ASSEMBLY, No. 652

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN ARMATO
District 2 (Atlantic)
Assemblyman WILLIAM F. MOEN, JR.
District 5 (Camden and Gloucester)
Assemblyman GORDON M. JOHNSON
District 37 (Bergen)

Co-Sponsored by:

Assemblymen Karabinchak, Holley, Danielsen and DiMaio

SYNOPSIS

Exempts certain veterans from driver's license fee, motorcycle license fee, and digitized picture fee.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/3/2020)

AN ACT concerning the fees for driver's licenses and amending various parts of the statutory law.

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

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1. R.S.39:3-10 is amended to read as follows:

39:3-10. A person shall not drive a motor vehicle on a public highway in this State unless the person is under supervision while participating in a behind-the-wheel driving course pursuant to section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated permit, or a probationary or basic driver's license issued to that person in accordance with this article.

A person under 18 years of age shall not be issued a basic license to drive motor vehicles, and a person shall not be issued a validated permit, including a validated examination permit, until the applicant has passed a satisfactory examination and other requirements as to the applicant's ability as an operator. The examination shall include: a test of the applicant's vision; the applicant's ability to understand traffic control devices; the applicant's knowledge of safe driving practices, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely; the applicant's knowledge of operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles, which shall include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists; the applicant's knowledge of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle; the applicant's knowledge of the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle; the applicant's knowledge of portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant; and the applicant's knowledge of the laws and ordinary usages of the road.

A person shall not sit for an examination for any permit without exhibiting photo identification deemed acceptable by the commission, unless that person is a high school student participating in a course of automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive 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.

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written law knowledge examination for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The commission shall be required to provide that person with a booklet that highlights those motor vehicle laws unique to New Jersey. A road test shall be required for a probationary license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. During the road test, an applicant may use a rear visibility system, parking sensors, or other technology installed on the motor vehicle that enables the applicant to view areas directly behind the vehicle or alerts the applicant of obstacles while parking.

A person shall not sit for a road test unless that person exhibits photo identification deemed acceptable by the commission. A high school student who has completed a course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, who has been issued a special learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be required to exhibit photo identification in order to sit for a road test. The commission may waive the road test for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The commission shall approve locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner, and other motorists. New locations for the road test shall not be approved unless the test can be given on public streets.

A person who successfully completes a road test for a motorcycle license or a motorcycle endorsement when operating a motorcycle or motorized scooter with an engine displacement of less than 231 cubic centimeters shall be issued a motorcycle license or endorsement restricting the person's operation of the vehicles to any motorcycle with an engine displacement of 500 cubic centimeters or less. A person who successfully completes a road test for a motorcycle license or motorcycle endorsement when operating a motorcycle with an engine displacement of 231 or more cubic centimeters shall be issued a motorcycle license or endorsement without any restriction as to engine displacement. Any person who successfully completes an approved motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a motorcycle license or endorsement without restriction as to engine displacement.

1 The commission shall issue a basic driver's license to operate a 2 motor vehicle other than a motorcycle to a person over 18 years of 3 age who previously has not been licensed to drive a motor vehicle 4 in this State or another jurisdiction only if that person has: (1) 5 operated a passenger automobile in compliance with the 6 requirements of this Title for not less than one year, not including 7 any period of suspension or postponement, from the date of 8 issuance of a probationary license pursuant to section 4 of 9 P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two 10 motor vehicle points; (3) not been convicted in the previous year for 11 a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-12 50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-5, section 1 of P.L.2017, c.165 (C.2C:11-5.3), 13 subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related 14 15 violation the commission determines to be significant and 16 applicable pursuant to regulation; and (4) passed an examination of 17 the applicant's ability to operate a motor vehicle pursuant to this 18 section.

The commission shall expand the driver's license examination by 20 percent. The additional questions to be added shall consist solely of questions developed in conjunction with the Department of Health concerning the use of alcohol or drugs as related to highway safety. The commission shall develop, in conjunction with the Department of Health, supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

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Up to 20 questions may be added to the examination on subjects to be determined by the commission that are of particular relevance to youthful drivers, including the importance of operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other nonmotorized vehicles, which shall include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists, and the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely, after consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety.

