining a  
2 permit and license, satisfactory proof that the applicant's presence  
3 in the United States is authorized under federal law.

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

10 A person violating this section shall be subject to a fine not  
11 exceeding \$500 or imprisonment in the county jail for not more  
12 than 60 days, but if that person has never been licensed to drive in  
13 this State or any other jurisdiction, the **[applicant]** person shall be  
14 subject to a fine of **[not less than \$200 and, in]** \$500 for a first  
15 offense, a fine of \$750 and imprisonment in the county jail for at  
16 least one day but not more than five days for a second offense, and  
17 a fine of \$1,000 and imprisonment in the county jail for 10 days for  
18 a third or subsequent offense. In addition, the court shall issue an  
19 order to the commission requiring the commission to refuse to issue  
20 a license to operate a motor vehicle to the person for a period of not  
21 less than 180 days. The court shall impose a period of  
22 imprisonment for not less than 45 days but not more than 180 days,  
23 if a person is convicted of driving a motor vehicle when the person  
24 has never been licensed to drive in this State or in any other  
25 jurisdiction, and, while operating the motor vehicle, the person is  
26 involved in a motor vehicle accident resulting in bodily injury to  
27 another person. The penalties provided for by this paragraph shall  
28 not be applicable in cases where failure to have actual possession of  
29 the operator's license is due to an administrative or technical error  
30 by the commission.

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

34 As used in this section:

35 "Parking sensors" means proximity sensors which use either  
36 electromagnetic or ultrasonic technology and are designed to alert  
37 the driver to obstacles while parking.

38 "Rear visibility system" means devices or components installed  
39 on a motor vehicle at the time of manufacture that allow a forward  
40 facing driver to view a visual image of the area directly behind the  
41 vehicle.

42 (cf: P.L.2017, c.165, s.10)

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44 2. This act shall take effect immediately.

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STATEMENT

This bill enhances the penalties imposed on a person convicted of driving without a license who has never been issued a driver's license in this State or any other jurisdiction.

Currently, the penalty for this offense is a minimum fine of between \$200 and \$500 or imprisonment in the county jail for not more than 60 days. This bill increases the fines and establishes specific terms of imprisonment for a person who drives a motor vehicle when the person has never been licensed to drive in this State or in any other jurisdiction as follows: a \$500 fine for the first offense, a \$750 fine and at least one day, but not more than five days, imprisonment for the second offense, and a \$1,000 fine and 10 days imprisonment for a third or subsequent offense.

Additionally, this bill establishes a penalty of 45 to 180 days imprisonment if, while operating a motor vehicle, a person who has never been licensed to drive a motor vehicle in this State or any other jurisdiction is involved in a motor vehicle accident causing bodily injury to another person.

The penalties in this bill are the same as the penalties imposed for driving a motor vehicle when a person's driver's license is suspended or revoked, or when a person has been prohibited from obtaining a driver's license.