

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
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STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED FEBRUARY 23, 1998

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

SYNOPSIS

Creates graduated driver's license system for new drivers of passenger automobiles.

CURRENT VERSION OF TEXT

As amended by the Senate on April 27, 1998.



1 AN ACT concerning graduated motor vehicle licensing, amending
2 R.S.39:3-10, P.L.1977, c.23, R.S.39:3-13, P.L.1950, c.127,
3 P.L.1977, c.25, and supplementing chapter 3 of Title 39 of the
4 Revised Statutes and P.L.1990, c.8.

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

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

10 39:3-10. No person shall drive a motor vehicle on a public
11 highway in this State unless ~~[licensed to do so]~~ in possession of a
12 validated permit, or a provisional or basic driver's license issued to him
13 in accordance with this article.

14 No person under ~~[17]~~ 18 years of age shall be ~~[licensed]~~ issued a
15 basic license to drive motor vehicles, nor shall a person be ~~[licensed]~~
16 issued a validated permit¹, including a validated examination permit,¹
17 until he has passed a satisfactory examination¹ and other requirements¹
18 as to his ability as an operator. The examination shall include a test of
19 the applicant's vision, his ability to understand traffic control devices,
20 his knowledge of safe driving practices and of the effects that ingestion
21 of alcohol or drugs has on a person's ability to operate a motor
22 vehicle, his knowledge of such portions of the mechanism of motor
23 vehicles as is necessary to insure the safe operation of a vehicle of the
24 kind or kinds indicated by the applicant and of the laws and ordinary
25 usages of the road [and a]. A road test shall be required for a¹ [basic]
26 provisional¹ license and serve as a demonstration of his ability to
27 operate a vehicle of the class designated. The road test shall be given
28 on public streets, where practicable and feasible, but may be preceded
29 by an off-street screening process to assess basic skills. The director
30 shall approve locations for the road test which pose no more than a
31 minimal risk of injury to the applicant, the examiner and other
32 motorists. No new locations for the road test shall be approved unless
33 the test can be given on public streets.

34 The director shall issue a basic driver's license to operate a motor
35 vehicle other than a motorcycle to a person over 18 years of age who
36 previously has not been licensed to drive a motor vehicle in this State
37 or another jurisdiction only if that person has: (1) operated a
38 passenger automobile in compliance with the requirements of this title
39 for not less than one year, not including any period of suspension or
40 postponement, either from the date of issuance of an examination
41 permit pursuant to R.S.39:3-13 or a provisional license pursuant to
42 section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted April 27, 1998.

1 more than two motor vehicle points and has not been convicted in the
2 previous year for a violation of R.S.39:4-50; section 2 of P.L.1981,
3 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;
4 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor
5 vehicle-related violation the director determines to be significant and
6 applicable pursuant to regulation; and (3) passed an examination of his
7 ability to operate a motor vehicle pursuant to this section.

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

16 ¹Up to 20 questions may be added to the examination on subjects
17 to be determined by the director that are of particular relevance to
18 youthful drivers, after consultation with the Director of the Office of
19 Highway Traffic Safety.¹

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

26 Any person applying for a driver's license to operate a motor
27 vehicle or motorized bicycle in this State shall surrender to the director
28 any current driver's license issued to him by another state ¹or
29 jurisdiction¹ upon his receipt of a driver's license for this State. The
30 director shall refuse to issue a driver's license if the applicant fails to
31 comply with this provision.

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

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

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

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

45 d. All motor vehicles not included in classifications a., b. and c.
46 A license issued pursuant to this classification d. shall be referred to

1 as the "basic driver's license."

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

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

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

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

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

24 Motorcycle license or endorsement [~~\$13.00~~]\$13

25 Omnibus or school bus endorsement [~~\$16.00~~]\$16

26 Articulated vehicle endorsement [~~\$8.00~~]\$8

27 Basic driver's license [~~16.00~~]\$16

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

34 The director shall issue licenses for the following license period on
35 and after the first day of the calendar month immediately preceding the
36 commencement of such period, such licenses to be effective
37 immediately.

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

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

1 safely operating a motor vehicle.

2 In addition to requiring an applicant for a driver's license to submit
3 satisfactory proof of identity and age, the director also shall require
4 the applicant to provide, as a condition for obtaining a permit and
5 license, satisfactory proof that the applicant's presence in the United
6 States is authorized under federal law.

