

SENATE, No. 2185

STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1997

By Senators SINGER and PALAIA

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 highway
11 in this State unless **[licensed to do so]**in possession of a valid permit,
12 or a provisional or basic driver's license issued to him in accordance
13 with this article.

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

30 The director shall issue a basic driver's license to operate a motor
31 vehicle other than a motorcycle to a person over 18 years of age who
32 previously has not been licensed to drive a motor vehicle in this state
33 or another jurisdiction only if that person has: (1) operated a
34 passenger automobile in compliance with the requirements of this Title

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 for not less than one year, not including any period of suspension or
2 postponement, either from the date of issuance of an examination
3 permit pursuant to R.S.39:3-13 or a provisional license pursuant to
4 section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed
5 more than two motor vehicle points and has not been convicted in the
6 previous year for a violation of R.S.39:4-50; section 2 of P.L.1981,
7 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;
8 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor
9 vehicle-related violation the director determines to be significant and
10 applicable pursuant to regulation; and (3) passed an examination of his
11 ability to operate a motor vehicle pursuant to this section.

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

20 The director shall expand the driver's license examination to include
21 a question asking whether the applicant is aware of the provisions of
22 the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et
23 seq.) and the procedure for indicating on the driver's license the
24 intention to make a donation of body organs or tissues pursuant to
25 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 upon his
29 receipt of a driver's license for this State. The director shall refuse to
30 issue a driver's license if the applicant fails to comply with this
31 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 motor
42 vehicle registered at a gross weight in excess of 18,000 pounds and
43 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. A
46 license issued pursuant to this classification d. shall be referred to as

1 the "basic driver's license."

2 Every applicant for a license under classification b. or c. shall be a
3 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 as
24 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 their
29 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 a passenger automobile for a specified period of
39 not more than 90 days, while in the company and under the
40 supervision of a driver licensed to operate such designated class of
41 motor vehicles.

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

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

8 For not less than six months immediately following the issuance of
9 an examination permit, the holder shall operate the vehicle only when
10 accompanied by and under the supervision of a New Jersey licensed
11 driver who is at least 21 years of age and has been licensed to drive a
12 passenger automobile for not less than three years. The supervising
13 driver shall sit in the front seat of the vehicle. While operating a
14 passenger automobile, the holder of the permit: (1) may have only
15 one additional passenger in the vehicle besides persons with whom the
16 holder resides, (2) shall not drive during the hours between 12:01 a.m.
17 and 5 a.m.; provided, however, the director may waive this condition
18 for any bona fide employment or religion-related activity if an
19 application is submitted prior to such employment or activity by the
20 employer or appropriate religious authority pursuant to regulations of
21 the director, and (3) shall ensure that all occupants of the vehicle are
22 secured in a properly adjusted and fastened seat belt or child restraint
23 system.

24 In addition to any other penalties that may be imposed, the director
25 shall suspend for not less than 90 days an examination permit if a
26 permit holder accumulates more than two motor vehicle points or
27 violates R.S.39:4-50; section 2 of P.L.1981,c.512 (C.39:4-50.4a);
28 P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5;
29 subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law
30 the director deems significant and applicable pursuant to regulation.
31 The director shall restore the permit if the permit holder satisfactorily
32 completes a remedial training course of not less than four hours and
33 remits a course fee prescribed by the director. The director also shall
34 postpone the issuance of a basic license for not less than 90 days if the
35 examination permit holder, after completion of the remedial training
36 course, accumulates any motor vehicle points or violates R.S.39:4-50;
37 section 2 of P.L. 1981, c.512 (C.39:4-50.4a); P.L. 1992, c.182
38 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
39 N.J.S.2C:12-1 or any other motor vehicle-related law the director
40 deems significant and applicable pursuant to regulation. The director
41 shall suspend the examination permit for a period of not less than six
42 months or more than one year if the permit holder is convicted of any
43 alcohol or drug-related offense unrelated to the operation of a motor
44 vehicle. A fine of not less than \$100 or more than \$500 shall be
45 imposed for any other violations of the conditions of the examination
46 permit.

