

ASSEMBLY, No. 1354

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

SYNOPSIS

Establishes certain additional examination and special learner's permit requirements.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning examination permits and special learner's
2 permits and amending various parts of the statutory law.

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

6
7 1. R.S.39:3-13 is amended to read as follows:

8 39:3-13. The chief administrator may, in the chief
9 administrator's discretion, issue to a person over 17 years of age an
10 examination permit, under the hand and seal of the chief
11 administrator, allowing **[such]** that person, for the purpose of
12 fitting the person to become a licensed driver, to operate a
13 designated class of motor vehicles other than passenger automobiles
14 and motorcycles for a specified period of not more than 90 days,
15 while in the company and under the supervision of a driver licensed
16 to operate **[such]** the designated class of motor vehicles.

17 The chief administrator, in the chief administrator's discretion,
18 may issue for a specified period of not less than one year a
19 passenger automobile or motorcycle-only examination permit to a
20 person over 17 years of age regardless of whether a person has
21 completed a course of behind-the-wheel automobile driving
22 education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1).
23 An examination permit applicant who is under 18 years of age shall
24 obtain the signature of a parent or guardian for submission to the
25 commission on a form prescribed by the chief administrator. The
26 chief administrator shall postpone for six months the driving
27 privileges of any person who submits a fraudulent signature for a
28 parent or guardian.

29 For **[six months]** one year immediately following the validation
30 of an examination permit, and until the holder passes the road test,
31 the holder who is less than 21 years of age shall operate the
32 passenger automobile only when accompanied by, and under the
33 supervision of, a New Jersey licensed driver who is at least 21 years
34 of age and has been licensed to drive a passenger automobile for not
35 less than three years. The holder of an examination permit who is at
36 least 21 years of age shall operate the passenger automobile for the
37 first three months under **[such]** this supervision and until the holder
38 passes the road test. The supervising driver of the passenger
39 automobile shall sit in the front seat of the vehicle. Whenever
40 operating a vehicle while in possession of an examination permit,
41 the holder of the permit shall operate the passenger automobile with
42 only one additional passenger in the vehicle excluding dependents
43 of the permit holder, except that this passenger restriction shall not
44 apply when the permit holder is at least 21 years of age or when the
45 permit holder is accompanied by a parent or guardian. Further, the

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 holder of the passenger automobile permit who is less than 21 years
2 of age shall not drive during the hours between 11:01 ~~【p.m.】~~ p.m.
3 and 5 ~~【a.m.】~~ a.m.; provided, however, that this condition may be
4 waived for an emergency which, in the judgment of local police, is
5 of sufficient severity and magnitude to substantially endanger the
6 health, safety, welfare, or property of a person, or for any bona fide
7 employment or religion-related activity if the employer or
8 appropriate religious authority provides written verification of
9 ~~【such】~~ the activity in a manner provided for by the chief
10 administrator. The holder of the examination permit shall not use
11 any hand-held or hands-free interactive wireless communication
12 device, except in an emergency, while operating a moving
13 passenger automobile on a public road or highway. "Use" shall
14 include, but not be limited to, talking or listening on any hand-held
15 or hands-free interactive wireless communication device or
16 operating its keys, buttons, or other controls. The passenger
17 automobile permit holder shall ensure that all occupants of the
18 vehicle are secured in a properly adjusted and fastened seat belt or
19 child restraint system.

20 The holder of an examination permit subject to the provisions of
21 section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a
22 motorcycle at any time from a half-hour after sunset to a half-hour
23 before sunrise. A motorcycle operated by the holder of an
24 examination permit shall carry only the operator and shall not be
25 operated on any toll road over which the New Jersey Turnpike
26 Authority or the South Jersey Transportation Authority has
27 jurisdiction or on any limited-access interstate highway.

28 The holder of any examination permit shall not operate a
29 motorcycle having a motor with a maximum piston displacement
30 that is less than 50 cubic centimeters or a motor that is rated at no
31 more than 1.5 brake horsepower with a maximum speed of no more
32 than 35 miles per hour on a flat surface at anytime from a half-hour
33 after sunset to a half-hour before sunrise and shall not operate the
34 motorcycle with any other passenger. The holder of any
35 examination permit shall not operate such a motorcycle upon
36 limited-access interstate highways or public roads or highways with
37 a posted speed limit greater than 35 miles per hour.