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

18 Nothing in this section shall be construed to alter or extend the
19 expiration of any license issued prior to the date this amendatory and
20 supplementary act becomes operative.
21 (cf: P.L.1993, c.34, s.1)

22

23 2. Section 1 of P.L.1977, c.23 (C.39:3-10b.) is amended to read
24 as follows:

25 1. All successful applicants for a [basic driver's license or]
26 motorcycle license who previously have never been licensed to drive
27 a motor vehicle in this, or any other state, shall be licensed on a
28 probationary basis for the 2-year period following the issuance of
29 their initial licenses. No such license shall physically differ by way of
30 appearance from a nonprobationary license.

31 (cf: P.L.1977, c.23, s.1)

32

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

34 39:3-13. The director may, in his discretion, issue to a person over
35 17 years of age an examination permit, under the hand and seal of the
36 director, allowing such person, for the purpose of fitting himself to
37 become a licensed driver, to operate a designated class of motor
38 vehicles other than passenger automobiles for a specified period of not
39 more than 90 days, while in the company and under the supervision of
40 a driver licensed to operate such designated class of motor vehicles.

41 The director, in his discretion, may issue for a specified period of
42 not less than one year an examination permit to operate a passenger
43 automobile to a person over 17 years of age ¹[who has satisfactorily
44 completed a classroom driver education course of a minimum of six
45 hours approved by the director, but who has not] regardless of
46 whether a person has¹ completed a course of behind-the-wheel

1 automobile driving education pursuant to section 1 of P.L.1950, c.127
2 (C.39:3-13.1). An examination permit applicant who is under 18 years
3 of age shall obtain the signature of a parent or guardian for submission
4 to the division on a form prescribed by the director. The director shall
5 postpone for six months the driving privileges of any person who
6 submits a fraudulent signature for a parent or guardian.

7 For¹[not less than]¹ six months immediately following the issuance
8 of an examination permit, the holder¹who is less than 21 years of age¹
9 shall operate the passenger automobile only when accompanied by,
10 and under the supervision of, a New Jersey licensed driver who is at
11 least 21 years of age and has been licensed to drive a passenger
12 automobile for not less than three years. The supervising driver shall
13 sit in the front seat of the vehicle. Whenever operating a vehicle while
14 in possession of an examination permit, the holder of the permit shall
15 operate the passenger automobile with only one additional passenger
16 in the vehicle excluding persons with whom the holder resides, except
17 that this passenger restriction shall not apply when either the permit
18 holder or one other passenger is at least 21 years of age. Further, the
19 holder of the permit¹who is less than 21 years of age¹ shall not drive
20 during the hours between 12:01 a.m. and 5 a.m.; provided, however,
21 ¹[the director may waive] that¹ this condition¹may be waived¹ for an
22 emergency which, in the judgment of local police, is of sufficient
23 severity and magnitude to substantially endanger the health, safety,
24 welfare or property of a person, or for any bona fide employment or
25 religion-related activity if the employer or appropriate religious
26 authority¹[submits an application to the director prior to the
27 employment or activity pursuant to regulation] provides written
28 verification of such activity in a manner provided for by the director.¹
29 The permit holder shall also ensure that all occupants of the vehicle are
30 secured in a properly adjusted and fastened seat belt or child restraint
31 system.

32 ¹[In addition to any other penalties that may be imposed, the
33 director shall suspend for not less than 90 days an examination permit
34 if a permit holder accumulates] When notified by a court of competent
35 jurisdiction that an examination permit holder has been convicted of
36 a violation which causes the permit holder to accumulate¹ more than
37 two motor vehicle points or¹[violates] has been convicted of a
38 violation of¹ R.S.39:4-50; section 2 of P.L.1981,c.512 (C.39:4-50.4a);
39 P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5;
40 subsection c. of N.J.S.2C:12-1¹[;]¹ or any other motor vehicle-related
41 law the director deems significant and applicable pursuant to
42 regulation¹, in addition to any other penalty that may be imposed, the
43 director shall, without the exercise of discretion, suspend the
44 examination permit holder's examination permit for 90 days¹. The
45 director shall restore the permit¹following the term of the permit
46 suspension¹ if the permit holder satisfactorily completes a remedial