1 An examination permit for a motorcycle or a commercial motor
 2 vehicle issued to a handicapped person, as determined by the Division
 3 of Motor Vehicles after consultation with the Department of
 4 Education, shall be valid for nine months or until the completion of the
 5 road test portion of his license examination, whichever period is
 6 shorter. The permit shall be sufficient license for the person to operate
 7 such designated class of motor vehicles in this State during the period
 8 specified, while in the company of and under the control of a driver
 9 licensed by this State to operate such designated class of motor
 10 vehicles, or, in the case of a commercial driver license permit, while in
 11 the company of and under the control of a holder of a valid
 12 commercial driver license for the appropriate license class and with the
 13 appropriate endorsements issued by this or any other state. Such
 14 person, as well as the licensed driver, except for a motor vehicle
 15 examiner administering a driving skills test, shall be held accountable
 16 for all violations of this subtitle committed by such person while in the
 17 presence of the licensed driver. In addition to requiring an applicant
 18 for an examination permit to submit satisfactory proof of identity and
 19 age, the director also shall require the applicant to provide, as a
 20 condition for obtaining the permit, satisfactory proof that the
 21 applicant's presence in the United States is authorized under federal
 22 law.

23 No road test for any person issued an examination permit shall be
 24 given unless the person has met the requirements of this section. No
 25 [examination]road test for [a] any other driver's license shall be given
 26 unless the applicant has first secured [a special learner's permit or]an
 27 examination permit and no such road test shall be scheduled for an
 28 applicant who has secured an examination permit until at least 20 days
 29 shall have elapsed following the validation of the examination permit
 30 for practice driving, except that in the case of an omnibus endorsement
 31 or school bus no road test shall be scheduled until at least 10 days
 32 shall have elapsed.

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

36 The required fees for special learners' permits and examination
 37 permits shall be as follows:

38

39 Basic driver's license	[\$5.00] <u>\$25</u>
40 Motorcycle license or endorsement	[5.00] <u>\$5</u>
41 Omnibus or school bus endorsement	[25.00] <u>\$25</u>
42 Articulated vehicle endorsement	[15.00] <u>\$15</u>

43

44 The director shall waive the payment of fees for issuance of
 45 examination permits for omnibus endorsements whenever the applicant
 46 establishes to the director's satisfaction that said applicant will use the

1 omnibus endorsement exclusively for operating omnibuses owned by
2 a nonprofit organization duly incorporated under Title 15 or 16 of the
3 Revised Statutes or Title 15A of the New Jersey Statutes.

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

11

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

14 1. The Director of the Division of Motor Vehicles may issue to a
15 person over 16 years of age a special learner's permit, under the hand
16 and seal of the director, allowing such person, for the purpose of
17 [fitting himself to become a motor vehicle driver, to operate]
18 preparing himself to qualify for a provisional license for a passenger
19 automobile by operating a dual pedal controlled motor vehicle while
20 [enrolled in] taking a required course of behind-the-wheel automobile
21 driving education approved by the State Department of Education and
22 conducted in a public, parochial or private school of this State or
23 [while taking] a course of behind-the-wheel automobile driving
24 instruction conducted by a drivers' school duly licensed pursuant to the
25 provisions of P.L.1951, c.216 (C.39:12-1 et seq.)[, which]. The
26 special learner's permit shall be issued in lieu of the examination
27 permit provided for in R.S.39:3-13. In addition to requiring an
28 applicant for a permit to submit satisfactory proof of identity and age,
29 the director also shall require the applicant to provide, as a condition
30 for obtaining the permit, satisfactory proof that the applicant has
31 satisfactorily completed a classroom driver education course of a
32 minimum of six hours approved by the Division of Motor Vehicles and
33 proof that the applicant's presence in the United States is authorized
34 under federal law.

