SYNOPSIS
Expands education requirements for special learner’s and examination permits.

CURRENT VERSION OF TEXT
As amended by the General Assembly on December 15, 2011.

(Sponsorship Updated As Of: 1/10/2012)
AN ACT concerning special learner’s and examination permits and amending various parts of the statutory law.

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

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

39:3-13. The chief administrator may, in his discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the chief administrator, allowing such person, for the purpose of fitting himself to become a licensed driver, to operate a designated class of motor vehicles other than passenger automobiles and motorcycles of persons licensed to operate motorcycles only for a specified period of not more than 90 days, while in the company and under the supervision of a driver licensed to operate such designated class of motor vehicles.

The chief administrator, in his discretion, may issue for a specified period of not less than one year a passenger automobile or motorcycle-only examination permit to a person over 17 years of age regardless of whether a person has completed a course of behind-the-wheel automobile driving education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant who is under 18 years of age shall obtain the signature of a parent or guardian for submission to the commission on a form prescribed by the chief administrator. The chief administrator shall postpone for six months the driving privileges of any person who submits a fraudulent signature for a parent or guardian.

An examination permit shall not be issued to an applicant who is less than 21 years of age unless the applicant has completed a teen driver orientation program approved by the Division of Highway Traffic Safety in the Department of Law and Public Safety in consultation with the commission. An examination permit applicant who is under 18 years of age shall not be issued an examination permit unless at least one of the applicant’s parents or guardians has completed an approved teen driver orientation program. In the event that a parent or guardian is unavailable to complete the teen driver orientation program, completion by another relative who is at least 21 years of age, or a supervising adult who is at least 21 years of age and has been licensed to drive a passenger automobile or motorcycle, as the case may be, for not less than three years, shall be deemed to meet the requirement that a parent or guardian complete the program. The teen driver orientation program shall be made available to the parent or

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 November 28, 2011.

2Assembly floor amendments adopted December 15, 2011.
guardian of an applicant for an examination permit who is at least 18 years of age, but less than 21 years of age. Prior to the issuance of an examination permit, the applicant shall submit for review to the commission a certificate indicating that the applicant and, if required, at least one of the applicant’s parents or guardians, or other relative or supervising adult as permitted by this section, has completed an approved teen driver orientation program. The chief administrator shall postpone or suspend for six months the driving privileges of any examination permit applicant who submits a fraudulent certificate of completion.

For [six months] one year immediately following the validation of an examination permit, and until the holder passes the road test, the holder who is less than 21 years of age shall operate the passenger automobile or motorcycle only when accompanied by, and under the supervision of, a New Jersey licensed driver who is at least 21 years of age and has been licensed to drive a passenger automobile or motorcycle, as the case may be, for not less than three years. The holder of an examination permit who is at least 21 years of age shall operate the passenger automobile or motorcycle for the first three months under such supervision and until the holder passes the road test. The supervising driver of the passenger automobile shall sit in the front seat of the vehicle. Whenever operating a vehicle while in possession of an examination permit, the holder of the permit shall operate the passenger automobile with only one additional passenger in the vehicle excluding dependents of the permit holder, except that this passenger restriction shall not apply when the permit holder is at least 21 years of age or when the permit holder is accompanied by a parent or guardian. Further, the holder of the permit who is less than 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. The holder of the examination permit shall not use any hand-held or hands-free interactive wireless communication device, 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. The passenger automobile permit holder shall ensure that all occupants of the vehicle are secured in a properly adjusted and fastened seat belt or child restraint system.

The chief administrator shall provide the holder of an examination permit with two removable, transferable, highly
visible, reflective decals indicating that the driver of the vehicle may be the holder of an examination permit. 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 an examination permit shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's examination permit period has ended.