1 training course of not less than four hours and remits a course fee
2 prescribed by the director. The director also shall postpone the
3 issuance of a basic license for ¹[not less than]¹ 90 days if the
4 ¹[examination permit holder, after completion of the remedial training
5 course, accumulates any motor vehicle points or violates] director is
6 notified by a court of competent jurisdiction that the examination
7 permit holder , after completion of the remedial training course, has
8 been convicted of any motor vehicle violation which results in the
9 imposition of any motor vehicle points or has been convicted of a
10 violation of ¹ R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-
11 50.4a); P.L.1992, c.182 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-
12 5, subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related
13 law the director deems significant and applicable pursuant to
14 regulation. ¹[The director shall suspend the examination permit for a
15 period of not less than six months or more than one year if the permit
16 holder is convicted] When the director is notified by a court of
17 competent jurisdiction that an examination permit holder has been
18 convicted¹ of any alcohol or drug-related offense unrelated to the
19 operation of a motor vehicle ¹and is not otherwise subject to any
20 other penalty therefor, the director shall, without the exercise of
21 discretion, suspend the examination permit for six months¹. A fine of
22 ¹[not less than]¹ \$100 ¹[or more than \$500]¹ shall be imposed for any
23 other violation of the conditions of the examination permit.

24 An examination permit for a motorcycle or a commercial motor
25 vehicle issued to a handicapped person, as determined by the Division
26 of Motor Vehicles after consultation with the Department of
27 Education, shall be valid for nine months or until the completion of the
28 road test portion of his license examination, whichever period is
29 shorter. ¹[The] Each¹ permit shall be sufficient license for the person
30 to operate such designated class of motor vehicles in this State during
31 the period specified, while in the company of and under the control of
32 a driver licensed by this State to operate such designated class of
33 motor vehicles, or, in the case of a commercial driver license permit,
34 while in the company of and under the control of a holder of a valid
35 commercial driver license for the appropriate license class and with the
36 appropriate endorsements issued by this or any other state. Such
37 person, as well as the licensed driver, except for a motor vehicle
38 examiner administering a driving skills test, shall be held accountable
39 for all violations of this subtitle committed by such person while in the
40 presence of the licensed driver. In addition to requiring an applicant
41 for an examination permit to submit satisfactory proof of identity and
42 age, the director also shall require the applicant to provide, as a
43 condition for obtaining the permit, satisfactory proof that the
44 applicant's presence in the United States is authorized under federal
45 law.

46 No road test for any person who has been issued an examination

1 permit to operate a passenger vehicle shall be given unless the person
 2 has met the requirements of this section. No [examination]road test
 3 for [a] ¹[any other] a basic¹ driver's license shall be given unless the
 4 applicant has first secured [a special learner's permit or] an
 5 examination permit and no such road test shall be scheduled for an
 6 applicant who has secured an examination permit until at least ¹[20
 7 days] one year¹ shall have elapsed following the validation of the
 8 examination permit for practice driving, except that in the case of an
 9 omnibus endorsement or school bus no road test shall be scheduled
 10 until at least 10 days shall have elapsed.

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

14 The required fees for special learners' permits and examination
 15 permits shall be as follows:

16		
17	Basic driver's license	[\$5.00] ¹ [\$25] up to \$10 ¹
18	Motorcycle license or endorsement	[5.00]\$5
19	Omnibus or school bus endorsement	[25.00]\$25
20	Articulated vehicle endorsement	[15.00]\$15
21		

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

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

35
 36 4. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to read
 37 as follows:

38 1. The Director of the Division of Motor Vehicles may issue to a
 39 person over 16 years of age a special learner's permit, under the hand
 40 and seal of the director, allowing such person, for the purpose of
 41 [fitting himself to become a motor vehicle driver, to operate]
 42 preparing himself to qualify for a provisional license for a passenger
 43 automobile by operating a dual pedal controlled motor vehicle while
 44 [enrolled in] taking a required course of behind-the-wheel automobile
 45 driving education approved by the State Department of Education and
 46 conducted in a public, parochial or private school of this State or

1 [while taking] a course of behind-the-wheel automobile driving
2 instruction conducted by a drivers' school duly licensed pursuant to the
3 provisions of P.L.1951, c.216 (C.39:12-1 et seq.)[, which]. The
4 special learner's permit shall be issued in lieu of the examination
5 permit provided for in R.S.39:3-13. In addition to requiring an
6 applicant for a permit to submit satisfactory proof of identity and age,
7 the director also shall require the applicant to provide, as a condition
8 for obtaining [the] a validated permit, satisfactory proof that the
9 ¹[applicant has satisfactorily completed a classroom driver education
10 course of a minimum of six hours approved by the Division of Motor
11 Vehicles and proof that the]¹ applicant's presence in the United States
12 is authorized under federal law.