38 An applicant for an examination permit subject to the provisions
39 of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less than 18
40 years of age, shall be required to successfully complete a
41 motorcycle safety education course established pursuant to the
42 provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a
43 condition for obtaining a motorcycle license or endorsement.

44 The chief administrator shall provide the holder of an
45 examination permit with two removable, transferable, highly
46 visible, reflective decals indicating that the driver of the vehicle
47 may be the holder of an examination permit. The decals shall be
48 designed by the chief administrator, in consultation with the

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

11 When notified by a court of competent jurisdiction that an
12 examination permit holder has been convicted of a violation which
13 causes the permit holder to accumulate more than two motor vehicle
14 points or has been convicted of a violation of R.S.39:4-50; section 2
15 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992, c.189
16 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of
17 P.L.2017, c.165 (C.2C:11-5.3) **[,]** ; subsection c. of N.J.S.2C:12-1;
18 or any other motor vehicle-related law the chief administrator
19 deems significant and applicable pursuant to regulation, in addition
20 to any other penalty that may be imposed, the chief administrator
21 shall, without the exercise of discretion or a hearing, suspend the
22 examination permit holder's examination permit for 90 days. The
23 chief administrator shall restore the permit following the term of the
24 permit suspension if the permit holder satisfactorily completes a
25 remedial training course of not less than four hours which may be
26 given by the commission, a driving school licensed by the chief
27 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2),
28 or any Statewide safety organization approved by the chief
29 administrator. The course shall be subject to oversight by the
30 commission according to its guidelines. The permit holder shall
31 also remit a course fee prior to the commencement of the course.
32 The chief administrator also shall postpone without the exercise of
33 discretion or a hearing the issuance of a basic license for 90 days if
34 the chief administrator is notified by a court of competent
35 jurisdiction that the examination permit holder, after completion of
36 the remedial training course, has been convicted of any motor
37 vehicle violation which results in the imposition of any motor
38 vehicle points or has been convicted of a violation of R.S.39:4-50;
39 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
40 **[c.182]** c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5 **[,]** ;
41 subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related
42 law the chief administrator deems significant and applicable
43 pursuant to regulation. When the chief administrator is notified by
44 a court of competent jurisdiction that an examination permit holder
45 has been convicted of any alcohol or drug-related offense unrelated
46 to the operation of a motor vehicle and is not otherwise subject to
47 any other suspension penalty therefor, the chief administrator shall,

1 without the exercise of discretion or a hearing, suspend the
2 examination permit for six months.

3 An examination permit for a motorcycle or a commercial motor
4 vehicle issued to a person with a disability, as determined by the
5 New Jersey Motor Vehicle Commission after consultation with the
6 Department of Education, shall be valid for nine months or until the
7 completion of the road test portion of the license examination,
8 whichever period is shorter.

9 Each permit shall be sufficient license for the person to operate
10 **【such】** the designated class of motor vehicles in this State during
11 the period specified, while in the company of and under the control
12 of a driver licensed by this State to operate **【such】** the designated
13 class of motor vehicles, or, in the case of a commercial driver
14 license permit, while in the company of and under the control of a
15 holder of a valid commercial driver license for the appropriate
16 license class and with the appropriate endorsements issued by this
17 or any other state. **【Such】** The person, as well as the licensed
18 driver, except for a motor vehicle examiner administering a driving
19 skills test, shall be held accountable for all violations of this subtitle
20 committed by **【such】** the person while in the presence of the
21 licensed driver. In addition to requiring an applicant for an
22 examination permit to submit satisfactory proof of identity and age,
23 the chief administrator also shall require the applicant to provide, as
24 a condition for obtaining the permit, satisfactory proof that the
25 applicant's presence in the United States is authorized under federal
26 law. If the chief administrator has reasonable cause to suspect that
27 any document presented by an applicant as proof of identity, age, or
28 legal residency is altered, false, or otherwise invalid, the chief
29 administrator shall refuse to grant the permit until **【such time as】**
30 the document **【may be】** is verified by the issuing agency to the
31 chief administrator's satisfaction.

32 A probationary driver's license shall not be issued to the holder
33 of an examination permit under the age of 21 unless the permit
34 holder completes a minimum of 50 hours of practice driving, 10
35 hours of which shall be completed during hours of darkness. The
36 permit holder's parent or guardian, or the person who accompanied
37 and supervised the permit holder during the practice driving shall
38 certify that the permit holder has completed the required number of
39 hours of practice driving, including the required number of hours
40 during hours of darkness. The chief administrator shall suspend for
41 six months the driving privileges of any examination permit holder
42 who submits a fraudulent certification of a parent, guardian, or
43 supervising driver.