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on

the driver's license the intention to make a donation of body organs or tissues pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the dangers of failing to comply with this State's motor vehicle traffic laws and the "STOP for Nikhil Safety Pledge" set forth in subsection e. of R.S.39:3-41.

The commission shall expand the driver's license examination to include questions concerning the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle.

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the commission any current driver's license issued to the applicant by another state or jurisdiction upon the applicant's receipt of a driver's license for this State. The commission shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is less than 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the commission, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

The commission shall create classified licensing of drivers covering the following classifications:

- a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering or any vehicle defined as a motorcycle pursuant to R.S.39:1-1 having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface.
- b. Omnibuses as classified by R.S.39:3-10.1 and school buses classified under N.J.S.18A:39-1 et seq.
 - c. (Deleted by amendment, P.L.1999, c.28)
- d. All motor vehicles not included in classifications a. and b. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. shall be a holder of a basic driver's license. Any issuance of a license under classification b. shall be by endorsement on the basic driver's license. 1 2

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license. The holder of a basic driver's license or a separately issued motorcycle license shall be authorized to operate a motorcycle having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed no more than 35 miles per hour on a flat surface.

The commission, upon payment of the lawful fee and after it or a person authorized by it has examined the applicant and is satisfied of the applicant's ability as an operator, may, in its discretion, issue a license to the applicant to drive a motor vehicle. The license shall authorize the person to drive any registered vehicle, of the kind or kinds indicated.

The license shall expire, except as otherwise provided, during the fourth calendar year following the date in which the license was issued and on the same calendar day as the person's date of birth. If the person's date of birth does not correspond to a calendar day of the fourth calendar year, the license shall expire on the last day of the person's birth month.

The commission may, at its discretion and for good cause shown, issue licenses which shall expire on a date fixed by it. If the commission issues a license to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard period of the license, the commission shall fix the expiration date of the license at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The commission may renew the license only if it is demonstrated that the person's continued presence in the United States is authorized under federal law. The fee for licenses with expiration dates fixed by the commission shall be fixed by the commission in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the license period shall be as follows:

Motorcycle license or endorsement: \$18.

Omnibus or school bus endorsement: \$18.

Basic driver's license: \$18.

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

The commission shall waive the payment of fees for the issuance of a basic driver's license and motorcycle license or endorsement for any qualified disabled veteran, provided that the qualified

disabled veteran provides sufficient proof, as determined by the chief administrator, that the veteran is eligible for the waiver.

The commission shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of the period, the licenses to be effective immediately.

All applications for renewals of licenses shall be made in a manner prescribed by the commission and in accordance with procedures established by it.

The commission in its discretion may refuse to grant a permit or license to drive motor vehicles to a person who is, in its estimation, not a proper person to be granted a permit or license, but a defect of the applicant shall not debar the applicant from receiving a permit or license unless it can be shown by tests approved by the commission that the defect incapacitates the applicant from safely operating a motor vehicle.

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

If the commission has reasonable cause to suspect that any document presented by an applicant as proof of identity, age, or legal residency is altered, false, or otherwise invalid, the commission shall refuse to grant the permit or license until the time when the document may be verified by the issuing agency to the commission's satisfaction.

A person violating this section shall be subject to a fine not exceeding \$500 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, the applicant shall be subject to a fine of not less than \$200 and, in addition, the court shall issue an order to the commission requiring the commission to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the commission.

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

As used in this section:

"Parking sensors" means proximity sensors which use either electromagnetic or ultrasonic technology and are designed to alert the driver to obstacles while parking

"Qualified disabled veteran" means a person who has been honorably discharged from military service and who has a service-connected disability of 60 percent or greater.

1 "Rear visibility system" means devices or components installed 2 on a motor vehicle at the time of manufacture that allow a forward 3 facing driver to view a visual image of the area directly behind the 4 vehicle.