13 The special learner's permit described above, when issued to a
14 person [enrolled in] taking a course of behind-the-wheel driving
15 education conducted in a public, parochial or private school, shall be
16 retained in the office of the school principal at all times except during
17 such time as the person to whom the permit is issued in undergoing
18 behind-the-wheel automobile driving instruction. The director
19 may make such rules and regulations as he may deem necessary to
20 carry out the provisions of this section.

21 (cf: P.L.1993, c.34, s.3)

22

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

25 6. Any person to whom a special learner's permit has been issued
26 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
27 successful completion of a behind-the-wheel driving course conducted
28 by a licensed drivers' school or of a public, parochial or private school
29 driving education course, shall be entitled to retain the special learner's
30 permit in his own possession. ¹The special learner's permit shall be
31 considered validated for the purpose of driving a motor vehicle on a
32 public highway in this State after the holder has successfully met the
33 necessary examination requirements, and upon the successful
34 completion of a behind-the-wheel driving course.¹ Such person may
35 operate a motor vehicle of the class for which a basic driver's license
36 is required except during the hours between [12:01 a.m.] 11:01 p.m.
37 and 5:00 a.m. while in the company and under the
38 [control]supervision, from the front passenger seat, of a licensed
39 motor vehicle driver of this State who is over 21 years of age and
40 [who has had at least three years' experience as a licensed motor
41 vehicle driver] has been licensed to drive a passenger automobile for
42 at least three years. Such special permit shall be valid [for 90 days
43 after] until such person's seventeenth birthday or until [the completion
44 of the road test portion of his license examination]he qualifies for a
45 provisional license ¹[, whichever period is shorter]¹ [; provided,
46 however, that a special permit issued to a handicapped person, as

1 determined by the Division of Motor Vehicles after consultation with
2 the Department of Education, shall be valid for nine months after such
3 person's seventeenth birthday or until the completion of the road test
4 portion of his license examination, whichever period is shorter].
5 Except during an instructional period of a behind-the-wheel driving
6 course, the holder of a special permit shall operate a passenger
7 automobile with only the following passengers: (1) the supervising
8 passenger; (2) persons who share the permit holder's residence; and (3)
9 one additional passenger who does not reside with the permit holder.
10 All occupants of the automobile shall be secured in a properly adjusted
11 and fastened seat belt or child restraint system.

12 ¹[In addition to any other penalties that may be imposed, the
13 director shall suspend for not less than 90 days a special learner's
14 permit if a permit holder accumulates] When notified by a court of
15 competent jurisdiction that a special learner's permit holder has been
16 convicted of a violation which causes the permit holder to accumulate¹
17 more than two motor vehicle points or ¹[violates] has been convicted
18 of a violation of¹ R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-
19 50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5;
20 subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law
21 the director determines to be significant and applicable pursuant to
22 regulation ¹, and in addition to any other penalty that may be imposed,
23 the director shall, without the exercise of discretion, suspend the
24 holder's special learner's permit for 90 days¹. The director shall
25 restore the permit ¹following the term of the permit suspension¹ if the
26 permit holder satisfactorily completes a remedial training course of not
27 less than four hours and remits a course fee prescribed by the director.
28 ¹[The director also shall postpone the issuance of a provisional license
29 for not less than 90 days if the permit holder, after completion of the
30 remedial training course, accumulates any motor vehicle points or
31 violates] If, after completion of the remedial training course, the
32 director is notified by a court of competent jurisdiction that the special
33 learner's permit holder has been convicted of any motor vehicle
34 violation which results in the imposition of any motor vehicle points
35 or has been convicted of a violation of¹ R.S.39:4-50; section 2 of
36 P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
37 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any
38 other motor vehicle-related law the director deems significant and
39 applicable pursuant to regulation ¹[The director shall suspend the
40 special learner's permit for a period of not less than six months or
41 more than one year if the permit holder is], the director, without the
42 exercise of discretion, shall also postpone the issuance of a basic
43 license for 90 days. When the director is notified by a court of
44 competent jurisdiction that a special learner's permit holder has been¹
45 convicted of any alcohol or drug-related offense unrelated to the
46 operation of a motor vehicle ¹and he is not otherwise subject to any