44 The holder of an examination permit shall be required to take a
45 road test in order to obtain a probationary license. No road test for
46 any person who has been issued an examination permit to operate a
47 passenger vehicle shall be given unless the person has met the
48 requirements of this section. No road test for a probationary license

1 shall be given unless the applicant has first secured an examination
2 permit and no **【such】** road test shall be scheduled for an applicant
3 who has secured an examination permit for a passenger vehicle or a
4 motorcycle for which an endorsement is not required until at least
5 **【six months】** one year, for an applicant under 21 years of age, or
6 three months, for an applicant 21 years of age or older, **【shall】** have
7 elapsed following the validation of the examination permit for
8 practice driving, or, in the case of an examination permit for other
9 vehicles, until 20 days have elapsed. In the case of an omnibus
10 endorsement or school bus, no road test shall be scheduled until at
11 least 10 days shall have elapsed. Every applicant for an examination
12 permit to qualify for an omnibus endorsement or an articulated
13 vehicle endorsement shall be a holder of a valid basic driver's
14 license.

15 The required fees for special learner's permits and examination
16 permits shall be as follows:

17 Basic driver's license.....up to \$10

18 Motorcycle license or endorsement.....\$ 5

19 Omnibus or school bus endorsement.....\$25

20 The chief administrator shall waive the payment of fees for
21 issuance of examination permits for omnibus endorsements
22 whenever the applicant establishes to the chief administrator's
23 satisfaction that **【said】** the applicant will use the omnibus
24 endorsement exclusively for operating omnibuses owned by a
25 nonprofit organization duly incorporated under Title 15 or 16 of the
26 Revised Statutes or Title 15A of the New Jersey Statutes.

27 The specified period for which a permit is issued may be
28 extended for not more than an additional 60 days, without payment
29 of an added fee, upon application made by the holder thereof, where
30 the holder has applied to take the examination for a driver's license
31 prior to the expiration of the original period for which the permit
32 was issued and the chief administrator was unable to schedule an
33 examination during **【said】** the period.

34 As a condition for the issuance of an examination permit under
35 this section, the chief administrator shall secure a digitized picture
36 of the applicant. The picture shall be stored in a manner prescribed
37 by the chief administrator and may be displayed on the examination
38 permit.

39 The chief administrator may require that whenever a person to
40 whom an examination permit has been issued has reconstructive or
41 cosmetic surgery which significantly alters the person's facial
42 features, the person shall notify the chief administrator who may
43 require the picture of the person to be updated.

44 Specific use of the examination permit and any information
45 stored or encoded, electronically or otherwise, in relation thereto
46 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
47 the federal "Driver's Privacy Protection Act of 1994," Pub.L.103-
48 322. Notwithstanding the provisions of any other law to the

1 contrary, the digitized picture or any access thereto or any use
2 thereof shall not be sold, leased, or exchanged for value.
3 (cf: P.L.2017, c.165, s.11)
4

5 2. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to
6 read as follows:

7 1. The Chief Administrator of the New Jersey Motor Vehicle
8 Commission may issue to a person over 16 years of age a special
9 learner's permit, under the hand and seal of the chief administrator,
10 allowing **【such】** the person, for the purpose of preparing **【himself】**
11 to qualify for a probationary license for a passenger automobile by
12 operating a dual pedal controlled motor vehicle while taking a
13 required course of one-on-one behind-the-wheel automobile driving
14 education approved by the State Department of Education and
15 conducted in a public, parochial, or private school of this State or a
16 course of one-on-one behind-the-wheel automobile driving
17 instruction conducted by a drivers' school duly licensed pursuant to
18 the provisions of P.L.1951, c.216 (C.39:12-1 et seq.). Nothing in
19 this section shall be interpreted to prohibit a public, parochial, or
20 private school or a driver's school licensed pursuant to the
21 provisions of P.L.1951, c.216 (C.39:12-1 et seq.) from permitting
22 additional students in the one-on-one behind-the-wheel automobile
23 driving instruction course, or the parents of the students, from being
24 present in the rear seat of the vehicle being used to provide behind-
25 the-wheel instruction, provided that the time a student spends in the
26 rear seat of the vehicle shall not be considered behind-the-wheel
27 automobile instruction for the purposes of the course.

