

ASSEMBLY, No. 1680

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblyman GREENWALD

1 AN ACT concerning the issuing of certain driver's licenses, amending  
2 R.S.39:3-10 and supplementing chapter 3 of Title 39 of the Revised  
3 Statutes.

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

7  
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  
33 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et  
34 seq.) and the procedure for indicating on the driver's license the

**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 intention to make a donation of body organs or tissues pursuant to  
2 P.L.1978, c.181 (C.39:3-12.2).

3 Any person applying for a driver's license to operate a motor  
4 vehicle or motorized bicycle in this State shall surrender to the director  
5 any current driver's license issued to him by another state upon his  
6 receipt of a driver's license for this State. The director shall refuse to  
7 issue a driver's license if the applicant fails to comply with this  
8 provision. The director shall issue a driver's license to a person who  
9 surrenders a current, valid driver's license from another state in  
10 accordance with the provisions of section 2 of P.L. , c. (C. )(now  
11 pending before the Legislature as this bill).

12 The director shall create classified licensing of drivers covering the  
13 following classifications:

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

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

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

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

28 Every applicant for a license under classification b. or c. shall be a  
29 holder of a basic driver's license. Any issuance of a license under  
30 classification b. or c. shall be by endorsement on the basic driver's  
31 license.

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

35 The director, upon payment of the lawful fee and after he or a  
36 person authorized by him has examined the applicant and is satisfied  
37 of the applicant's ability as an operator, may, in his discretion, license  
38 the applicant to drive a motor vehicle. The license shall authorize him  
39 to drive any registered vehicle, of the kind or kinds indicated, and shall  
40 expire, except as otherwise provided, on the last day of the 48th  
41 calendar month following the calendar month in which such license  
42 was issued.

43 The director may, at his discretion and for good cause shown, issue  
44 licenses which shall expire on a date fixed by him. The fee for licenses  
45 with expiration dates fixed by the director shall be fixed by the director  
46 in amounts proportionately less or greater than the fee herein

1 established.

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

4 Motorcycle license or endorsement \$13.00

5 Omnibus or school bus endorsement \$16.00

6 Articulated vehicle endorsement \$8.00

7 Basic driver's license 16.00

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

14 The director shall issue licenses for the following license period on  
15 and after the first day of the calendar month immediately preceding the  
16 commencement of such period, such licenses to be effective  
17 immediately.

18 All applications for renewals of licenses shall be made on forms  
19 prescribed by the director and in accordance with procedures  
20 established by him.

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

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

32 A person violating this section shall be subject to a fine not  
33 exceeding \$500.00 or imprisonment in the county jail for not more  
34 than 60 days, but if that person has never been licensed to drive in this  
35 State or any other jurisdiction, he shall be subject to a fine of not less  
36 than \$200.00 and, in addition, the court shall issue an order to the  
37 Director of the Division of Motor Vehicles requiring the director to  
38 refuse to issue a license to operate a motor vehicle to the person for  
39 a period of not less than 180 days. The penalties provided for by this  
40 paragraph shall not be applicable in cases where failure to have actual  
41 possession of the operator's license is due to an administrative or  
42 technical error by the Division of Motor Vehicles.

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

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

1       2. (New section) Whenever a person holding a current driver's  
2 license issued by another state applies for a New Jersey driver's  
3 license, the director shall issue that applicant a temporary driver's  
4 license, provided the driver's license the applicant surrenders is valid  
5 and in effect, and the applicant swears or affirms that his driving  
6 privileges in that state or any other state are not suspended or  
7 revoked.

8       A temporary license issued under this section shall be valid for a  
9 period of not more than 60 days. During that 60 day period, the  
10 director shall communicate with the lawful authority of the state that  
11 issued the driver's license that the applicant surrendered to determine  
12 whether his driving privileges have been suspended or revoked by that  
13 authority.

14       Except as hereinafter provided, the director may exempt any  
15 applicant whose driving privileges are not suspended or revoked by  
16 another issuing authority from the examination requirements set forth  
17 in R.S.39:3-10 and issue, by mail or otherwise, the applicant a New  
18 Jersey driver's licensee.

19       The director may require an applicant to complete successfully the  
20 examination requirements set forth in R.S.39:3-10 if the other issuing  
21 authority notifies the director that the applicant:

22       a. Has been found guilty in the immediately preceding two years of  
23 motor vehicle violations which, if committed in New Jersey, would  
24 result in the assessment of eight or more penalty points under the  
25 provisions of P.L.1982, c.43 (C.39:5-30.5);

26       b. Has been adjudicated to be at fault as negligent in the  
27 immediately preceding three years in a motor vehicle accident which  
28 resulted in an injury to or the death of any person, or damage to  
29 property of any one person in excess of \$2,000; or

30       c. Had his driving privileges suspended or revoked in the  
31 immediately preceding four years.

32       The director shall not issue a New Jersey driver's license to any  
33 person who knowingly fails to disclose that his driving privileges have  
34 been suspended or revoked by another issuing authority.

35       The fee for a temporary license issued under the provisions of this  
36 section shall be \$10 which shall be deducted from the fee required for  
37 the issuance of a driver's license under R.S.39:3-10.

38

39       3. This act shall take effect on the first day of the third month  
40 following enactment.

41

42

43

#### STATEMENT

44

45       This bill establishes a procedure for issuing New Jersey driver's  
46 licenses to new residents who are the holders of valid licenses issued

1 by other states.

2 Under the provisions of the bill, a new resident would be issued a  
3 temporary New Jersey driver's license upon surrendering his current  
4 out-of-state license and swearing or affirming that his driving  
5 privileges are not currently suspended or revoked by that state.

6 The temporary driver's license would be valid for 60 days. During  
7 that period, the Director of the Division of Motor Vehicles (DMV)  
8 would communicate with the lawful authority of the state which issued  
9 the surrendered license. If the director determines that the applicant's  
10 driving privileges were not suspended or revoked, he may exempt the  
11 applicant from the statutory examination requirement for a New Jersey  
12 driver's license and simply issue the applicant a license by mail.

13 The director may, however, require an applicant to complete  
14 successfully the examination requirements if he determines from his  
15 communications with the other issuing authority that the applicant:

16 a. Has been found guilty in the immediately preceding two years of  
17 motor vehicle violations which, if they had occurred in New Jersey,  
18 would have resulted in the assessment of eight or more penalty points;

19 b. Has been adjudicated to be at fault as negligent in a motor  
20 vehicle accident in the immediately preceding three years which  
21 resulted in an injury to or the death of any person or damage to the  
22 property of any one person in excess of \$2,000; or

23 c. Had his driving privileges suspended or revoked in the  
24 immediately preceding four years.

25 The bill prohibits the director from issuing a New Jersey driver's  
26 license to any person who knowingly fails to disclose that his driving  
27 privileges have been suspended or revoked by another issuing  
28 authority.

29 The bill prescribes a \$10 fee for the temporary license, but specifies  
30 that the amount is to be deducted from the standard fee the applicant  
31 must pay for his New Jersey driver's license.

32

33

34

35

36 Establishes procedure for issuing NJ driver's licenses to new State  
37 residents holding valid out-of-state driver's licenses.