

SENATE, No. 439

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator SINGER

1 **AN ACT** concerning driver testing and permits and amending
2 R.S.39:3-10, R.S.39:3-13 and P.L.1977, c.25.

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4 **BE IT ENACTED** by the Senate and General Assembly of the
5 State 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
13 examination shall include a test of the applicant's vision, his ability to
14 understand traffic control devices, his knowledge of safe driving
15 practices and of the effects that ingestion of alcohol or drugs has on
16 a person's ability to operate a motor vehicle, his knowledge of such
17 portions of the mechanism of motor vehicles as is necessary to insure
18 the safe operation of a vehicle of the kind or kinds indicated by the
19 applicant and of the laws and ordinary usages of the road and a
20 demonstration of his ability to operate a vehicle of the class
21 designated, part of which shall be conducted under actual traffic
22 conditions on the highways of this State.

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 is 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.

9 The director shall create classified licensing of drivers covering the
10 following classifications:

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

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

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

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

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

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

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

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

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

1 Motorcycle license or endorsement \$13.00

2 Omnibus or school bus endorsement \$16.00

3 Articulated vehicle endorsement \$8.00

4 Basic driver's license 16.00

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

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

15 All applications for renewals of licenses shall be made on forms
16 prescribed by the director and in accordance with procedures
17 established by him.

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

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

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

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

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

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

46 39:3-13. The director may, in his discretion, issue to a person over

1 17 years of age an examination permit, under the hand and seal of the
2 director, allowing such person, for the purpose of fitting himself to
3 become a licensed driver, to operate a designated class of motor
4 vehicles for a specified period of not [more] less than [90] 180 days,
5 while in the company and under the supervision of a driver licensed to
6 operate such designated class of motor vehicles. An examination
7 permit issued to a handicapped person, as determined by the Division
8 of Motor Vehicles after consultation with the Department of
9 Education, shall be valid for nine months or until the completion of the
10 road test portion of his license examination, whichever period is
11 shorter. The permit shall be sufficient license for the person to operate
12 such designated class of motor vehicles in this State during the period
13 specified, while in the company of and under the control of a driver
14 licensed by this State to operate such designated class of motor
15 vehicles, or, in the case of a commercial driver license permit, while in
16 the company of and under the control of a holder of a valid
17 commercial driver license for the appropriate license class and with the
18 appropriate endorsements issued by this or any other state. Such
19 person, as well as the licensed driver, except for a motor vehicle
20 examiner administering a driving skills test, shall be held accountable
21 for all violations of this subtitle committed by such person while in the
22 presence of the licensed driver. In addition to requiring an applicant
23 for an examination permit to submit satisfactory proof of identity and
24 age, the director also shall require the applicant to provide, as a
25 condition for obtaining the permit, satisfactory proof that the
26 applicant's presence in the United States is authorized under federal
27 law.

28 No examination for a driver's license shall be given unless the
29 applicant has first secured a special learner's permit or examination
30 permit and no road test shall be scheduled for an applicant who has
31 secured an examination permit until at least [20] 180 days shall have
32 elapsed following the validation of the examination permit for practice
33 driving, except that in the case of an omnibus endorsement or school
34 bus no road test shall be scheduled until at least 10 days shall have
35 elapsed.

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

39 The required fees for special learners' permits and examination
40 permits shall be as follows:

41	Basic driver's license	\$5.00
42	Motorcycle license or endorsement	5.00
43	Omnibus or school bus endorsement	25.00
44	Articulated vehicle endorsement	15.00

45 The director shall waive the payment of fees for issuance of
46 examination permits for omnibus endorsements whenever the applicant

1 establishes to the director's satisfaction that said applicant will use the
2 omnibus endorsement exclusively for operating omnibuses owned by
3 a nonprofit organization duly incorporated under Title 15 or 16 of the
4 Revised Statutes or Title 15A of the New Jersey Statutes.

5 The specified period for which a permit is issued may be extended
6 for not more than an additional 60 days, without payment of added
7 fee, upon application made by the holder thereof, where the holder has
8 applied to take the examination for a driver's license prior to the
9 expiration of the original period for which the permit was issued and
10 the director was unable to schedule an examination during said period.

11 (cf: P.L.1993, c.34, s.2)

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

15 6. Any person to whom a special learner's permit has been issued
16 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
17 successful completion of a behind-the-wheel driving course conducted
18 by a licensed drivers' school or of a public, parochial or private school
19 driving education course, shall be entitled to retain the special learner's
20 permit in his own possession. Such person may operate a motor
21 vehicle of the class for which a basic driver's license is required except
22 during the hours between 12:01 a.m. and 5:00 a.m. while in the
23 company and under the control of a licensed motor vehicle driver of
24 this State who has had at least three years' experience as a licensed
25 motor vehicle driver. Such special permit shall be valid for [90] a
26 minimum of 180 days after such person's seventeenth birthday or until
27 the completion of the road test portion of his license examination,
28 whichever period is [shorter] longer; provided, however, that a
29 special permit issued to a handicapped person, as determined by the
30 Division of Motor Vehicles after consultation with the Department of
31 Education, shall be valid for nine months after such person's
32 seventeenth birthday or until the completion of the road test portion
33 of his license examination, whichever period is shorter.

34 (cf: P.L.1993, c.287, s.1)

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36 4. This act shall take effect on the first day of the third month after
37 enactment, except that the director may take such anticipatory action
38 as may be necessary to effectuate its purposes.

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STATEMENT

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examination permit or a special learner's permit would be required to hold that permit for a minimum of six months before taking a road test to obtain a driver's license. This would extend the learning period

1 under the tutelage of a licensed driver for many first-time drivers.
2 The bill also requires the Director of Motor Vehicles to conduct
3 part of the road test for a driver's license on the highways of this State.
4 It is the sponsor's belief that at least part of the road test should be
5 conducted in actual traffic conditions, while a skill such as parking
6 could still be tested on the division's driver testing courses.

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11 Requires six month learner's permit; road test for driver's license.