28 Within 12 months of the effective date of P.L. _____,
29 c. (C. _____) (pending before the Legislature as this bill), the
30 commission shall adopt standard, up-to-date guidelines to be
31 implemented by public, parochial, or private schools and licensed
32 drivers' schools offering the course of behind-the-wheel automobile
33 driving education required by this section. These guidelines shall
34 be developed by the commission in consultation with the Division
35 of Highway Traffic Safety in the Department of Law and Public
36 Safety, the State Department of Education, and licensed drivers'
37 schools in this State.

38 The special learner's permit shall be issued in lieu of the
39 examination permit provided for in R.S.39:3-13. In addition to
40 requiring an applicant for a permit to submit satisfactory proof of
41 identity and age, the chief administrator also shall require the
42 applicant to provide, as a condition for obtaining a permit,
43 satisfactory proof that the applicant's presence in the United States
44 is authorized under federal law. If the chief administrator has
45 reasonable cause to suspect that any document presented by an
46 applicant as proof of identity, age, or legal residency is altered,
47 false, or otherwise invalid, the chief administrator shall refuse to

1 grant the permit until such time as the document may be verified by
2 the issuing agency to the chief administrator's satisfaction.

3 The special learner's permit described above, when issued to a
4 person taking a course of one-on-one behind-the-wheel driving
5 education conducted in a public, parochial, or private school, shall
6 be retained in the office of the school principal at all times except
7 **【during such time as】** when the person to whom the permit is issued
8 is undergoing one-on-one behind-the-wheel automobile driving
9 instruction. The chief administrator may make **【such】** rules and
10 regulations as **【he】** the chief administrator may deem necessary to
11 carry out the provisions of this section.
12 (cf: P.L.2009, c.38, s.7)

13

14 3. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to
15 read as follows:

16 6. a. Any person to whom a special learner's permit has been
17 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
18 successful completion of a State approved written examination, eye
19 examination, and an approved minimum six-hour one-on-one
20 behind-the-wheel driving course, shall be entitled to retain the
21 special learner's permit in **【his】** the person's own possession. The
22 special learner's permit shall be validated by the commission for the
23 purpose of driving a motor vehicle on a public highway in this State
24 after the holder has successfully met the necessary examination
25 requirements, and upon the successful completion of a one-on-one
26 behind-the-wheel driving course. **【Such】** The person may operate a
27 motor vehicle of the class for which a basic driver's license is
28 required except during the hours between 11:01 **【p.m.】** p.m. and
29 5:00 **【a.m.】** a.m. while in the company and under the supervision,
30 from the front passenger seat, of a licensed motor vehicle driver of
31 this State who is over 21 years of age and has been licensed to drive
32 a passenger automobile for at least three years. **【Such】** The special
33 learner's permit shall be valid until **【such】** the person's
34 **【seventeenth】** 17th birthday or until **【he】** the person qualifies for a
35 probationary license. Except during an instructional period of a
36 behind-the-wheel driving course, the holder of a special learner's
37 permit shall operate a passenger automobile with only the following
38 passengers: (1) the supervising passenger; (2) any parent, guardian,
39 or dependent of the special learner's permit holder; and (3) one
40 additional passenger. The holder of the special learner's permit
41 shall not use any hand-held or hands-free interactive wireless
42 communication device, except in an emergency, while operating a
43 moving passenger automobile on a public road or highway. "Use"
44 shall include, but not be limited to, talking or listening on any hand-
45 held or hands-free interactive wireless communication device or
46 operating its keys, buttons, or other controls. All occupants of the

1 automobile shall be secured in a properly adjusted and fastened seat
2 belt or child restraint system.

3 The chief administrator shall provide the holder of a special
4 learner's permit with two removable, transferable, highly visible,
5 reflective decals indicating that the driver of the vehicle may be the
6 holder of a special learner's permit. The decals shall be designed by
7 the chief administrator, in consultation with the Division of
8 Highway Traffic Safety in the Department of Law and Public
9 Safety. The chief administrator may charge a fee for the decals not
10 to exceed the actual cost of producing and distributing the decals.
11 The decals shall be displayed in a manner prescribed by the chief
12 administrator, in consultation with the Division of Highway Traffic
13 Safety in the Department of Law and Public Safety, and shall be
14 clearly visible to law enforcement officers. The holder of a special
15 learner's permit shall not operate a vehicle unless the decals are
16 displayed. The decal shall be removed once the driver's special
17 learner's permit period has ended.

