

ASSEMBLY, No. 736

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen GREGG and DeCROCE

1 AN ACT concerning the issuance of driver's licenses and amending
2 R.S.39:3-10.

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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. No person shall drive a motor vehicle on a public highway
9 in this State unless licensed to do so in accordance with this article.
10 No person under 17 years of age shall be licensed to drive motor
11 vehicles, nor shall a person be licensed until he has passed a
12 satisfactory examination as to his ability as an operator. The director
13 may authorize, by contract, licensing or other appropriate means, a
14 private driver training facility to administer any portion of the
15 examination for any driver's license or endorsement. The director shall
16 adopt such rules and regulations as deemed necessary to establish,
17 oversee, and regulate the administration of motor vehicle driver testing
18 by private driver training facilities, including establishing maximum
19 fees that may be charged and safeguards to ensure the integrity of the
20 examination process.

21 The director may limit the number of private driver training
22 facilities licensed to administer examinations. The director may
23 suspend or revoke any authorization on any reasonable grounds. In
24 addition, the director may terminate testing by a private driver training
25 facility at any time.

26 An examiner administering a skills test in good faith shall not be
27 held accountable for any violation of Title 39 of the Revised Statutes
28 committed by the person being tested.

29 As used in this section, "private driver training facility" means a
30 drivers' school as defined in P.L. 1951, c. 216 (C.39:12-1 et seq.), a
31 Division of Motor Vehicles agency or any other entity or agency
32 deemed appropriate and approved by the Director of the Division 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 Motor Vehicles.

2 The examination shall include a test of the applicant's vision, his
3 ability to understand traffic control devices, his knowledge of safe
4 driving practices and of the effects that ingestion of alcohol or drugs
5 has on a person's ability to operate a motor vehicle, his knowledge of
6 such portions of the mechanism of motor vehicles as is necessary to
7 insure the safe operation of a vehicle of the kind or kinds indicated by
8 the applicant and of the laws and ordinary usages of the road and a
9 demonstration of his ability to operate a vehicle of the class
10 designated.

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

19 The director shall expand the driver's license examination to include
20 a question asking whether the applicant is aware of the provisions of
21 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et
22 seq.) and the procedure for indicating on the driver's license the
23 intention to make a donation of body organs or tissues pursuant to
24 P.L.1978, c.181 (C.39:3-12.2).

25 Any person applying for a driver's license to operate a motor
26 vehicle or motorized bicycle in this State shall surrender to the director
27 any current driver's license issued to him by another state upon his
28 receipt of a driver's license for this State. The director shall refuse to
29 issue a driver's license if the applicant fails to comply with this
30 provision.

31 The director shall create classified licensing of drivers covering the
32 following classifications:

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

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

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

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

1 Every applicant for a license under classification b. or c. shall be a
2 holder of a basic driver's license. Any issuance of a license under
3 classification b. or c. shall be by endorsement on the basic driver's
4 license.

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

8 The director, upon payment of the lawful fee and after he or a
9 person authorized by him has examined the applicant and is satisfied
10 of the applicant's ability as an operator, may, in his discretion, license
11 the applicant to drive a motor vehicle. The license shall authorize him
12 to drive any registered vehicle, of the kind or kinds indicated, and shall
13 expire, except as otherwise provided, on the last day of the 48th
14 calendar month following the calendar month in which such license
15 was issued.

16 The director may, at his discretion and for good cause shown, issue
17 licenses which shall expire on a date fixed by him. The fee for licenses
18 with expiration dates fixed by the director shall be fixed by the director
19 in amounts proportionately less or greater than the fee herein
20 established.

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

23 Motorcycle license or endorsement \$13.00
24 Omnibus or school bus endorsement \$16.00
25 Articulated vehicle endorsement \$8.00
26 Basic driver's license \$16.00

27 The director shall waive the payment of fees for issuance of
28 omnibus endorsements whenever an applicant establishes to the
29 director's satisfaction that said 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 director shall issue licenses for the following license period on
34 and after the first day of the calendar month immediately preceding the
35 commencement of such period, such licenses to be effective
36 immediately.

37 All applications for renewals of licenses shall be made on forms
38 prescribed by the director and in accordance with procedures
39 established by him.

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

46 In addition to requiring an applicant for a driver's license to submit

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

5 A person violating this section shall be subject to a fine not
6 exceeding \$500.00 or imprisonment in the county jail for not more
7 than 60 days, but if that person has never been licensed to drive in this
8 State or any other jurisdiction, he shall be subject to a fine of not less
9 than \$200.00 and, in addition, the court shall issue an order to the
10 Director of the Division of Motor Vehicles requiring the director to
11 refuse to issue a license to operate a motor vehicle to the person for
12 a period of not less than 180 days. The penalties provided for by this
13 paragraph shall not be applicable in cases where failure to have actual
14 possession of the operator's license is due to an administrative or
15 technical error by the Division of Motor Vehicles.

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

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

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21 2. This act shall take effect immediately.

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STATEMENT

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26 Under the provisions of this bill, the Director of the Division of
27 Motor Vehicles in the Department of Transportation may authorize,
28 by contract, licensing or other appropriate means, a private driver
29 training facility to administer any portion of the examination for any
30 driver's license or endorsement. The bill requires the director to adopt
31 the necessary regulations to establish, oversee, and regulate driver
32 testing by private driver training facilities, including the establishment
33 of maximum fees and safeguards to ensure the integrity of the
34 examination process.

35 The bill authorizes the director to limit the number of private driver
36 training facilities licensed to administer examinations and to suspend
37 or revoke any authorization on any reasonable grounds. The director
38 may terminate testing by a private driver training facility at any time.

39 The bill provides that an examiner administering a skills test in good
40 faith would not be held accountable for any violation of Title 39 of the
41 Revised Statutes committed by the person being tested.

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3 Permits DMV to authorize private driver training facilities to
4 administer any portion of the exam for a driver's license or
5 endorsement.