

ASSEMBLY, No. 541

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman CRECCO

1 AN ACT concerning driver's licenses, amending R.S.39:3-10,
2 R.S.39:3-13, and P.L.1950, c.127 and supplementing chapter 3 of
3 Title 39 of the Revised Statutes.

4

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

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

9 39:3-10. No person shall drive a motor vehicle on a public highway
10 in this State unless licensed to do so in accordance with this article.
11 No person under 17 years of age shall be licensed to drive motor
12 vehicles, nor shall a person be licensed until he has passed a
13 satisfactory examination as to his ability as an operator. The
14 examination shall include a test of the applicant's vision, his ability to
15 understand traffic control devices, his knowledge of safe driving
16 practices and of the effects that ingestion of alcohol or drugs has on
17 a person's ability to operate a motor vehicle, his knowledge of such
18 portions of the mechanism of motor vehicles as is necessary to insure
19 the safe operation of a vehicle of the kind or kinds indicated by the
20 applicant and of the laws and ordinary usages of the road and a
21 demonstration of his ability to operate a vehicle of the class
22 designated.

23 The director shall expand the driver's license examination by 20%.
24 The additional questions to be added shall consist solely of questions
25 developed in conjunction with the State Department of Health
26 concerning the use of alcohol or drugs as related to highway safety.
27 The director shall develop in conjunction with the State Department
28 of Health supplements to the driver's manual which shall include
29 information necessary to answer any question on the driver's license
30 examination concerning alcohol or drugs as related to highway safety.

31 The director shall expand the driver's license examination to include
32 a question asking whether the applicant is aware of the provisions of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et
2 seq.) and the procedure for indicating on the driver's license the
3 intention to make a donation of body organs or tissues pursuant to
4 P.L.1978, c.181 (C.39:3-12.2).

5 In order to insure that an applicant for a driver's license is capable
6 of understanding the meaning of the various traffic control devices
7 used in this State and of comprehending any instructions or directions
8 a law enforcement officer or any other official authorized to regulate
9 or direct traffic may give, each applicant shall demonstrate, in a
10 manner prescribed by the director, an ability to read, understand and
11 speak the English language. The director shall provide that the
12 driver's license examination shall be given only in the English
13 language.

14 Any person applying for a driver's license to operate a motor
15 vehicle or motorized bicycle in this State shall surrender to the director
16 any current driver's license issued to him by another state upon his
17 receipt of a driver's license for this State. The director shall refuse to
18 issue a driver's license if the applicant fails to comply with this
19 provision.

20 The director shall create classified licensing of drivers covering the
21 following classifications:

22 a. Motorcycles, except that for the purposes of this section,
23 motorcycle shall not include any three-wheeled motor vehicle equipped
24 with a single cab with glazing enclosing the occupant, seats similar to
25 those of a passenger vehicle or truck, seat belts and automotive
26 steering;

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. Articulated vehicles means a combination of a commercial motor
30 vehicle registered at a gross weight in excess of 18,000 pounds and
31 one or more motor-drawn vehicles joined together by means of a
32 coupling device;

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

36 Every applicant for a license under classification b. or c. shall be a
37 holder of a basic driver's license. Any issuance of a license under
38 classification b. or c. shall be by endorsement on the basic driver's
39 license.

40 A driver's license for motorcycles may be issued separately, but if
41 issued to the holder of a basic driver's license, it shall be by
42 endorsement on the basic driver's license.

43 The director, upon payment of the lawful fee and after he or a
44 person authorized by him has examined the applicant and is satisfied
45 of the applicant's ability as an operator, may, in his discretion, license
46 the applicant to drive a motor vehicle. The license shall authorize him

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

5 The director may, at his discretion and for good cause shown, issue
6 licenses which shall expire on a date fixed by him. The fee for licenses
7 with expiration dates fixed by the director shall be fixed by the director
8 in amounts proportionately less or greater than the fee herein
9 established.

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

12 Motorcycle license or endorsement \$13.00

13 Omnibus or school bus endorsement \$16.00

14 Articulated vehicle endorsement \$8.00

15 Basic driver's license 16.00

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

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

26 All applications for renewals of licenses shall be made on forms
27 prescribed by the director and in accordance with procedures
28 established by him.

29 The director in his discretion may refuse to grant a license to drive
30 motor vehicles to a person who is, in his estimation, not a proper
31 person to be granted such a license, but no defect of the applicant shall
32 debar him from receiving a license unless it can be shown by tests
33 approved by the Director of the Division of Motor Vehicles that the
34 defect incapacitates him from safely operating a motor vehicle.

35 In addition to requiring an applicant for a driver's license to submit
36 satisfactory proof of identity and age, the director also shall require
37 the applicant to provide, as a condition for obtaining a license,
38 satisfactory proof that the applicant's presence in the United States is
39 authorized under federal law.

40 A person violating this section shall be subject to a fine not
41 exceeding \$500.00 or imprisonment in the county jail for not more
42 than 60 days, but if that person has never been licensed to drive in this
43 State or any other jurisdiction, he shall be subject to a fine of not less
44 than \$200.00 and, in addition, the court shall issue an order to the
45 Director of the Division of Motor Vehicles requiring the director to
46 refuse to issue a license to operate a motor vehicle to the person for

1 a period of not less than 180 days. The penalties provided for by this
2 paragraph shall not be applicable in cases where failure to have actual
3 possession of the operator's license is due to an administrative or
4 technical error by the Division of Motor Vehicles.