18 b. When notified by a court of competent jurisdiction that a
19 special learner's permit holder has been convicted of a violation
20 which causes the permit holder to accumulate more than two motor
21 vehicle points or has been convicted of a violation of R.S.39:4-50;
22 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
23 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of
24 P.L.2017, c.165 (C.2C:11-5.3) **[,]** ; subsection c. of N.J.S.2C:12-1;
25 or any other motor vehicle-related law the chief administrator
26 determines to be significant and applicable pursuant to regulation,
27 and in addition to any other penalty that may be imposed, the chief
28 administrator shall, without the exercise of discretion or a hearing,
29 suspend the holder's special learner's permit for 90 days. The chief
30 administrator shall restore the permit following the term of the
31 permit suspension if the permit holder, regardless of age,
32 satisfactorily completes a remedial training course of not less than
33 four hours which may be given by the commission, a driving school
34 licensed by the chief administrator pursuant to section 2 of
35 P.L.1951, c.216 (C.39:12-2), or any Statewide safety organization
36 approved by the chief administrator. The course shall be
37 administered pursuant to rules and regulations promulgated by the
38 chief administrator and subject to oversight by the commission.
39 The authority of the chief administrator to suspend, revoke, or deny
40 issuance of an initial or renewal license to operate a driving school
41 or an instructor's license, and to assess fines, pursuant to P.L.1951,
42 c.216 (C.39:12-1 et seq.) shall apply to any violations related to the
43 administration of a remedial training course. The permit holder
44 shall also remit a course fee prior to the commencement of the
45 course. If, after completion of the remedial training course, the
46 chief administrator is notified by a court of competent jurisdiction
47 that the special learner's permit holder has been convicted of any
48 motor vehicle violation which results in the imposition of any motor

1 vehicle points or has been convicted of a violation of R.S.39:4-50;
2 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
3 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
4 N.J.S.2C:12-1; or any other motor vehicle-related law the chief
5 administrator deems significant and applicable pursuant to
6 regulation, the chief administrator, without the exercise of
7 discretion or a hearing, shall also postpone the issuance of a basic
8 license for 90 days. When the chief administrator is notified by a
9 court of competent jurisdiction that a special learner's permit holder
10 has been convicted of any alcohol or drug-related offense unrelated
11 to the operation of a motor vehicle and [he] the special learner's
12 permit holder is not otherwise subject to any other suspension
13 penalty therefor, the chief administrator shall, without the exercise
14 of discretion or a hearing, suspend the special learner's permit for
15 six months.

16 (cf: P.L.2017, c.165, s.12)

17
18 4. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to
19 read as follows:

20 3. No special learner's permit shall be issued unless the person
21 applying therefor shall present a written application for the same,
22 bearing a certification by the principal of the school indicating that
23 the person is enrolled in an approved one-on-one behind-the-wheel
24 driving education course in the principal's school **【of which he is**
25 **principal】** or by the person operating a duly licensed drivers' school
26 indicating that the person has contracted to take a course of one-on-
27 one behind-the-wheel automobile driving instruction offered by the
28 school and shall pay a sum of up to \$10 as determined by the
29 **【director】** chief administrator to an agent of the **【Division of Motor**
30 **Vehicles】** commission, which sum shall be turned over by the agent
31 to the **【director】** chief administrator, and by **【him】** the chief
32 administrator remitted with the other funds collected **【in his**
33 **division】** by the commission to the State Treasurer, in accordance
34 with law. Nothing in this section shall be interpreted to prohibit a
35 public, parochial, or private school or a driver's school licensed
36 pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.)
37 from permitting additional students in the one-on-one behind-the-
38 wheel automobile driving instruction course, or the parents of the
39 students, from being present in the rear seat of the vehicle being
40 used to provide behind-the-wheel instruction, provided that the time
41 a student spends in the rear seat of the vehicle shall not be
42 considered behind-the-wheel automobile instruction for the
43 purposes of the course. A special learner's permit to operate a
44 passenger automobile shall not be issued to any person younger
45 than 18 years of age without the signature of a parent or guardian.
46 The signature shall be submitted to the **【division】** commission on a
47 form prescribed by the **【director】** chief administrator. The

