STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 318

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1998

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 318.

This committee substitute restructures the State’s system of issuing permits and licenses to persons driving passenger automobiles in New Jersey for the first time. It creates a graduated system of licensing designed to phase-in exposure to increasingly complex driving tasks and environments as new drivers mature and develop their driving skills under supervised conditions. Beginning drivers will have greater opportunity to get their behind-the-wheel experience under conditions of controlled risk. Under the substitute, obtaining a regular or “basic” license will become a privilege gained only by demonstrating, in a systematic and progressive manner, conscientious and responsible driving behavior in each stage of licensing.

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

The alternate route to a basic license, which one can presently follow by obtaining an examination permit, is also modified. In this case, an applicant for such a permit at the age of 17 must ultimately satisfy conditions similar to those set forth for special permit holders and provisional licensees before becoming eligible for a basic license. However, the applicant need not take a behind-the-wheel training course required for a provisional license. Also, his permit would be suspended on the first occasion for any serious motor vehicle related convictions or for being assessed more than two motor vehicle points.

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

In order to obtain a provisional license, at the next graduated step, a driver must: (1) be at least 17 years old, (2) satisfactorily complete an approved behind-the-wheel training program, and (3) have six months of driving experience with a special learner's permit. The holder of a provisional license would be prohibited from: (1) having more than one passenger in addition to persons sharing his residence, except if the license holder or a passenger is at 21 years old; and (2) driving between 12:01 a.m. and 5 a.m. except for bona fide employment, religious purpose and emergencies. The driver would be required to ensure that all occupants of the vehicle are wearing seat belts or child restraint systems.

A provisional licensed driver who receives more than two motor vehicle points or is convicted of drunk driving or certain other offenses would be required to complete a remedial training course of at least four hours before reapplication for such a license could be made. Following completion of this course, any additional such motor vehicle violations would result in a provisional license suspension of three to six months and a postponement of eligibility for a basic license for a comparable period of time, in addition to any other penalties under law. As is the case with permit holders, provisional licensees would have their license suspended for six months to a year for alcohol or drug related offenses that are not motor vehicle related.

The driver holding a provisional license can advance to an unrestricted "basic" driver's license if he: (1) satisfies all conditions and requirements for a provisional license, (2) has at least a year of driving experience after having obtained a provisional license (or completes a post-conviction remedial training course, whichever is later) with no more than two motor vehicle points and no other motor vehicle convictions during the previous year, and (3) passes the State's road test conducted, as appropriate, at existing testing sites or
The committee substitute raises the driver's license permit fee from $5 to $25. The additional $20 per permit would be placed in a dedicated fund to provide at least partial reimbursement for the costs of driver education classroom instruction, which may include commercial driving schools, and for the Division of Motor Vehicles and the Office of Highway Traffic Safety to administer the new system. Administration will include division monitoring of the performance of drivers holding permits and provisional licenses. The substitute also provides for start-up funds for the division by permitting a loan to be made to the division which would be repaid to the State Treasury from fees in the new Driver Education Fund. Also, an informational brochure would be distributed to the parents or guardians of beginning drivers under age 18 which is intended to assist them in the supervision of their children's early driving experiences.

The committee substitute also creates a State Advisory Committee on Driver Education to make recommendations to the Directors of the Division of Motor Vehicles and the Office Highway Traffic Safety concerning regulations promulgated under the bill, including, but not limited to the development of curriculum guidelines and reimbursement procedures for providers. The members would be appointed by the Governor and would include representatives from the Department of Education, the Department of Transportation, the Automobile Association Clubs of New Jersey, the Driving School Association of New Jersey, the New Jersey Association of Chiefs of Police, the New Jersey State Safety Council and the New Jersey Traffic Safety Officers Association.

It is the committee's understanding that this bill is expected to make a direct contribution to lowering the traffic injury and death rate in the State as well as reducing collision damage and its costs to insurance policy holders.

The effective date of the committee substitute is January 1, 2001, to enable the State's administering agencies to prepare for the operation of the program. However, the Directors of the Division of Motor Vehicles and the Office of Highway Traffic Safety are permitted to take any necessary anticipatory administrative action in advance as may be necessary for the bill's implementation.