35 The special learner's permit described above, when issued to a
36 person [enrolled in] taking a course of behind-the-wheel driving
37 education conducted in a public, parochial or private school, shall be
38 retained in the office of the school principal at all times except during
39 such time as the person to whom the permit is issued is undergoing
40 behind-the-wheel automobile driving instruction.

41 The director may make such rules and regulations as he may deem
42 necessary to carry out the provisions of this section.

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

44

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

1 6. Any person to whom a special learner's permit has been issued
2 pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
3 successful completion of a behind-the-wheel driving course conducted
4 by a licensed drivers' school or of a public, parochial or private school
5 driving education course, shall be entitled to retain the special learner's
6 permit in his own possession. Such person may operate a motor
7 vehicle of the class for which a basic driver's license is required except
8 during the hours between ~~[12:01 a.m.]~~ 11:01 p.m. and 5:00 a.m. while
9 in the company and under the ~~[control]~~supervision, from the front
10 passenger seat, of a licensed motor vehicle driver of this State who is
11 over 21 years of age and [who has had at least three years' experience
12 as a licensed motor vehicle driver] has been licensed to drive a
13 passenger automobile for at least three years. Such special permit
14 shall be valid ~~[for 90 days after]~~ until such person's seventeenth
15 birthday or until ~~[the completion of the road test portion of his license~~
16 ~~examination]~~he qualifies for a provisional license, whichever period is
17 shorter[; provided, however, that a special permit issued to a
18 handicapped person, as determined by the Division of Motor Vehicles
19 after consultation with the Department of Education, shall be valid for
20 nine months after such person's seventeenth birthday or until the
21 completion of the road test portion of his license examination,
22 whichever period is shorter]. Except during an instructional period of
23 a behind-the-wheel driving course, the holder of a special permit shall
24 operate a passenger automobile with only the following passengers:
25 (1) persons who share the permit holder's residence; and (2) one
26 additional passenger who does not reside with the permit holder. All
27 occupants of the automobile shall be secured in a properly adjusted
28 and fastened seat belt or child restraint system.

29 In addition to any other penalties that may be imposed, the director
30 shall suspend for not less than 90 days a special learner's permit if a
31 permit holder accumulates more than two motor vehicle points or
32 violates R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a);
33 P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5;
34 subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law
35 the director determines to be significant and applicable pursuant to
36 regulation. The director shall restore the permit if the permit holder
37 satisfactorily completes a remedial training course of not less than four
38 hours and remits a course fee prescribed by the director. The director
39 also shall postpone the issuance of a provisional license for not less
40 than 90 days if the permit holder, after completion of the remedial
41 training course, accumulates any motor vehicle points or violates
42 R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992,
43 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
44 N.J.S.2C:12-1 or any other motor vehicle-related law the director
45 deems significant and applicable pursuant to regulation. The director
46 shall suspend the special learner's permit for a period of not less than

1 six months or more than one year if the permit holder is convicted of
2 any alcohol or drug-related offense unrelated to the operation of a
3 motor vehicle. A fine of not less than \$100 or more than \$500 shall
4 be imposed for any other violations of the conditions of the special
5 learner's permit.

6 (cf: P.L.1993, c.287)

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

10 3. No special permit shall be issued unless the person applying
11 therefor shall present a written application for the same, bearing a
12 certification by the principal of the school indicating that the person is
13 enrolled in an approved behind-the-wheel driving education course in
14 the school of which he is principal or by the person operating a duly
15 licensed drivers' school indicating that the person has contracted to
16 take a course of behind-the-wheel automobile driving instruction
17 offered by the school and shall pay the sum of ~~[\$5.00]~~\$25 to an agent
18 of the Division of Motor Vehicles, which sum shall be turned over by
19 the agent to the director, and by him remitted with the other funds
20 collected in his division to the State Treasurer, in accordance with
21 law. A special learner's permit to operate a passenger automobile shall
22 not be issued to any person younger than 18 years of age without the
23 signature of a parent or guardian. The signature shall be submitted to
24 the division on a form prescribed by the director. The director shall
25 postpone for six months the driving privileges of any person who
26 submits a 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, and (3) upon the completion of six
38 months driving experience with a validated special learner's permit in
39 compliance with the provisions of section 6 of P.L.1977, c.25 (C.39:3-
40 13.2a.).