1 **【director】** chief administrator shall postpone for six months the
2 driving privileges of any **【person】** special learner's permit applicant
3 who submits a fraudulent signature for a parent or guardian.
4 (cf: P.L.1998, c.108, s.6)

5
6 5. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to
7 read as follows:

8 4. a. The holder of a special learner's permit shall be entitled
9 to a probationary driver's license : (1) upon attaining the age of 17
10 years **【,】** ; (2) upon the satisfactory completion of an approved one-
11 on-one behind-the-wheel driver training course as indicated upon
12 the face of the special learner's permit over the signature of the
13 principal of the school or the person operating the driving school in
14 which the course was conducted **【,】** ; (3) upon the completion of
15 **【six months'】** one year of driving experience with a validated
16 special learner's permit in compliance with the provisions of section
17 6 of P.L.1977, c.25 (C.39:3-13.2a) **【,】** ; **【and】** (4) upon passing the
18 road test pursuant to R.S.39:3-10; and (5) upon completing a
19 minimum of 50 hours of practice driving, 10 hours of which shall
20 be completed during hours of darkness. The permit holder's parent
21 or guardian, or the person who accompanied and supervised the
22 permit holder during the practice driving shall certify that the
23 permit holder has completed the required number of hours of
24 practice driving, including the required number of hours during
25 hours of darkness. The chief administrator shall suspend for six
26 months the driving privileges of any special learner's permit holder
27 who submits a fraudulent certification of a parent, guardian, or
28 supervising driver.

29 b. The holder of a probationary license shall be permitted to
30 operate the passenger automobile with only one additional
31 passenger in the vehicle besides any dependent of the probationary
32 license holder, except that this passenger restriction shall not apply
33 when the holder of the probationary license is at least 21 years of
34 age or the probationary license holder is accompanied by a parent or
35 guardian. Further, the holder of the probationary license who is
36 under 21 years of age shall not drive during the hours between
37 11:01 **【p.m.】** p.m. and 5 **【a.m.】** a.m.; provided however, that this
38 condition may be waived for an emergency which, in the judgment
39 of local police, is of sufficient severity and magnitude to
40 substantially endanger the health, safety, welfare, or property of a
41 person or for any bona fide employment or religion-related activity
42 if the employer or appropriate religious authority provides written
43 verification of such activity in a manner provided for by the chief
44 administrator.

45 c. The holder of the probationary license shall not use any
46 hand-held or hands-free interactive wireless communication device,
47 except in an emergency, while operating a moving passenger
48 automobile on a public road or highway. "Use" shall include, but

1 not be limited to, talking or listening on any hand-held or hands-
2 free interactive wireless communication device or operating its
3 keys, buttons, or other controls. In addition, the holder of the
4 probationary license shall ensure that all occupants of the vehicle
5 are secured in a properly adjusted and fastened seat belt or child
6 restraint system.

7 d. In addition to any other penalties provided under law, the
8 holder of a probationary license who accumulates more than two
9 motor vehicle points or is convicted of a violation of R.S.39:4-50;
10 section 2 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1992,
11 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of
12 P.L.2017, c.165 (C.2C:11-5.3); subsection c. of N.J.S.2C:12-1; or
13 any other motor vehicle law the chief administrator deems to be
14 significant and applicable pursuant to regulation shall, for the first
15 violation, be required to satisfactorily complete a remedial training
16 course of not less than four hours which may be given by the
17 commission, a driving school licensed by the chief administrator
18 pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any
19 Statewide safety organization approved by the chief administrator.
20 The course shall be administered pursuant to rules and regulations
21 promulgated by the chief administrator and subject to oversight by
22 the commission. The authority of the chief administrator to
23 suspend, revoke, or deny issuance of an initial or renewal license to
24 operate a driving school or an instructor's license, and to assess
25 fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to
26 any violations related to the administration of a remedial training
27 course. The license holder shall also remit a course fee prior to the
28 commencement of the course.