When notified by a court of competent jurisdiction that an examination permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been 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-related law the chief administrator deems significant and applicable pursuant to regulation, in addition to any other penalty that may be imposed, the chief administrator shall, without the exercise of discretion or a hearing, suspend the examination permit holder's examination permit for 90 days. The chief administrator shall restore the permit following the term of the permit suspension if the permit holder satisfactorily completes 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 subject to oversight by the commission according to its guidelines. The permit holder shall also remit a course fee prior to the commencement of the course. The chief administrator also shall postpone without the exercise of discretion or a hearing the issuance of a basic license for 90 days if the chief administrator is notified by a court of competent jurisdiction that the examination permit holder, after completion of the remedial training course, has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been 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-related law the chief administrator deems significant and applicable pursuant to regulation. When the chief administrator is notified by a court of competent jurisdiction that an examination permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and is not otherwise subject to any...
other suspension penalty therefor, the chief administrator shall, 
without the exercise of discretion or a hearing, suspend the 
examination permit for six months. 

An examination permit for a motorcycle or a commercial motor 
vehicle issued to a handicapped person, as determined by the New 
Jersey Motor Vehicle Commission after consultation with the 
Department of Education, shall be valid for nine months or until the 
completion of the road test portion of his license examination, 
whichever period is shorter. 

Each permit shall be sufficient license for the person to operate 
such designated class of motor vehicles in this State during the 
period specified, while in the company of and under the control of a 
driver licensed by this State to operate such designated class of 
motor vehicles, or, in the case of a commercial driver license 
permit, while in the company of and under the control of a holder of 
a valid commercial driver license for the appropriate license class 
and with the appropriate endorsements issued by this or any other 
state. Such person, as well as the licensed driver, except for a 
motor vehicle examiner administering a driving skills test, shall be 
held accountable for all violations of this subtitle committed by 
such person while in the presence of the licensed driver. In addition 
to requiring an applicant for an examination permit to submit 
satisfactory proof of identity and age, the chief administrator also 
shall require the applicant to provide, as a condition for obtaining 
the permit, satisfactory proof that the applicant's presence in the 
United States is authorized under federal law. If the chief 
administrator 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 chief 
administrator shall refuse to grant the permit until such time as the 
document may be verified by the issuing agency to the chief 
administrator's satisfaction. 

Prior to obtaining a probationary license, the holder of an 
examination permit who obtains such permit before reaching 21 
years of age shall satisfactorily complete a six-hour course of 
private, one-on-one behind-the-wheel automobile driving education 
pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) and shall 
complete a minimum of 50 hours of practice driving, ten hours of 
which shall be completed during hours of darkness, as certified by 
the permit holder’s parent or guardian, or by the person who 
accompanied and supervised the permit holder during the practice 
driving. In lieu of the six-hour behind-the-wheel automobile 
driving education course and a minimum of 50 hours of certified 
practice driving, the permit holder shall complete a minimum of 
100 hours of certified practice driving, 20 hours of which shall be 
completed during hours of darkness, as certified by the permit 
holder’s parent or guardian, or by the person who accompanied and 
supervised the permit holder during the practice driving. The chief
The holder of an examination permit shall be required to take a road test in order to obtain a probationary license. No road test for any person who has been issued an examination permit to operate a passenger vehicle shall be given unless the person has met the requirements of this section. No road test for a probationary license shall be given unless the applicant has first secured an examination permit and no such road test shall be scheduled for an applicant who has secured an examination permit for a passenger vehicle or a motorcycle for which an endorsement is not required until at least six months for an applicant under 21 years of age or three months for an applicant 21 years of age or older has elapsed following the validation of the examination permit for practice driving or, in the case of an examination permit for other vehicles, until 20 days have elapsed. In the case of an omnibus endorsement or school bus, no road test shall be scheduled until at least 10 days shall have elapsed. Every applicant for an examination permit to qualify for an omnibus endorsement or an articulated vehicle endorsement shall be a holder of a valid basic driver's license.

The required fees for special learner's permits and examination permits shall be as follows:

- Basic driver's license: up to $10
- Motorcycle license or endorsement: $5
- Omnibus or school bus endorsement: $25

The chief administrator shall waive the payment of fees for issuance of examination permits for omnibus endorsements whenever the applicant establishes to the chief administrator's satisfaction that said 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 specified period for which a permit is issued may be extended for not more than an additional 60 days, without payment of an added fee, upon application made by the holder thereof, where the holder has applied to take the examination for a driver's license prior to the expiration of the original period for which the permit was issued and the chief administrator was unable to schedule an examination during said period.