41 The holder of a provisional license: (1) may have only one
42 passenger in the vehicle in addition to persons with whom he shares
43 his residence, (2) shall not drive during the hours between 12:01 a.m.
44 and 5 a.m., except that the director may waive this condition for any
45 bona fide employment or religion-related activity if an application is
46 submitted prior to such employment or activity by the employer or

1 appropriate religious authority pursuant to regulations of the director,
2 (3) shall ensure that all occupants of the vehicle are secured in a
3 properly adjusted and fastened seat belt or child restraint system. In
4 addition to any other penalties provided under law, the holder of a
5 provisional license who accumulates more than two motor vehicle
6 points or commits a violation of R.S.39:4-50; section 2 of P.L.1981,
7 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129;
8 N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1, or any other motor
9 vehicle law the director deems to be significant and applicable
10 pursuant to regulation shall, for the first violation, be required to
11 satisfactorily complete a remedial training course of not less than four
12 hours and remit a course fee prescribed by the division. For a second
13 or subsequent violation, in addition to any other penalties provided
14 under law, the director shall suspend the provisional license for not
15 less than three months or more than six months and shall postpone
16 eligibility for a basic license for an equivalent period. In addition, the
17 director shall suspend a provisional license for not less than six months
18 or more than one year if the holder is convicted of any alcohol or
19 drug-related offense, unrelated to the operation of a motor vehicle. A
20 provisional license holder who violates other conditions of the license
21 shall be fined not less than \$100 or more than \$500.

22 A provisional license shall be conspicuously different in appearance
23 from a basic license.

24 (cf: P.L.1977, c.25, s.8)

25

26 8. (New section) a. The Director of the Office of Highway Traffic
27 Safety in the Department of Law and Public Safety, after consultation
28 with the Director of the Division of Motor Vehicles in the Department
29 of Transportation, shall develop curriculum guidelines for use by
30 teachers of approved classroom driver education courses. The course
31 of instruction for approved courses shall be designed to develop and
32 instill the knowledge and attitudes necessary for the safe operation and
33 driving of motor vehicles. Defensive driving, highway courtesy,
34 accident avoidance and understanding and respect for the State's
35 motor vehicle laws shall be emphasized. The incorporation of these
36 curriculum guidelines in such classroom courses and the use of related
37 instructional materials shall be a requirement for approval of the
38 course by the Director of the Division of Motor Vehicles and for
39 eligibility for insurance discounts for newly licensed drivers of
40 passenger automobiles pursuant to this act.

41 b. The Director of the Office of Highway Traffic Safety, in
42 consultation with the Director of the Division of Motor Vehicles, shall
43 produce an informational brochure for parents and guardians of
44 beginning drivers under the age of 18 years. The division shall ensure
45 that the parents or guardians of a permit holder receive these
46 brochures at the time a permit is issued to a beginning driver. The

1 brochures shall include, but not be limited to the following
2 information:

- 3 (1) Setting an example for the beginning driver;
- 4 (2) Accident and fatality statistics about beginning drivers;
- 5 (3) Causes of accidents among beginning drivers;
- 6 (4) The need to supervise vehicle operation by a beginning driver; and
- 7 (5) Methods to coach a beginning driver in order to reduce accidents.