5 (cf: P.L.2017, c.374, s.1)

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- 2. Section 1 of P.L.1979, c.261 (C.39:3-10f) is amended to read as follows:
- 9 1. In addition to the requirements for the form and content of a 10 motor vehicle driver's license under R.S.39:3-10 and a probationary license issued under section 4 of P.L.1950, c.127 (C.39:3-13.4), on 11 12 and after the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.), each initial New Jersey license, each renewal of a New Jersey 13 14 driver's license, and each probationary license shall have a digitized 15 color picture of the licensee. All licenses issued on and after 16 January 1, 2000 shall be valid for a period of 48 calendar months. 17 However, the chief administrator may, at the chief administrator's 18 discretion, issue licenses and endorsements which shall expire on a 19 date fixed by the chief administrator. The fee for those licenses or endorsements shall be fixed in amounts proportionately less or 20 greater than the fee otherwise established. Notwithstanding the 21 22 provisions of this section to the contrary, a person 70 years of age 23 or older may elect to have a license issued for a period of two or 24 four years, which election shall not be altered by the chief 25 administrator. The fee for the two-year license shall be \$9, in 26 addition to the fee for a digitized picture established in section 4 of 27 P.L.2001, c.391 (C.39:3-10f4), except that the chief administrator 28 shall waive the payment of this fee for any qualified disabled 29 veteran, provided that the qualified disabled veteran provides 30 sufficient proof, as determined by the chief administrator, that the veteran is eligible for the waiver. The chief administrator may, for 31 32 good cause, extend a license and any endorsement thereon beyond 33 their expiration dates for periods not to exceed 12 additional 34 months. The chief administrator may extend the expiration date of 35 a license and any endorsement thereon without payment of a 36 proportionate fee when the chief administrator determines that the 37 extension is necessary for good cause. If any license and 38 endorsements thereon are so extended, the licensee shall pay upon 39 renewal the full license fee for the period fixed by the chief 40 administrator as if no extension had been granted.

Each initial driver's license issued to a person under the age of 21 after the effective date of P.L.1999, c.28 (C.39:3-10f1 et al.) shall be conspicuously distinct, through the use of color and design, from the driver's licenses issued to persons 21 years of age or older. The chief administrator, in consultation with the Superintendent of State Police, shall determine the color and the manner in which the license is designed to achieve this result. The license shall also bear the words "UNDER 21" in a conspicuous manner. The chief

- 1 administrator shall provide that, upon attaining the age of 21, a
- 2 licensee shall be issued a replacement driver's license or a new
- 3 license, as appropriate. The fee for a replacement license shall be
- 4 \$5 in addition to the digitized picture fee, except that the chief
- 5 <u>administrator shall waive the payment of these fees for any</u>
- 6 qualified disabled veteran, provided that the qualified disabled
 - veteran provides sufficient proof, as determined by the chief
- 8 administrator, that the veteran is eligible for the waiver.

As conditions for the renewal of a driver's license, the chief administrator shall provide that the picture of a licensee be updated except that the chief administrator may elect to use a stored picture to renew a license for a period not exceeding four additional years for \$18 in addition to the digitized picture fee, except that the chief administrator shall waive the payment of these fees for any qualified disabled veteran, provided that the qualified disabled veteran provides sufficient proof, as determined by the chief administrator, that the veteran is eligible for the waiver.

In addition to any other extension, the chief administrator shall allow a person to use a stored picture to renew a license for a period not exceeding one year if the person presents documentation by a licensed physician that the person is undergoing medical treatment for an illness and the treatment results in temporary changes to the person's physical characteristics. The fee for this extension shall be \$18 and the person shall not be required to pay the digitized picture fee pursuant to section 4 of P.L.2001, c.391 (C.39:3-10f4). The chief administrator shall waive the payment of this fee for any qualified disabled veteran, provided that the qualified disabled veteran provides sufficient proof, as determined by the chief administrator, that the veteran is eligible for the waiver

Whenever a person has reconstructive or cosmetic surgery which significantly alters the person's facial features, the person shall notify the chief administrator who may require the picture of the licensee to be updated for \$5 in addition to the digitized picture fee, except that the chief administrator shall waive the payment of this fee for any qualified disabled veteran, provided that the qualified disabled veteran provides sufficient proof, as determined by the chief administrator, that the veteran is eligible for the waiver.

Nothing in this section shall be construed to alter or change any expiration date on any New Jersey driver's license issued prior to the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.) and, unless a licensee's driving privileges are otherwise suspended or revoked, except as provided in R.S.39:3-10, that license shall remain valid until that expiration date.