As a condition for the issuance of an examination permit under this section, the chief administrator shall secure a digitized picture of the applicant. The picture shall be stored in a manner prescribed by the chief administrator and may be displayed on the examination permit.

The chief administrator may require that whenever a person to whom an examination permit has been issued 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 person to be updated.

Specific use of the examination permit 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.

cf: P.L.2009, c.38, s.5]

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

39:3-13. The chief administrator may, in the chief administrator's discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the chief administrator, allowing such person, for the purpose of fitting the person to become a licensed driver, to operate a designated class of motor vehicles other than passenger automobiles and motorcycles for a specified period of not more than 90 days, while in the company and under the supervision of a driver licensed to operate such designated class of motor vehicles.

The chief administrator, in the chief administrator's discretion, may issue for a specified period of not less than one year a passenger automobile or motorcycle-only examination permit to a person over 17 years of age regardless of whether a person has completed a course of behind-the-wheel automobile driving education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant who is under 18 years of age shall obtain the signature of a parent or guardian for submission to the commission on a form prescribed by the chief administrator. The chief administrator shall postpone for six months the driving privileges of any person who submits a fraudulent signature for a parent or guardian.

An examination permit shall not be issued to an applicant who is less than 21 years of age unless the applicant has completed a teen driver orientation program approved by the Division of Highway Traffic Safety in the Department of Law and Public Safety in consultation with the commission. An examination permit applicant who is under 18 years of age shall not be issued an examination permit unless at least one of the applicant’s parents or guardians has completed an approved teen driver orientation program, such program which shall not exceed 90 minutes and may be completed by the applicant’s parent or guardian through an on-line provider approved by the chief administrator. In the event that a parent or guardian is unavailable to complete the teen driver orientation program, completion by another relative who is at least 21 years of age, or a supervising adult who is at least 21 years of
age and has been licensed to drive a passenger automobile or
motorcycle, as the case may be, for not less than three years, shall
be deemed to meet the requirement that a parent or guardian
complete the program. The teen driver orientation program shall be
made available to the parent or guardian of an applicant for an
examination permit who is at least 18 years of age, but less than 21
years of age. Prior to the issuance of an examination permit, the
applicant shall submit for review to the commission a certificate
indicating that the applicant and, if required, at least one of the
applicant’s parents or guardians, or other relative or supervising
adult as permitted by this section, has completed an approved teen
driver orientation program. The chief administrator shall postpone
or suspend for six months the driving privileges of any examination
permit applicant who submits a fraudulent certificate of completion.

For six months immediately following the validation
of an examination permit, and until the holder passes the road test,
the holder who is less than 21 years of age shall operate the
passenger automobile only when accompanied by, and under the
supervision of, a New Jersey licensed driver who is at least 21 years
of age and has been licensed to drive a passenger automobile for not
less than three years. The holder of an examination permit who is at
least 21 years of age shall operate the passenger automobile for the
first three months under such supervision and until the holder
passes the road test. The supervising driver of the passenger
automobile shall sit in the front seat of the vehicle. Whenever
operating a vehicle while in possession of an examination permit,
the holder of the permit shall operate the passenger automobile with
only one additional passenger in the vehicle excluding dependents
of the permit holder, except that this passenger restriction shall not
apply when the permit holder is at least 21 years of age or when the
permit holder is accompanied by a parent or guardian. Further, the
holder of the passenger automobile permit who is less than 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. The holder of the
examination permit shall not use any hand-held or hands-free
interactive wireless communication device, 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. The passenger automobile permit holder shall ensure that
all occupants of the vehicle are secured in a properly adjusted and fastened seat belt or child restraint system.

The holder of an examination permit subject to the provisions of section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a motorcycle at any time from a half-hour after sunset to a half-hour before sunrise. A motorcycle operated by the holder of an examination permit shall carry only the operator and shall not be operated on any toll road over which the New Jersey Turnpike Authority or the South Jersey Transportation Authority has jurisdiction or on any limited-access interstate highway.

The holder of any examination permit shall not 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 of no more than 35 miles per hour on a flat surface at anytime from a half-hour after sunset to a half-hour before sunrise and shall not operate the motorcycle with any other passenger. The holder of any examination permit shall not operate such a motorcycle upon limited-access interstate highways or public roads or highways with a posted speed limit greater than 35 miles per hour.