8
9 9. (New section) a. There is created in the Department of Law
10 and Public Safety a special non-lapsing fund to be known as the
11 "Classroom Driver Education Fund." There shall be deposited in the
12 fund \$20 from each special learner's examination and permit fee for
13 a passenger automobile that is established pursuant to R.S.39:3-13 and
14 any other monies that may be made available for classroom driver
15 education. The Office of Highway Traffic Safety shall administer
16 expenditures from this fund which shall be used exclusively to
17 reimburse providers of approved classroom driver education programs
18 pursuant to subsection b. of this section and for the cost of
19 administering the fund.

20 b. Providers of classroom driver education programs approved by
21 the Director of the Division of Motor Vehicles shall be eligible for
22 reimbursement from the fund, pursuant to criteria established under
23 regulations promulgated by the Director of the Office of Highway
24 Traffic Safety. These providers may include boards of education,
25 public, private and, pursuant to law or judicial decision, parochial and
26 other religious schools that are approved for such instruction for the
27 purposes of this act by the Director of the Division of Motor Vehicles.
28 Providers may also include private commercial drivers' schools
29 licensed pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) that have
30 entered into contracts with the division or with such boards and
31 schools for this instruction, which contracts have been approved by the
32 director for the purposes of this act. The Director of the Division of
33 Motor Vehicles shall set the maximum tuition rate for the course and
34 shall adjust it periodically to reflect the cost-of-living. Local school
35 districts which offer such driver education courses may offer the
36 courses to non-public secondary school students residing within the
37 district and receive reimbursement, provided the requirements of
38 section 5 of P.L.1977, c.192 (C.18A:46A-5) are met. Reimbursements
39 shall be made only to providers who employ, use or contract for
40 instructors who have successfully completed the State's requirements
41 for the certified teaching of driver education.

42 c. Amounts necessary to reimburse the Division of Motor Vehicles
43 in the Department of Transportation and the Office of Highway Traffic
44 Safety in the Department of Law and Public Safety for all costs
45 reasonably and actually incurred in the implementation of this act may
46 be appropriated from the fund.

1 d. The Director of the Office of Highway Traffic Safety, by rule or
2 regulation and in consultation with the Director of the Division of
3 Motor Vehicles, may establish criteria for the reimbursement of
4 providers pursuant to this section. These criteria shall consider the
5 percentage of students who successfully complete State driver
6 licensing requirements. No person whose driver's license is suspended
7 or revoked may teach any driver education course. A person who
8 knowingly makes a false or fraudulent statement in an application
9 required for reimbursement under this act or who shall knowingly
10 collect or cause to be repaid to any person or claimant any such
11 reimbursement without being entitled to the same, is guilty of a
12 disorderly persons offense.

13

14 10. (New section) The Commissioner of Banking and Insurance
15 shall monitor the experience of beginning drivers under the provisions
16 of P.L. , c. (C.) (now pending before the Legislature as this bill).
17 Beginning four years after the effective date of this act, the
18 commissioner shall determine whether one or more discounts are
19 justified by the actuarial experience of insurers in insuring drivers who
20 have successfully completed the required classroom or behind-the-
21 wheel training course or both, conducted pursuant to P.L. , c.
22 (C.) (now before the Legislature as this bill). If the commissioner
23 determines that one or more discounts are justified, the commissioner
24 shall require that every rate filing for private passenger automobile
25 insurance contain appropriate discounts, based on the insurer's
26 actuarial experience as a result of the changes implemented under
27 P.L. , c. (C.) (now before the Legislature as this bill) for
28 personal injury protection coverage, bodily injury liability coverage,
29 property damage coverage and physical damage coverage of persons
30 who have successfully completed the required course or courses for a
31 special learner's permit or examination permit, as the case may be.
32 These discounts shall be available to the insured for not less than two
33 years beginning with the next succeeding policy period after the
34 successful completion of the required course or courses and may be
35 renewed or extended beyond that two-year period. An insurer may
36 immediately terminate the discounts provided under this section to
37 any person whose driver's license is suspended or who, within the two-
38 year period, accumulates three or more motor vehicle penalty points
39 assessed under the provisions of section 1 of P.L.1982, c.43 (C.39:5-
40 30.5) without an allowance for a reduction in points.

