

SENATE, No. 1707

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 25, 1996

By Senator BASSANO

1 AN ACT concerning driver's licenses, amending R.S.39:3-10,
2 R.S.39:3-13, and P.L.1950, c.127 and supplementing chapter 3 of
3 Title 39 of the Revised Statutes.

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

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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 In order to insure that an applicant for a driver's license is capable
4 of understanding the meaning of the various traffic control devices
5 used in this State and of comprehending any instructions or directions
6 a law enforcement officer or any other official authorized to regulate
7 or direct traffic may give, each applicant shall demonstrate, in a
8 manner prescribed by the director, an ability to read, understand and
9 speak the English language. The director shall provide that the
10 driver's license examination shall be given only in the English
11 language.

12 Any person applying for a driver's license to operate a motor
13 vehicle or motorized bicycle in this State shall surrender to the director
14 any current driver's license issued to him by another state upon his
15 receipt of a driver's license for this State. The director shall refuse to
16 issue a driver's license if the applicant fails to comply with this
17 provision.

18 The director shall create classified licensing of drivers covering the
19 following classifications:

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

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

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

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

34 Every applicant for a license under classification b. or c. shall be a
35 holder of a basic driver's license. Any issuance of a license under
36 classification b. or c. shall be by endorsement on the basic driver's
37 license.

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

41 The director, upon payment of the lawful fee and after he or a
42 person authorized by him has examined the applicant and is satisfied
43 of the applicant's ability as an operator, may, in his discretion, license
44 the applicant to drive a motor vehicle. The license shall authorize him
45 to drive any registered vehicle, of the kind or kinds indicated, and shall
46 expire, except as otherwise provided, on the last day of the 48th

1 calendar month following the calendar month in which such license
2 was issued.

3 The director may, at his discretion and for good cause shown, issue
4 licenses which shall expire on a date fixed by him. The fee for licenses
5 with expiration dates fixed by the director shall be fixed by the director
6 in amounts proportionately less or greater than the fee herein
7 established.

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

10 Motorcycle license or endorsement \$13.00

11 Omnibus or school bus endorsement \$16.00

12 Articulated vehicle endorsement \$8.00

13 Basic driver's license 16.00

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

20 The director shall issue licenses for the following license period on
21 and after the first day of the calendar month immediately preceding the
22 commencement of such period, such licenses to be effective
23 immediately.

24 All applications for renewals of licenses shall be made on forms
25 prescribed by the director and in accordance with procedures
26 established by him.

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

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

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

1 possession of the operator's license is due to an administrative or
2 technical error by the Division of Motor Vehicles.

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

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

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

9 39:3-13. The director may, in his discretion, issue to a person over
10 17 years of age an examination permit, under the hand and seal of the
11 director, allowing such person, for the purpose of fitting himself to
12 become a licensed driver, to operate a designated class of motor
13 vehicles for a specified period of not more than 90 days, while in the
14 company and under the supervision of a driver licensed to operate such
15 designated class of motor vehicles. In order to insure that an applicant
16 for an examination permit is capable of understanding the meaning of
17 the various traffic control devices used in this State and of
18 comprehending any instructions or directions a law enforcement
19 officer or any other official authorized to regulate or direct traffic may
20 give, the applicant shall demonstrate an ability to read, understand and
21 speak the English language. An applicant's ability to read understand
22 and speak the English language shall be demonstrated in a manner
23 prescribed by the director. An examination permit issued to a
24 handicapped person, as determined by the Division of Motor Vehicles
25 after consultation with the Department of Education, shall be valid for
26 nine months or until the completion of the road test portion of his
27 license examination, whichever period is shorter. The permit shall be
28 sufficient license for the person to operate such designated class of
29 motor vehicles in this State during the period specified, while in the
30 company of and under the control of a driver licensed by this State to
31 operate such designated class of motor vehicles, or, in the case of a
32 commercial driver license permit, while in the company of and under
33 the control of a holder of a valid commercial driver license for the
34 appropriate license class and with the appropriate endorsements issued
35 by this or any other state. Such person, as well as the licensed driver,
36 except for a motor vehicle examiner administering a driving skills test,
37 shall be held accountable for all violations of this subtitle committed
38 by such person while in the presence of the licensed driver. In addition
39 to requiring an applicant for an examination permit to submit
40 satisfactory proof of identity and age, the director also shall require
41 the applicant to provide, as a condition for obtaining the permit,
42 satisfactory proof that the applicant's presence in the United States is
43 authorized under federal law.

44 No examination for a driver's license shall be given unless the
45 applicant has first secured a special learner's permit or examination
46 permit and no road test shall be scheduled for an applicant who has

1 secured an examination permit until at least 20 days shall have elapsed
 2 following the validation of the examination permit for practice driving,
 3 except that in the case of an omnibus endorsement or school bus no
 4 road test shall be scheduled until at least 10 days shall have elapsed.

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

8 The required fees for special learners' permits and examination
 9 permits shall be as follows:

10 Basic driver's license \$ 5.00

11 Motorcycle license or endorsement 5.00

12 Omnibus or school bus endorsement 25.00

13 Articulated vehicle endorsement 15.00

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

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

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

30 3. No special permit shall be issued unless:

31 a. the person applying therefor shall present a written application
 32 for the same, bearing a certification by the principal of the school
 33 indicating that the person is enrolled in an approved behind-the-wheel
 34 driving education course in the school of which he is principal or by
 35 the person operating a duly licensed drivers' school indicating that the
 36 person has contracted to take a course of behind-the-wheel automobile
 37 driving instruction offered by the school and shall pay the sum of
 38 \$5.00 to an agent of the Division of Motor Vehicles, which sum shall
 39 be turned over by the agent to the director, and by him remitted with
 40 the other funds collected in his division to the State Treasurer, in
 41 accordance with law; and

42 b. the person shall demonstrate, in a manner prescribed by the
 43 director, an ability to read, understand and speak the English language
 44 in order to insure that the applicant for the special permit is capable of
 45 understanding the meaning of the various traffic control devices used
 46 in this State and of comprehending any instructions or directions a law

1 enforcement officer or any other official authorized to regulate or
2 direct traffic may give.

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

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5 4. (New section) In order to insure that every applicant for a
6 driver's license is capable of understanding the meaning of the various
7 traffic control devices used in this State and of comprehending any
8 instructions or directions a law enforcement officer or other official
9 authorized to regulate or direct traffic may give, the director shall
10 provide that the driver's manual issued by the division to assist
11 applicants in preparing for the driver's license examination shall only
12 be printed in the English language.

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14 5. This act shall take effect immediately.

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STATEMENT

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19 This bill requires that applicants for driver's licenses, learner's
20 permits and special learner's permits be able to demonstrate an ability
21 to read, understand and speak the English language. In line with that
22 objective, the bill specifies that driver's examinations only be given in
23 the English language. It also provides that the driver's manual issued
24 by the Division of Motor Vehicles to assist applicants in preparing for
25 their driver's examination be printed in English.

26 The purpose of this bill is to insure, for public safety purposes, that
27 every applicant for a driver's license is capable of understanding the
28 meaning of the various traffic control devices used in this State and of
29 comprehending any instructions or directions a law enforcement
30 officer or any other official authorized to regulate or direct traffic may
31 give.

32 Currently, the written examination for a New Jersey driver's license
33 is available in fourteen different languages, not counting English.
34 Applicants who are unable to read one of those languages may arrange
35 for an interpreter to assist in an oral examination.

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40 Requires applicants for driver's licenses be able to read and understand
41 English; directs DMV to offer examinations only in English.