An applicant for an examination permit subject to the provisions of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less than 18 years of age, shall be required to successfully complete a motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a condition for obtaining a motorcycle license or endorsement.

The chief administrator shall provide the holder of an examination permit with two removable, transferable, highly visible, reflective decals indicating that the driver of the vehicle may be the holder of an examination permit. 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 an examination permit shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's examination permit period has ended.

When notified by a court of competent jurisdiction that an examination permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been 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.182] 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-related law the chief
administrator deems significant and applicable pursuant to regulation, in addition to any other penalty that may be imposed, the chief administrator shall, without the exercise of discretion or a hearing, suspend the examination permit holder's examination permit for 90 days. The chief administrator shall restore the permit following the term of the permit suspension if the permit holder satisfactorily completes 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 subject to oversight by the commission according to its guidelines. The permit holder shall also remit a course fee prior to the commencement of the course. The chief administrator also shall postpone without the exercise of discretion or a hearing the issuance of a basic license for 90 days if the chief administrator is notified by a court of competent jurisdiction that the examination permit holder, after completion of the remedial training course, has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been 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.182] 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-related law the chief administrator deems significant and applicable pursuant to regulation. When the chief administrator is notified by a court of competent jurisdiction that an examination permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and is not otherwise subject to any other suspension penalty therefor, the chief administrator shall, without the exercise of discretion or a hearing, suspend the examination permit for six months.

An examination permit for a motorcycle or a commercial motor vehicle issued to a handicapped person, as determined by the New Jersey Motor Vehicle Commission after consultation with the Department of Education, shall be valid for nine months or until the completion of the road test portion of his license examination, whichever period is shorter.

Each permit shall be sufficient license for the person to operate such designated class of motor vehicles in this State during the period specified, while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles, or, in the case of a commercial driver license permit, while in the company of and under the control of a holder of a valid commercial driver license for the appropriate license class and with the appropriate endorsements issued by this or any other state. Such person, as well as the licensed driver, except for a motor vehicle examiner administering a driving skills test, shall be held accountable for all violations of this subtitle committed by such
person while in the presence of the licensed driver. In addition to 
requiring an applicant for an examination permit to submit 
satisfactory proof of identity and age, the chief administrator also 
shall require the applicant to provide, as a condition for obtaining 
the permit, satisfactory proof that the applicant's presence in the 
United States is authorized under federal law. If the chief 
administrator 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 chief 
administrator shall refuse to grant the permit until such time as the 
document may be verified by the issuing agency to the chief 
administrator's satisfaction.

Prior to obtaining a probationary license, the holder of an 
examination permit who obtains such permit before reaching 21 
years of age shall satisfactorily complete a six-hour course of 
private, one-on-one behind-the-wheel automobile driving education 
pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) and shall 
complete a minimum of 50 hours of practice driving, ten hours of 
which shall be completed during hours of darkness, as certified by 
the permit holder's parent or guardian, or by the person who 
accompanies and supervises the permit holder during the practice 
driving. In lieu of the six-hour behind-the-wheel automobile 
driving education course and a minimum of 50 hours of certified 
practice driving, the permit holder shall complete a minimum of 
100 hours of certified practice driving, 20 hours of which shall be 
completed during hours of darkness, as certified by the permit 
holder's parent or guardian, or by the person who accompanied and 
supervised the permit holder during the practice driving. The chief 
administrator shall suspend for six months the driving privileges of 
any examination permit holder who submits a fraudulent 
certification of a parent, guardian, or supervising driver.

The holder of an examination permit shall be required to take a 
road test in order to obtain a probationary license. No road test for 
any person who has been issued an examination permit to operate a 
passenger vehicle shall be given unless the person has met the 
requirements of this section. No road test for a probationary license 
shall be given unless the applicant has first secured an examination 
permit and no such road test shall be scheduled for an applicant 
who has secured an examination permit for a passenger vehicle or a 
motorcycle for which an endorsement is not required until at least 
six months one year for an applicant under 21 years of age or 
three months for an applicant 21 years of age or older has elapsed following the validation of the examination permit for 
practice driving or, in the case of an examination permit for other 
vehicles, until 20 days have elapsed. In the case of an omnibus 
 endorsement or school bus, no road test shall be scheduled until at 
least 10 days shall have elapsed. Every applicant for an examination 
permit to qualify for an omnibus endorsement or an articulated
vehicle endorsement shall be a holder of a valid basic driver's license.