1 other penalty therefor, the director shall, without the exercise of
2 discretion, suspend the special learner's permit for six months¹. A fine
3 of ¹[not less than]¹ \$100 ¹[or more than \$500]¹ shall be imposed for
4 any other violations of the conditions of the special learner's permit.
5 (cf: P.L.1993, c.287)

6
7 6. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to read
8 as follows:

9 3. No special permit shall be issued unless the person applying
10 therefor shall present a written application for the same, bearing a
11 certification by the principal of the school indicating that the person is
12 enrolled in an approved behind-the-wheel driving education course in
13 the school of which he is principal or by the person operating a duly
14 licensed drivers' school indicating that the person has contracted to
15 take a course of behind-the-wheel automobile driving instruction
16 offered by the school and shall pay ¹[the]^a sum of [\$5.00] ¹[\$25] up
17 to \$10 as determined by the director¹ to an agent of the Division of
18 Motor Vehicles, which sum shall be turned over by the agent to the
19 director, and by him remitted with the other funds collected in his
20 division to the State Treasurer, in accordance with law. A special
21 learner's permit to operate a passenger automobile shall not be issued
22 to any person younger than 18 years of age without the signature of
23 a parent or guardian. The signature shall be submitted to the division
24 on a form prescribed by the director. The director shall postpone for
25 six months the driving privileges of any person who submits a
26 fraudulent signature for a parent or guardian.

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

28
29 7. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to read
30 as follows:

31 4. The holder of a special learner's permit shall be entitled to
32 [examination for] a provisional driver's license (1) upon attaining the
33 age of 17 years [and], (2) upon the satisfactory completion of an
34 approved behind-the-wheel automobile driving education course as
35 indicated upon the face of the special permit over the signature of the
36 principal of the school or the person operating the drivers' school in
37 which the course was conducted ¹[and],¹ (3) upon the completion of
38 six months driving experience with a validated special learner's permit
39 in compliance with the provisions of section 6 of P.L.1977, c.25
40 (C.39:3-13.2a.) ¹and (4) upon passing the road test pursuant to
41 R.S.39:3-10¹.

42 The holder of a provisional license shall be permitted to operate
43 the passenger automobile with only one additional passenger in the
44 vehicle besides persons with whom the holder resides, except that this
45 passenger restriction shall not apply when either the holder of the
46 provisional license or one other passenger is at least 21 years of age.

1 Further, the holder of the provisional license ¹who is under 21 years
2 of age¹ shall not drive during the hours between 12:01 a.m. and 5
3 a.m.; provided however, ¹[the director may waive] that¹ this condition
4 ¹may be waived¹ for an emergency which, in the judgment of local
5 police, is of sufficient severity and magnitude to substantially endanger
6 the health, safety, welfare or property of a person or for any bona fide
7 employment or religion-related activity if the employer or appropriate
8 religious authority ¹[submits an application to the director prior to
9 such employment or activity pursuant to regulation] provides written
10 verification of such activity in a manner provided for by the director¹.
11 In addition, the holder of the provisional license shall ensure that all
12 occupants of the vehicle are secured in a properly adjusted and
13 fastened seat belt or child restraint system. In addition to any other
14 penalties provided under law, the holder of a provisional license who
15 accumulates more than two motor vehicle points or ¹[commits] is
16 convicted of¹ a violation of R.S.39:4-50; section 2 of P.L.1981, c.512
17 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;
18 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any other motor
19 vehicle law the director deems to be significant and applicable
20 pursuant to regulation shall, for the first violation, be required to
21 satisfactorily complete a remedial training course of not less than four
22 hours and remit a course fee prescribed by the director. ¹[For] When
23 notified by a court of competent jurisdiction that a provisional license
24 holder has been convicted of¹ a second or subsequent violation, in
25 addition to any other penalties provided under law, the director shall
26 ¹, without the exercise of discretion,¹ suspend the provisional license
27 for ¹[not less than]¹ three months ¹[or more than six months]¹ and
28 shall postpone eligibility for a basic license for an equivalent period.
29 In addition, ¹[the director shall suspend a provisional license for not
30 less than six months or more than one year if the holder is] when the
31 director is notified by a court of competent jurisdiction that a
32 provisional license holder has been¹ convicted of any alcohol or drug-
33 related offense unrelated to the operation of a motor vehicle ¹,and he
34 is not otherwise subject to any other penalty therefor, the director
35 shall, without the exercise of discretion, suspend the provisional
36 license for six months¹. A provisional license holder who violates
37 other conditions of the license shall be fined ¹[not less than]¹ \$100 ¹[or
38 more than \$500]¹ .