29 e. When notified by a court of competent jurisdiction that a
30 probationary license holder has been convicted of a second or
31 subsequent violation, in addition to any other penalties provided
32 under law, the chief administrator shall, without the exercise of
33 discretion or a hearing, suspend the probationary license for three
34 months, and shall postpone eligibility for a basic license for an
35 equivalent period. In addition, when the chief administrator is
36 notified by a court of competent jurisdiction that a probationary
37 license holder has been convicted of any alcohol or drug-related
38 offense unrelated to the operation of a motor vehicle, and **[he]** the
39 probationary license holder is not otherwise subject to any other
40 suspension penalty therefor, the chief administrator shall, without
41 the exercise of discretion or a hearing, suspend the probationary
42 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.2017, c.165, s.13)

15

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

18 8. a. The Director of the Division of Highway Traffic Safety in
19 the Department of Law and Public Safety, after consultation with
20 the Chief Administrator of the New Jersey Motor Vehicle
21 Commission, shall develop curriculum guidelines for use by
22 teachers of approved classroom driver education courses. The
23 course of instruction for approved courses shall be no less than 30
24 hours in length and be designed to develop and instill the
25 knowledge and attitudes necessary for the safe operation and
26 driving of motor vehicles. Defensive driving; highway courtesy;
27 dangers of driving a vehicle in an aggressive manner, which shall
28 include, but not be limited to, unexpectedly altering the speed of a
29 vehicle, making improper or erratic traffic lane changes,
30 disregarding traffic control devices, failing to yield the right of way,
31 and following another vehicle too closely; accident avoidance;
32 understanding and respect for the State's motor vehicle laws;
33 techniques for the safe operation and proper maintenance of a
34 vehicle, which shall include, but not be limited to, safety tips to
35 avoid carbon monoxide poisoning from motor vehicles; insurance
36 fraud; operating a motor vehicle in a manner that safely shares the
37 roadway with pedestrians, cyclists, skaters, riders of motorized-
38 scooters, and other non-motorized vehicles, which shall include, but
39 not be limited to, passing a cyclist on the roadway, recognizing
40 bicycle lanes, navigating intersections with pedestrians and cyclists,
41 and exiting a vehicle without endangering pedestrians and cyclists;
42 and State requirements for and benefits of maintaining automobile
43 insurance shall be emphasized. The incorporation of these
44 curriculum guidelines in these classroom courses and the use of
45 related instructional materials shall be a requirement for approval of
46 the course by the chief administrator.

47 b. The Director of the Division of Highway Traffic Safety, in
48 consultation with the Chief Administrator of the New 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;
- (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) The dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a vehicle, which shall include, but not be limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles; **[and]**
- (10) Maintaining an awareness of operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles, which shall include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists; and
- (11) a sample practice driving log.

(cf: P.L.2017, c.374, s.2)

7. This act shall take effect on the first day of the 13th month after enactment, but the New Jersey Motor Vehicle Commission may take anticipatory actions necessary to implement the provisions of this act.

STATEMENT

This bill adds new examination permit and special learner's permit requirements.

1 Under the bill, holders of examination permits and special
2 learner's permits under the age of 21 are required to complete at
3 least 50 hours of practice driving, at least 10 hours of which are to
4 be completed during hours of darkness. The parent, guardian, or
5 the supervising driver of a permit holder is to certify that these
6 hours of practice driving were completed. The Chief Administrator
7 of the New Jersey Motor Vehicle Commission (MVC) is to suspend
8 the driving privileges of any permit holder who submits a
9 fraudulent certification.

10 The bill provides that the six-hour, behind-the-wheel automobile
11 driving education course required pursuant to the State's graduated
12 driver licensing law is to be completed through one-on-one
13 instruction. However, the bill provides that a public, parochial, or
14 private school or a licensed driver's school may permit additional
15 students in the course or the parents of the students to be present in
16 the rear seat of the vehicle, provided that the time a student spends
17 in the rear seat of the vehicle is not to be considered behind-the-
18 wheel automobile instruction for the purposes of the course.

19 The bill requires the MVC, in consultation with the Division of
20 Highway Traffic Safety, the State Department of Education, and
21 licensed drivers' schools in this State, to adopt standard, up-to-date
22 guidelines to be implemented by public, private, and parochial
23 schools and licensed drivers' schools offering courses of behind-
24 the-wheel automobile driving education.

25 The bill increases from six months to 12 months the amount of
26 time that a permit holder is required to hold a permit before
27 becoming eligible for a probationary license.

28 The bill also requires a sample practice driving log, in addition to
29 other required information, to be included in informational
30 brochures distributed to parents and guardians of beginning drivers
31 under the age of 18.