

# SENATE, No. 3566

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 22, 2021

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senator Gill**

**SYNOPSIS**

Requires MVC to create mobile driver's licenses and identification cards.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/10/2021)

1 AN ACT creating mobile driver's licenses and identification cards,  
2 supplementing Title 39 of the Revised Statutes, and amending  
3 R.S.39:3-29.

4

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

7

8 1. (New section) a. As used in this section:

9 "Mobile driver's license" means an electronic basic driver's  
10 license, electronic motorcycle license, or electronic probationary  
11 driver's license issued by the New Jersey Motor Vehicle  
12 Commission that is accessible on a mobile electronic  
13 communication device and includes all information found on a  
14 printed, hard-copy basic driver's license, motorcycle license, or  
15 probationary driver's license issued by the commission;

16 "Mobile electronic communication device" means any mobile  
17 device capable of communication or other transmission of  
18 information and includes, but is not limited to, a cellular telephone,  
19 wireless tablet, any device with Internet capability, or other wireless  
20 communication device; and

21 "Mobile identification card" means an electronic identification  
22 card issued by the New Jersey Motor Vehicle Commission that is  
23 accessible on a mobile electronic communication device and  
24 includes all information found on a printed, hard-copy identification  
25 card issued by the commission.

26 b. The Chief Administrator of the New Jersey Motor Vehicle  
27 Commission shall create and issue a mobile driver's license and  
28 mobile identification card to an individual who voluntarily requests  
29 a mobile driver's license or mobile identification card and who  
30 meets all requirements for the issuance of a driver's license or  
31 identification card. The commission may charge and collect a  
32 reasonable fee for the issuance of a mobile driver's license and  
33 mobile identification card. The commission shall retain such fee in  
34 accordance with subsection b. of section 105 of P.L.2003, c.13  
35 (C.39:2A-36).

36 c. The commission shall provide that the mobile driver's  
37 license and mobile identification card include features to ensure the  
38 security and integrity of the license and identification card. A  
39 process, prescribed by the chief administrator, shall provide for the  
40 issuance of mobile driver's licenses and mobile identification cards  
41 to prevent and detect the alteration, duplication, counterfeiting,  
42 photographing, forging, or other modification of the mobile driver's  
43 license and mobile identification card.

44 d. The commission shall allow a person with a mobile driver's  
45 license or a mobile identification card, or a person applying for such

**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 driver's license or identification card, to update the person's motor  
2 vehicle record, including, but not limited to, a change of address  
3 and organ donor status. Such changes shall immediately become  
4 part of the person's official motor vehicle record and shall take  
5 precedence over information provided on a printed, hard-copy  
6 driver's license and identification card.

7  
8 2. R.S.39:3-29 is amended to read as follows:

9 39:3-29. The driver's license, the registration certificate of a  
10 motor vehicle and an insurance identification card shall be in the  
11 possession of the driver or operator at all times when he is in charge  
12 of a motor vehicle on the highways of this State.

13 The driver or operator shall exhibit his driver's license and an  
14 insurance identification card, and the holder of a registration  
15 certificate or the operator or driver of a motor vehicle for which a  
16 registration certificate has been issued, whether or not the holder,  
17 driver or operator is a resident of this State, shall also exhibit the  
18 registration certificate, when requested so to do by a police officer  
19 or judge, while in the performance of the duties of his office, and  
20 shall write his name in the presence of the officer, so that the officer  
21 may thereby determine the identity of the licensee and at the same  
22 time determine the correctness of the registration certificate, as it  
23 relates to the registration number and number plates of the motor  
24 vehicle for which it was issued; and the correctness of the evidence  
25 of a policy of insurance, as it relates to the coverage of the motor  
26 vehicle for which it was issued.

27 The driver's license and insurance identification card may be  
28 displayed or provided in either paper or electronic form. For the  
29 purposes of this section, "electronic form" means the display of  
30 images on an electronic device, such as a cellular telephone, tablet,  
31 or computer.