39 A provisional license may be sent by mail and shall be clearly
40 identifiable and distinguishable in appearance from a basic license by
41 any name, mark, color or device deemed appropriate by the director.
42 (cf: P.L.1977, c.25, s.8)

43 8. (New section) a. The Director of the Office of Highway Traffic
44 Safety in the Department of Law and Public Safety, after consultation
45 with the Director of the Division of Motor Vehicles in the Department
46 of Transportation and the Advisory Committee on Driver Education

1 established in section 10 of P.L. , c. (C.) (now pending before
2 the Legislature as this bill), shall develop curriculum guidelines for use
3 by teachers of approved classroom driver education courses. The
4 course of instruction for approved courses shall be designed to
5 develop and instill the knowledge and attitudes necessary for the safe
6 operation and driving of motor vehicles. Defensive driving, highway
7 courtesy, accident avoidance and understanding and respect for the
8 State's motor vehicle laws shall be emphasized. The incorporation of
9 these curriculum guidelines in these classroom courses and the use of
10 related instructional materials shall be a requirement for approval of
11 the course by the Director of ¹the Division of¹ Motor Vehicles.

12 b. The Director of ¹the Office of¹ Highway Traffic Safety, in
13 consultation with the Director of ¹the Division of¹ Motor Vehicles,
14 shall produce an informational brochure for parents and guardians of
15 beginning drivers under the age of 18 years. The division shall ensure
16 that the parents or guardians of a permit holder receive these
17 brochures at the time a permit is issued to a beginning driver. The
18 brochures shall include, but not be limited to, the following
19 information:

- 20 (1) Setting an example for the beginning driver;
21 (2) Accident and fatality statistics about beginning drivers;
22 (3) Causes of accidents among beginning drivers;
23 (4) The need to supervise vehicle operation by ¹a¹ beginning driver;
24 ¹[and]¹
25 (5) Methods to coach a beginning driver on how to reduce accidents
26 ¹[.]and
27 ¹(6) A description of the graduated driver's license program.¹

28
29 9. (New section) a. There is created in the Department of Law
30 and Public Safety a special non-lapsing fund to be known as the
31 "¹Graduated¹ Driver ¹[Education] ¹License¹ Fund." There shall be
32 deposited in the fund ¹[\$20] up to \$5¹ from each special learner's
33 examination and permit fee for a passenger automobile that is
34 established pursuant to R.S.39:3-13 and any other monies that may be
35 made available for ¹[classroom driver education] graduated license
36 program start-up costs¹. The Office of Highway Traffic Safety shall
37 administer expenditures from this fund ¹[, which shall be used to
38 reimburse providers of approved classroom driver education programs
39 pursuant to subsection b. of this section and for the cost of
40 administering the fund]¹.

41 b. ¹ [Providers of classroom driver education programs approved
42 by the Director of the Division of Motor Vehicles or the Commissioner
43 of Education, as the case may be, shall be eligible for reimbursement
44 from the fund, pursuant to criteria established under regulations
45 promulgated by the Director of the Office of Highway Traffic Safety.
46 The provider shall apply for the reimbursement of a specified amount

1 from the Driver Education Fund for each participant who satisfactorily
2 completes the classroom course and is issued a validated permit.
3 Eligibility for reimbursement to participants shall be dependent upon
4 a properly completed reimbursement coupon prepared by the provider
5 for each participant, which shall include the driver's permit number on
6 its face. Reimbursements shall not be made to any participant
7 repeating the same level of instruction. These providers may include
8 boards of education, public, private and, pursuant to law or judicial
9 decision, parochial and other religious schools that are approved for
10 such instruction for the purposes of this act by the Director of Motor
11 Vehicles. Providers may also include private commercial drivers'
12 schools licensed pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) that
13 have entered into contracts with boards and schools for this instruction
14 or provide instruction independent of these boards and schools. Local
15 school districts which offer driver education courses may offer the
16 courses to non-public secondary school students residing within the
17 district and receive reimbursement, provided the requirements of
18 section 5 of P.L.1977, c.192 (C.18A:46A-5) are met. Reimbursements
19 shall be made only to providers who employ, use or contract for
20 instructors who have successfully completed the requirements for the
21 certified teaching of driver education established by the Department of
22 Education or the Division of Motor Vehicles, as the case may be.