41

42 11. (New section) The Division of Motor Vehicles shall monitor
43 the performance of new drivers of passenger automobiles and, in
44 conjunction with the Office of Highway Traffic Safety, report to the
45 Governor and the Legislature evaluating the operation and
46 effectiveness of this act. The Office of Highway Traffic Safety shall

1 detail the disbursement of monies from the Classroom Driver
2 Education Fund in the report. The division and the office shall make
3 any recommendations necessary to better effectuate the provisions
4 hereof.

5
6 12. (New section) The Director of the Division of Motor Vehicles
7 and the Director of the Office of Highway Traffic Safety shall adopt,
8 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
9 (C.52:14B-1 et seq.), any rules and regulations each determines to be
10 necessary to effectuate their respective responsibilities under this act.

11
12 13. This act shall take effect on the first day of the seventh month
13 after enactment and shall apply to any applicant for a special learner's
14 permit who is under 16 years of age, or, in the case of an applicant for
15 an examination permit, under 17 years of age on the effective date of
16 this act. Prior to the effective date, the Director of the Division of
17 Motor Vehicles in the Department of Transportation and the Director
18 of the Office of Highway Traffic Safety in the Department of Law and
19 Public Safety may take such anticipatory administrative action in
20 advance as shall be necessary for the implementation of this act.

21 22 23 STATEMENT

24
25 This bill restructures the State's system of issuing permits and
26 licenses to persons driving passenger automobiles in New Jersey for
27 the first time. It creates a graduated system of licensing designed to
28 phase-in exposure to increasingly complex driving tasks and
29 environments as new drivers mature and develop their driving skills
30 under supervised conditions. Beginning drivers will have greater
31 opportunity to get their behind-the-wheel experience under conditions
32 of controlled risk. Under this bill, obtaining a regular or "basic"
33 license will become a privilege gained only by demonstrating, in a
34 systematic and progressive manner, conscientious and responsible
35 driving behavior in each stage of licensing.

36 Many drivers to be licensed for the first time would advance from
37 a special learner's permit to a provisional license to an unrestricted (or
38 "basic") license. Classroom driver education would be required for a
39 permit. An applicant for a special learner's permit, who can be as
40 young as 16 years old, will be required later to take a behind-the-
41 wheel driving instruction course to qualify for a provisional driver's
42 license.

43 The alternate route to a basic license, which one can presently
44 follow by obtaining an examination permit, is also modified. In this
45 case, an applicant for such a permit at the age of 17 must ultimately
46 satisfy conditions similar to those set forth for special permit holders

1 and provisional licensees before becoming eligible for a basic license.
2 However, the applicant need not take a behind-the-wheel training
3 course required for a provisional license. Also, his permit would be
4 suspended on the first occasion for any serious motor vehicle related
5 convictions or for being assessed more than two motor vehicle points.

6 In addition to satisfying current eligibility requirements and
7 completing the classroom course, to qualify for a learner's permit
8 under this bill, a person would be required to submit the signature of
9 a parent or guardian. The permit holder would be: (1) limited to
10 driving during the hours of 5:01 a.m. and 11:00 p.m. while in the
11 company and under the supervision of a licensed driver who is at least
12 21 years old with three years of passenger automobile driving
13 experience; (2) restricted from having more than one passenger in
14 addition to persons sharing his residence, except during an
15 instructional period of a behind-the-wheel driving course; and (3)
16 responsible for ensuring that all passengers are wearing seat belts or
17 using child restraint systems. Any violations of these conditions
18 would result in a fine of \$100 to \$500. Any permit holder who is
19 assessed more than two motor vehicle points or convicted of drunk
20 driving, leaving the scene of an accident, vehicular homicide, assault
21 by auto or any other significant violations established by regulation
22 would be suspended for a minimum of 90 days and be required to
23 satisfactorily complete a remedial course of at least four hours in
24 addition to any other penalty provided under the law. The assessment
25 of any points or additional such violations following this course would
26 result in a postponement of eligibility for a provisional license for at
27 least 90 days in addition to any other penalties provided by law. If
28 the permit holder is convicted of any drug or alcohol-related offense
29 which is not motor vehicle-related, his permit would be suspended for
30 six months to a year.

