

SENATE, No. 678

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator KYRILLOS

1 AN ACT concerning the issuance of driver's licenses and amending
2 R.S.39:3-10 and P.L.1951, c.216.

3

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
16 shall adopt such rules and regulations as deemed necessary to
17 establish, oversee, and regulate the administration of motor vehicle
18 driver testing by private driver training facilities, including
19 establishing maximum fees that may be charged and safeguards to
20 ensure the integrity of the examination process, including, except for
21 courses conducted by public secondary schools, that an examination
22 shall not be valid unless the examiner is a person other than the
23 student's primary instructor for the course.

24 The director may limit the number of private driver training
25 facilities licensed to administer examinations. The director may
26 suspend or revoke any authorization on any reasonable grounds;
27 provided however, if an owner, operator or employee of a private
28 driver training facility, other than a driving school subject to the
29 provisions of P.L.1951, c.216 (C.39:12-1 et seq.), knowingly and
30 willfully violates the provisions of this act or the rules and regulations
31 promulgated by the director concerning the administration of the
32 examination for a driver's license or endorsement or knowingly and
33 willfully engages in fraudulent practices, the director shall deem such
34 conduct reasonable grounds to revoke that facility's authorization to

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 administer any or all examinations. In addition, the director may
2 terminate testing by private driver training facilities at any time.

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

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

11 The examination shall include a test of the applicant's vision, his
12 ability to understand traffic control devices, his knowledge of safe
13 driving practices and of the effects that ingestion of alcohol or drugs
14 has on a person's ability to operate a motor vehicle, his knowledge of
15 such portions of the mechanism of motor vehicles as is necessary to
16 insure the safe operation of a vehicle of the kind or kinds indicated by
17 the applicant and of the laws and ordinary usages of the road and a
18 demonstration of his ability to operate a vehicle of the class
19 designated.

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

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

34 Any person applying for a driver's license to operate a motor
35 vehicle or motorized bicycle in this State shall surrender to the director
36 any current driver's license issued to him by another state upon his
37 receipt of a driver's license for this State. The director shall refuse to
38 issue a driver's license if the applicant fails to comply with this
39 provision.

40 The director shall create classified licensing of drivers covering the
41 following classifications:

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

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

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

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

10 Every applicant for a license under classification b. or c. shall be a
11 holder of a basic driver's license. Any issuance of a license under
12 classification b. or c. shall be by endorsement on the basic driver's
13 license.

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

17 The director, upon payment of the lawful fee and after he or a
18 person authorized by him has examined the applicant and is satisfied
19 of the applicant's ability as an operator, may, in his discretion, license
20 the applicant to drive a motor vehicle. The license shall authorize him
21 to drive any registered vehicle, of the kind or kinds indicated, and shall
22 expire, except as otherwise provided, on the last day of the 48th
23 calendar month following the calendar month in which such license
24 was issued.

25 The director may, at his discretion and for good cause shown, issue
26 licenses which shall expire on a date fixed by him. The fee for licenses
27 with expiration dates fixed by the director shall be fixed by the director
28 in amounts proportionately less or greater than the fee herein
29 established.

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

32 Motorcycle license or endorsement \$13.00

33 Omnibus or school bus endorsement \$16.00

34 Articulated vehicle endorsement \$8.00

35 Basic driver's license \$16.00

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

42 The director shall issue licenses for the following license period on
43 and after the first day of the calendar month immediately preceding the
44 commencement of such period, such licenses to be effective
45 immediately.

46 All applications for renewals of licenses shall be made on forms

1 prescribed by the director and in accordance with procedures
2 established by him.

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

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

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

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

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

29

30 2. R.S.39:12-7 is amended to read as follows:

31 39:12-7. The director, or any employee of the Division of Motor
32 Vehicles deputized by him, may suspend or revoke any school license
33 issued under the provisions of this act or refuse to issue a renewal
34 thereof if:

35 a. The licensee has made a material false statement or concealed a
36 material fact in connection with the application for a license or the
37 renewal thereof;

38 b. The licensee or any partner or officer of the licensee has been
39 convicted of a crime;

40 c. The licensee has failed to comply with any of the provisions of
41 this act or any of the rules and regulations of the director establishing
42 instructional standards and procedures;

43 d. The licensee or any partner or officer of such licensee has been
44 guilty of fraud or fraudulent practices in relation to the business
45 conducted under the license, or guilty of inducing another person to
46 resort to fraud or fraudulent practices in relation to securing for

1 himself or another the license to drive a motor vehicle or motorcycle;

2 e. The licensee has knowingly employed, as an instructor, a person
3 who has been convicted of a crime or has retained such a person in
4 such employ after knowledge of his conviction; or

5 f. The licensee has failed to maintain satisfactory insurance to meet
6 damage claims required by section three of this act.

7 The director shall suspend or revoke any school license or refuse to
8 issue a renewal thereof if:

9 a. The licensee knowingly and willfully engages in fraud or
10 fraudulent practices in relation to the administration of the examination
11 for any driver's license or endorsement pursuant to the provisions of
12 R.S.39:3-10; or

13 b. The licensee knowingly and willfully fails to comply with the
14 provisions of R.S.39:3-10 or any of the rules and regulations
15 promulgated by the director concerning the administration of the
16 examination for any license or endorsement.

17 (cf: P.L.1951, c.216, s.7)

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19 3. R.S.39:12-8 is amended to read as follows:

20 39:12-8. The director or any employee of the Division of Motor
21 Vehicles deputized by him may suspend or revoke any instructor's
22 license issued under the provisions of this act or refuse to issue
23 renewal thereof if:

24 a. The licensee has made a material false statement or concealed a
25 material fact in connection with his application for the license or any
26 renewal thereof;

27 b. The licensee has been convicted of a crime;

28 c. The licensee has failed to comply with any of the provisions of
29 this act or any of the rules and regulations of the director establishing
30 instructional standards of procedure;

31 d. The licensee has been guilty of fraud or fraudulent practices in
32 relation to securing for himself or another a license to drive a motor
33 vehicle or motorcycle.

34 The director or any employee of the Division of Motor Vehicles
35 deputized by him may suspend or revoke a motorcycle safety
36 education instructor endorsement to an instructor's license issued
37 under section 5 of P.L.1951, c.216 (C.39:12-5) or refuse to issue
38 renewal thereof if:

39 a. The licensee has made a material false statement or concealed a
40 material fact in connection with his application for the endorsement or
41 renewal thereof;

42 b. The licensee is disqualified under one of the provisions of
43 section 2 of P.L.1991, c.452 (C.27:5F-37); or

44 c. The licensee has failed to comply with any of the provisions of
45 this act or any of the rules and regulations of the director establishing
46 instructional standards of procedure.