32 The use of a cellular telephone, tablet, computer, or any other  
33 electronic device to display the driver's license and proof of  
34 insurance does not constitute consent for a police officer or judge to  
35 access any other contents on the device. Any police officer or  
36 judge presented with an electronic device pursuant to this section  
37 shall be immune from any liability resulting from damage to the  
38 device.

39 Any person violating this section shall be subject to a fine of  
40 \$150, except that if the person is a driver or operator of an omnibus,  
41 as defined pursuant to R.S.39:1-1, the amount of the fine shall be  
42 \$250. Of the amount of any such fine collected pursuant to this  
43 paragraph, \$25 shall be deposited in the Uninsured Motorist  
44 Prevention Fund established by section 2 of P.L.1983, c.141  
45 (C.39:6B-3).

46 If a person charged with a violation of this section can exhibit his  
47 driver's license, insurance identification card, and registration  
48 certificate, which were valid on the day he was charged, to the

1 judge of the municipal court before whom he is summoned to  
2 answer to the charge, such judge may dismiss the charge. However,  
3 the judge may impose court costs.

4 In addition to and independent of any fine or other penalty  
5 provided for under law, the court shall impose a fine of \$150 on any  
6 driver or operator of an omnibus, convicted of a violation of this  
7 section, who does not have a certificate of public convenience and  
8 necessity as required pursuant to R.S.48:4-3. The State Treasurer  
9 shall annually deposit the monies collected from the fines imposed  
10 pursuant to this paragraph to the "Omnibus Safety Enforcement  
11 Fund" established pursuant to section 4 of P.L.2007, c.40 (C.39:3-  
12 79.23). The fine described herein shall not be deemed a fine,  
13 penalty, or forfeiture pursuant to R.S.39:5-41.

14 (cf: P.L.2015, c.54. s.1)  
15

16 3. The Chief Administrator of the New Jersey Motor Vehicle  
17 Commission shall adopt, pursuant to the "Administrative Procedure  
18 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to  
19 implement the provisions of P.L. , c. (C. ) (pending before  
20 the Legislature as this bill).  
21

22 4. This act shall take effect 72 months after enactment, but the  
23 Chief Administrator of the New Jersey Motor Vehicle Commission  
24 may take any administrative action in advance of that date as may  
25 be necessary for the timely implantation of this act.  
26  
27

## 28 STATEMENT

29

30 This bill requires the Chief Administrator of the New Jersey  
31 Motor Vehicle Commission (commission) to create and issue a  
32 mobile driver's license and mobile identification card to an  
33 individual who voluntarily requests one. Under the bill, the  
34 definition of a mobile driver's license includes a basic driver's  
35 license, motorcycle license, and probationary driver's license that is  
36 accessible on a mobile electronic communication device and  
37 includes all information found on a printed, hard-copy version. The  
38 commission may charge and collect a reasonable fee for the  
39 issuance of a mobile driver's license and mobile identification card.

40 When issuing a mobile driver's license and mobile identification  
41 card, the commission is required to prevent and detect the  
42 alteration, duplication, counterfeiting, photographing, forging, or  
43 other modification of the mobile driver's license and mobile  
44 identification card and is to include features in the license and card  
45 to ensure the security and integrity of these documents.

46 Under the bill, the commission is to allow a person with a mobile  
47 driver's license or a mobile identification card, or a person applying  
48 for one, to update the person's motor vehicle record. The changes

1 are to immediately become part of the person's official motor  
2 vehicle record and are to take precedence over information provided  
3 on a printed, hard-copy driver's license and identification card.

4 The bill provides that a person may possess a mobile driver's  
5 license when driving a motor vehicle in this State and may exhibit a  
6 mobile driver's license when requested to do so by a police officer  
7 or judge.

8 This bill includes recommendations from the Mobile Driver's  
9 License Feasibility Study that the New Jersey Motor Vehicle  
10 Commission prepared and submitted pursuant to P.L.2015, c.239.