INTRODUCED MAY 13, 2010

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SYNOPSIS
Requires AG to study and report on graduated driver's license program.

CURRENT VERSION OF TEXT
As amended by the General Assembly on May 20, 2010.

(Sponsorship Updated As Of: 8/24/2010)
AN ACT requiring the Attorney General to study and report on the
 graduated driver’s license program ¹ and concerning
 probationary driver’s licenses, amending P.L.1950, c.127, and
 supplementing Title 39 of the Revised Statutes]¹.

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

¹[1. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to
 read as follows:
  4. a. The holder of a special learner's permit shall be entitled
to a probationary driver's license; (1) upon attaining the age of 17
years, (2) upon the satisfactory completion of an approved behind-
the-wheel driver training course as indicated upon the face of the
special permit over the signature of the principal of the school or
the person operating the driving school in which the course was
conducted, (3) upon the completion of six months' driving
experience with a validated special learner's permit in compliance
with the provisions of section 6 of P.L.1977, c.25 (C.39:3-13.2a),
and (4) upon passing the road test pursuant to R.S.39:3-10.
  b. The holder of a probationary license shall be permitted to
operate the passenger automobile with only one additional
passenger in the vehicle besides any dependent of the probationary
license holder, except that this passenger restriction shall not apply;
(1) when (a) the holder of the probationary license is operating the
vehicle to, or from, school on a regularly scheduled school day or
to, or from, a school activity or function, and (b) every passenger in
the vehicle is a sibling, stepbrother, stepsister, half brother, or half
sister of, and resides in the same household as, the holder of the
probationary license, or (2) when the holder of the probationary
license is at least 21 years of age or the probationary license holder
is accompanied by a parent or guardian. Further, the holder of the
probationary license who is under 21 years of age shall not drive
during the hours between 11:01 p.m. and 5 a.m.; provided however,
that this condition may be waived for an emergency which, in the
judgment of local police, is of sufficient severity and magnitude to
substantially endanger the health, safety, welfare, or property of a
person or for any bona fide employment or religion-related activity
if the employer or appropriate religious authority provides written
verification of such activity in a manner provided for by the chief
administrator.
  c. The holder of the probationary license shall not use any
hand-held or hands-free interactive wireless communication device,

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹Assembly ATR committee amendments adopted May 13, 2010.
²Assembly floor amendments adopted May 20, 2010.
except in an emergency, while operating a moving passenger
automobile on a public road or highway. "Use" shall include, but
not be limited to, talking or listening on any hand-held or hands-
free interactive wireless communication device or operating its
keys, buttons, or other controls. In addition, the holder of the
probationary license shall ensure that all occupants of the vehicle
are secured in a properly adjusted and fastened seat belt or child
restraint system.

d. In addition to any other penalties provided under law, the
holder of a probationary license who accumulates more than two
motor vehicle points or is convicted of a violation of R.S.39:4-50;
section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189
(C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
N.J.S.2C:12-1; or any other motor vehicle law the chief
administrator deems to be significant and applicable pursuant to
regulation shall, for the first violation, be required to satisfactorily
complete a remedial training course of not less than four hours
which may be given by the commission, a driving school licensed
by the chief administrator pursuant to section 2 of P.L.1951, c.216
(C.39:12-2), or any Statewide safety organization approved by the chief
administrator. The course shall be administered pursuant to
rules and regulations promulgated by the chief administrator and
subject to oversight by the commission. The authority of the chief
administrator to suspend, revoke, or deny issuance of an initial or
renewal license to operate a driving school or an instructor's license,
and to assess fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.)
shall apply to any violations related to the administration of a
remedial training course. The license holder shall also remit a
course fee prior to the commencement of the course.

e. When notified by a court of competent jurisdiction that a
probationary license holder has been convicted of a second or
subsequent violation, in addition to any other penalties provided
under law, the chief administrator shall, without the exercise of
discretion or a hearing, suspend the probationary license for three
months, and shall postpone eligibility for a basic license for an
equivalent period. In addition, when the chief administrator is
notified by a court of competent jurisdiction that a probationary
license holder has been convicted of any alcohol or drug-related
offense unrelated to the operation of a motor vehicle, and he is not
otherwise subject to any other suspension penalty therefor, the chief
administrator shall, without the exercise of discretion or a hearing,
suspend the probationary license for six months.

f. The chief administrator shall provide the holder of a
probationary license with two removable, transferable, highly
visible, reflective decals indicating that the driver of the vehicle
may be the holder of a probationary license. The decals shall be
designed by the chief administrator, in consultation with the
Division of Highway Traffic Safety in the Department of Law and
Public Safety. The chief administrator may charge a fee for the decals not to exceed the actual cost of producing and distributing the decals. The decals shall be displayed in a manner prescribed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety, and shall be clearly visible to law enforcement officers. The holder of a probationary license shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's probationary license period has ended.

g. A probationary license may be sent by mail and shall be clearly identifiable and distinguishable in appearance from a basic license by any name, mark, color, or device deemed appropriate by the chief administrator.

(cf: P.L.2009, c.38, s.9)

2. (New section) The Attorney General, in consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission and the Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety, shall prepare and submit, within one year six months of the effective date of this act, to the Chair of the Senate Transportation Committee and the Chair of the Assembly Transportation, Public Works and Independent Authorities Committee, or the respective successor committees, as appropriate, a written report which shall make findings and recommendations on the impact and effectiveness of the State’s implementation, under P.L.2001, c.420 (C.39:12-4.1 et al.), of a program concerning new drivers. The report shall examine the operation and safety of motor vehicles by holders of special learner’s permits, examination permits, and probationary driver’s licenses and shall also make any recommendations necessary to better effectuate the highway safety of new drivers. The study shall include, but need not be limited to, an examination of the following: supervision requirements for permit holders; passenger restrictions; hours of operation limitations; seat belt requirements; hand-held or hands-free interactive wireless communication device use restrictions; and decal requirements and usage.

This act shall take effect immediately and section 2 shall expire on the 30th day following submission of the report required to be prepared under section 2 of this act.