31 In order to obtain a provisional license, at the next graduated step,
32 a driver must: (1) be at least 17 years old, (2) satisfactorily complete
33 an approved behind-the-wheel training program, and (3) have six
34 months of driving experience with a special learner's permit. The
35 holder of a provisional license would be prohibited from: (1) having
36 more than one passenger in addition to persons sharing his residence,
37 and (2) driving between 12:01 a.m. and 5 a.m. except for bona fide
38 employment or religious purposes. The driver would be required to
39 ensure that all occupants of the vehicle are wearing seat belts or child
40 restraint systems.

41 A provisional licensed driver who receives more than two motor
42 vehicle points or is convicted of drunk driving or certain other
43 offenses would be required to complete a remedial training course of
44 at least four hours before reapplication for such a license could be
45 made. Following completion of this course, any additional such motor
46 vehicle violations would result in a provisional license suspension of

1 three to six months and a postponement of eligibility for a basic
2 license for a comparable period of time, in addition to any other
3 penalties under law. As is the case with permit holders, provisional
4 licensees would have their license suspended for six months to a year
5 for alcohol or drug related offenses that are not motor vehicle related.

6 The driver holding a provisional license can advance to an
7 unrestricted "basic" driver's license if he: (1) satisfies all conditions
8 and requirements for a provisional license, (2) has at least a year of
9 driving experience after having obtained a provisional license (or
10 completes a post-conviction remedial training course, whichever is
11 later) with no more than two motor vehicle points and no other motor
12 vehicle convictions during the previous year, and (3) passes the
13 State's road test conducted in low-risk public street locations.

14 The bill raises the driver's license permit fee from \$5 to \$25. The
15 additional \$20 per permit would be placed in a dedicated fund to
16 provide at least a partial reimbursement of driver education classroom
17 instructional costs and for the Division of Motor Vehicles and the
18 Office of Highway Traffic Safety to administer the new system.
19 Administration will include division monitoring of the performance of
20 drivers holding permits and provisional licenses. The sponsor hopes
21 that such funding will serve as an incentive to school authorities to
22 either institute or maintain these classes. The bill would require that
23 after four years of monitoring by the Commissioner of Insurance, and
24 if indicated by an insurer's actuarial experience, every insurer would
25 be expected to provide a discount for two years to those who had
26 satisfactorily completed the approved classroom or behind-the-wheel
27 course or both. These discounts will help to offset the permit fee
28 increase and cost of additional instruction and recognize the value of
29 classroom and behind-the-wheel instruction. A suspension or receipt
30 of three motor vehicle penalty points within two years would result in
31 immediate loss of the discounts. Also, an informational brochure
32 would be distributed to the parents or guardians of beginning drivers
33 under age 18 which is intended to assist them in the supervision of
34 their childrens' early driving experiences.

35 Research shows that 16-year old drivers are nearly three times as
36 likely as 18-year old drivers to be involved in an automobile accident
37 per mile driven. Nationally, 15% of teenage drivers nationally are
38 involved in accidents in their first year of driving. Moreover, teenage
39 drivers are the only age group for which most traffic fatalities occur
40 during nighttime driving. In New Jersey, fatal crashes of drivers age
41 16 to 20 range from about 115 to 170 a year. In 1994, according to
42 the Insurance Institute for Highway Safety, 17 year-old New Jersey
43 drivers were involved in traffic accidents 2.5 times as often as those
44 aged 25 to 59.

45 This bill is expected to make a direct contribution to lowering the
46 traffic injury and death rate in the State as well as reducing collision

1 damage and its costs to insurance policy holders.

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5

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

7 automobiles.