23 c.]¹ Amounts necessary to reimburse the Division of Motor
24 Vehicles in the Department of Transportation and the Office of
25 Highway Traffic Safety in the Department of Law and Public Safety
26 for all costs reasonably and actually incurred in the initial¹
27 implementation of this act shall be appropriated from the fund. The
28 Division of Motor Vehicles and the Office of Highway Traffic Safety¹
29 shall annually¹ certify to the Treasurer its their start-up¹ costs to
30 carry out its their¹ responsibilities under this act and the
31 program's costs annually thereafter¹. This amount shall be reimbursed
32 to the Division of Motor Vehicles and the Office of Highway Traffic
33 Safety¹ from the Graduated¹ Driver [Education] License¹ Fund [
34 prior to reimbursing providers of approved classroom driver education
35 programs]¹. In the event the fund's balance is insufficient to fully
36 reimburse [the division's] these¹ costs, the Treasurer shall provide to
37 the Graduated¹ Driver [Education] License¹ Fund a loan from the
38 General Fund in the amount needed to fully defray these costs. This
39 loan shall be repaid to the General Fund when the balance in the
40 Graduated¹ Driver [Education] License¹

1 Fund exceeds the amount necessary to reimburse ¹[the division's]
2 these¹costs.

3 ¹[d. The Director of Highway Traffic Safety, by regulation and in
4 consultation with the Director of Motor Vehicles and the Advisory
5 Committee on Driver Education, may establish criteria for the
6 reimbursement of providers pursuant to this section. These criteria
7 shall include, but not be limited to, the number of students who
8 successfully complete State validated permit requirements. A person
9 who knowingly makes a false or fraudulent statement in an application
10 required for reimbursement under this act or who shall knowingly
11 collect or cause to be repaid to any person or claimant any such
12 reimbursement without being entitled to the same, is guilty of a
13 disorderly person's offense.]¹

14

15 10. (New section) There is established a State Advisory
16 Committee on Driver Education. The Governor shall appoint to the
17 committee representatives from the Department of Education, the
18 Department of Transportation, the American Automobile Association
19 Clubs of New Jersey, the Driving School Association of New Jersey,
20 the New Jersey Association of Chiefs of Police, the New Jersey State
21 Safety Council and the New Jersey Traffic Safety Officers Association.
22 The committee shall make recommendations to the Directors of the
23 Division of Motor Vehicles and the Office of Highway Traffic Safety
24 with respect to rules and regulations promulgated under this act
25 including, but not limited to, the development of curriculum guidelines
26 ¹[and reimbursement procedures for providers]¹. Any vacancies
27 occurring in the membership shall be filled in the same manner as the
28 original appointments.

29

30 11. (New section) The Division of Motor Vehicles shall monitor
31 the performance of new drivers of passenger automobiles and, in
32 conjunction with the Office of Highway Traffic Safety, report to the
33 Governor and the Legislature evaluating the operation and
34 effectiveness of this act. The Office of Highway Traffic Safety shall
35 detail the disbursement of monies from the ¹Graduated¹ Driver
36 ¹[Education] License¹ Fund in the report. The division and the office
37 shall make any recommendations necessary to better effectuate the
38 provisions of this act.

39

40 12. (New section) The Director of the Division of Motor Vehicles
41 and the Director of the Office of Highway Traffic Safety shall adopt,
42 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
43 (C.52:14B-1 et seq.), any rules and regulations each determines to be
44 necessary to effectuate their respective responsibilities under this act.

45

46 13. This act shall take effect on January 1, 2001 and shall apply to

1 any applicant for a special learner's permit who is under 16 years of
2 age, or, in the case of an applicant for an examination permit, at least
3 17 years of age on the effective date of this act. Prior to the effective
4 date, the Director of the Division of Motor Vehicles in the Department
5 of Transportation and the Director of the Office of Highway Traffic
6 Safety in the Department of Law and Public Safety may take such
7 anticipatory administrative action in advance as shall be necessary for
8 the implementation of this act.