Specific use of the driver's license and any information stored or encoded, electronically or otherwise, in relation thereto shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal Driver's Privacy Protection Act of 1994, Pub.L.103-322. Notwithstanding the provisions of any other law to the contrary, the

digitized picture or any access thereto or any use thereof shall not be sold, leased, or exchanged for value.

For the purposes of this section, "qualified disabled veteran" means a person who has been honorably discharged from military service and who has a service-connected disability of 60 percent or greater.

(cf: P.L.2015, c.306, s.1)

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- 3. Section 4 of P.L.2001, c.391 (C.39:3-10f4) is amended to read as follows:
- 4. The fee for a digitized picture shall be \$6 for each license, renewal or duplicate thereof, and shall be in addition to the fee presently authorized for the issuance of a driver's license pursuant to R.S.39:3-10.

The commission shall waive the payment of the fee for any qualified disabled veteran, provided that the qualified disabled veteran provides sufficient proof, as determined by the chief administrator, that the veteran is eligible for the waiver. For the purposes of this section, "qualified disabled veteran" means a person who has been honorably discharged from military service and who has a service-connected disability of 60 percent or greater. (cf: P.L.2001, c.391, s.4)

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(cf: P.L.2004, c.64, s.3)

4. R.S.39:3-31 is amended to read as follows:

25 The chief administrator, upon presentation of a 26 statement duly sworn to, stating that the original registration 27 certificate or original motorized bicycle registration certificate has 28 been destroyed, lost or stolen, may, if he is satisfied that the facts as 29 set forth in the statement are substantially true, issue a duplicate or 30 amended registration certificate or motorized bicycle registration 31 certificate to the original holder thereof, upon the payment to the 32 chief administrator of a fee of \$5 for each duplicate or amended 33 registration certificate or motorized bicycle registration certificate 34 so issued. The chief administrator, upon presentation of a 35 statement, duly sworn to, stating that the original driver's license 36 has been destroyed, lost or stolen, or requesting a new color picture, 37 may, if he is satisfied that the facts as set forth in the statement are 38 substantially true, issue a duplicate driver's license to the original 39 holder thereof, upon payment to the chief administrator of a fee of \$5 in addition to the digitized picture fee, if required pursuant to 40 41 section 4 of P.L.2001, c.391 (C.39:3-10f4). Notwithstanding any 42 other provision of law to the contrary, the fee for a duplicate or 43 amended registration certificate for any new passenger automobile 44 required to be registered for a 48-month term or for any new 45 passenger automobile leased for a term of more than 12 months 46 pursuant to R.S.39:3-4, shall be \$11.

A652 ARMATO, MOEN

5. R.S.39:3-36 is amended to read as follows:

39:3-36. a. A licensed operator shall notify the chief administrator of any change in residence within one week after the change is made. Notice shall be in such form and shall contain such information as the chief administrator may require. Upon notification, and payment of a fee of \$5 for the license in addition to the digitized picture fee, the chief administrator shall provide the licensed operator with a new license, except that the chief administrator shall waive the payment of these fees for any qualified disabled veteran, provided that the qualified disabled veteran provides sufficient proof, as determined by the chief administrator, that the veteran is eligible for the waiver.

The registered owner of a motor vehicle or a motorized bicycle shall notify the chief administrator of any change in residence within one week after the change is made. Notice shall be in such form and shall contain such information as the chief administrator may require. Upon notification, and payment of a fee of \$5, the chief administrator shall provide the registered owner with a new registration certificate.

A person who violates this section shall be subject to a penalty of not more than \$25.

- b. The chief administrator shall establish a public awareness campaign to inform the general public about the importance of maintaining a current address with the commission.
- c. For the purposes of this section, "qualified disabled veteran" means a person who has been honorably discharged from military service and who has a service-connected disability of 60 percent or greater.

(cf: P.L.2007, c.281, s.2)

6. This act shall take effect immediately.

STATEMENT

This bill exempts certain veterans from fees for a basic driver's license, motorcycle license or endorsement, and digitized picture. In addition, the bill clarifies that this exemption applies to the fees for a replacement license, two-year license, updated license following reconstructive or cosmetic surgery, and one-year license extension for certain medical reasons. Veterans who qualify for the exemptions are individuals who have been honorably discharged from military service and who also have a service-connected disability of 60 percent or greater.