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

8 (cf: P.L.1993, c.34, s.1)

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10 2. R.S.39:3-13 is amended to read as follows:

11 39:3-13. The director may, in his discretion, issue to a person over
12 17 years of age an examination permit, under the hand and seal of the
13 director, allowing such person, for the purpose of fitting himself to
14 become a licensed driver, to operate a designated class of motor
15 vehicles for a specified period of not more than 90 days, while in the
16 company and under the supervision of a driver licensed to operate such
17 designated class of motor vehicles. In order to insure that an applicant
18 for an examination permit is capable of understanding the meaning of
19 the various traffic control devices used in this State and of
20 comprehending any instructions or directions a law enforcement
21 officer or any other official authorized to regulate or direct traffic may
22 give, the applicant shall demonstrate an ability to read, understand and
23 speak the English language. An applicant's ability to read understand
24 and speak the English language shall be demonstrated in a manner
25 prescribed by the director. An examination permit issued to a
26 handicapped person, as determined by the Division of Motor Vehicles
27 after consultation with the Department of Education, shall be valid for
28 nine months or until the completion of the road test portion of his
29 license examination, whichever period is shorter. The permit shall be
30 sufficient license for the person to operate such designated class of
31 motor vehicles in this State during the period specified, while in the
32 company of and under the control of a driver licensed by this State to
33 operate such designated class of motor vehicles, or, in the case of a
34 commercial driver license permit, while in the company of and under
35 the control of a holder of a valid commercial driver license for the
36 appropriate license class and with the appropriate endorsements issued
37 by this or any other state. Such person, as well as the licensed driver,
38 except for a motor vehicle examiner administering a driving skills test,
39 shall be held accountable for all violations of this subtitle committed
40 by such person while in the presence of the licensed driver. In addition
41 to requiring an applicant for an examination permit to submit
42 satisfactory proof of identity and age, the director also shall require
43 the applicant to provide, as a condition for obtaining the permit,
44 satisfactory proof that the applicant's presence in the United States is
45 authorized under federal law.

46 No examination for a driver's license shall be given unless the

1 applicant has first secured a special learner's permit or examination
 2 permit and no road test shall be scheduled for an applicant who has
 3 secured an examination permit until at least 20 days shall have elapsed
 4 following the validation of the examination permit for practice driving,
 5 except that in the case of an omnibus endorsement or school bus no
 6 road test shall be scheduled until at least 10 days shall have elapsed.

7 Every applicant for an examination permit to qualify for an omnibus
 8 endorsement or an articulated vehicle endorsement shall be a holder of
 9 a valid basic driver's license.

10 The required fees for special learners' permits and examination
 11 permits shall be as follows:

12	Basic driver's license	\$5.00
13	Motorcycle license or endorsement	5.00
14	Omnibus or school bus endorsement	25.00
15	Articulated vehicle endorsement	15.00

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

22 The specified period for which a permit is issued may be extended
 23 for not more than an additional 60 days, without payment of added
 24 fee, upon application made by the holder thereof, where the holder has
 25 applied to take the examination for a driver's license prior to the
 26 expiration of the original period for which the permit was issued and
 27 the director was unable to schedule an examination during said period.
 28 (cf: P.L.1993, c.34, s.2)

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30 3. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to read
 31 as follows:

32 3. No special permit shall be issued unless:

33 a. the person applying therefor shall present a written application
 34 for the same, bearing a certification by the principal of the school
 35 indicating that the person is enrolled in an approved behind-the-wheel
 36 driving education course in the school of which he is principal or by
 37 the person operating a duly licensed drivers' school indicating that the
 38 person has contracted to take a course of behind-the-wheel automobile
 39 driving instruction offered by the school and shall pay the sum of
 40 \$5.00 to an agent of the Division of Motor Vehicles, which sum shall
 41 be turned over by the agent to the director, and by him remitted with
 42 the other funds collected in his division to the State Treasurer, in
 43 accordance with law; and

44 b. the person shall demonstrate, in a manner prescribed by the
 45 director, an ability to read, understand and speak the English language
 46 in order to insure that the applicant for the special permit is capable of

1 understanding the meaning of the various traffic control devices used
2 in this State and of comprehending any instructions or directions a law
3 enforcement officer or any other official authorized to regulate or
4 direct traffic may give.

5 (cf: P.L.1977, c.25, s.7)

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7 4. (New section) In order to insure that every applicant for a
8 driver's license is capable of understanding the meaning of the various
9 traffic control devices used in this State and of comprehending any
10 instructions or directions a law enforcement officer or other official
11 authorized to regulate or direct traffic may give, the director shall
12 provide that the driver's manual issued by the division to assist
13 applicants in preparing for the driver's license examination shall only
14 be printed in the English language.

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16 5. This act shall take effect immediately.

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19 STATEMENT

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21 This bill requires that applicants for driver's licenses, learner's
22 permits and special learner's permits be able to demonstrate an ability
23 to read, understand and speak the English language. In line with that
24 objective, the bill specifies that driver's examinations only be given in
25 the English language. It also provides that the driver's manual issued
26 by the Division of Motor Vehicles to assist applicants in preparing for
27 their driver's examination be printed in English.

28 The purpose of this bill is to insure, for public safety purposes, that
29 every applicant for a driver's license is capable of understanding the
30 meaning of the various traffic control devices used in this State and of
31 comprehending any instructions or directions a law enforcement
32 officer or any other official authorized to regulate or direct traffic may
33 give.

34 Currently, the written examination for a New Jersey driver's license
35 is available in fourteen different languages, not counting English.
36 Applicants who are unable to read one of those languages may arrange
37 for an interpreter to assist in an oral examination.

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42 Requires applicants for driver's licenses be able to read and understand
43 English; directs DMV to offer examinations only in English.