The required fees for special learner's permits and examination permits shall be as follows:

Basic driver's license..............................................up to $10
Motorcycle license or endorsement..................................$ 5
Omnibus or school bus endorsement.................................$25

The chief administrator shall waive the payment of fees for issuance of examination permits for omnibus endorsements whenever the applicant establishes to the chief administrator's satisfaction that said 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 specified period for which a permit is issued may be extended for not more than an additional 60 days, without payment of an added fee, upon application made by the holder thereof, where the holder has applied to take the examination for a driver's license prior to the expiration of the original period for which the permit was issued and the chief administrator was unable to schedule an examination during said period.

As a condition for the issuance of an examination permit under this section, the chief administrator shall secure a digitized picture of the applicant. The picture shall be stored in a manner prescribed by the chief administrator and may be displayed on the examination permit.

The chief administrator may require that whenever a person to whom an examination permit has been issued 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 person to be updated.

Specific use of the examination permit 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.

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.

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

1. The Chief Administrator of the New Jersey Motor Vehicle Commission may issue to a person over 16 years of age a special learner's permit, under the hand and seal of the chief administrator, allowing such person, for the purpose of preparing himself to qualify for a provisional license for a passenger automobile by operating a dual pedal controlled motor vehicle while taking a
required course of private, one-on-one 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
or a course of private, one-on-one behind-the-wheel automobile
driving instruction conducted by a drivers' school duly licensed
pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.).
Within 12 months of the effective date of P.L. , c. (C. )
(pending before the Legislature as this bill), the commission shall
adopt standard, up-to-date guidelines to be implemented by public,
parochial, or private schools and licensed drivers’ schools offering
the course of behind-the-wheel automobile driving education
required by this section. These guidelines shall be developed by the
commission in consultation with the Division of Highway Traffic
Safety in the Department of Law and Public Safety, the State
Department of Education, and licensed drivers’ schools in this
State.
The special learner's permit shall be issued in lieu of the
examination permit provided for in R.S.39:3-13. In addition to
requiring an applicant for a permit to submit satisfactory proof of
identity and age, the chief administrator also shall require the
applicant to provide, as a condition for obtaining a permit,
satisfactory proof that the applicant's presence in the United States
is authorized under federal law. If the chief administrator 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 chief administrator shall refuse to grant the
permit until such time as the document may be verified by the
issuing agency to the chief administrator's satisfaction.
The special learner's permit described above, when issued to a
person taking a course of private, one-on-one behind-the-wheel
driving education conducted in a public, parochial or private school,
shall be retained in the office of the school principal at all times
except during such time as the person to whom the permit is issued
is undergoing private, one-on-one behind-the-wheel automobile
driving instruction. The chief administrator may make such rules
and regulations as he may deem necessary to carry out the
provisions of this section.
(cf: P.L.2009, c.38, s.7)
3. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to
read as follows:
6. a. Any person to whom a special learner's permit has been
issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
successful completion of a State approved written examination, eye
examination, and an approved minimum six-hour private, one-on-
one behind-the-wheel driving course, shall be entitled to retain the
special learner's permit in his own possession. The special learner's
permit shall be validated by the commission for the purpose of
driving a motor vehicle on a public highway in this State after the holder has successfully met the necessary examination requirements, and upon the successful completion of a private, one-on-one behind-the-wheel driving course. Such person may operate a motor vehicle of the class for which a basic driver's license is required except during the hours between 11:01 p.m. and 5:00 a.m. while in the company and under the supervision, from the front passenger seat, of a licensed motor vehicle driver of this State who is over 21 years of age and has been licensed to drive a passenger automobile for at least three years. Such special learner’s permit shall be valid until such person’s seventeenth birthday or until he qualifies for a probationary license. Except during an instructional period of a behind-the-wheel driving course, the holder of a special learner’s permit shall operate a passenger automobile with only the following passengers: (1) the supervising passenger; (2) any parent, guardian, or dependent of the special permit holder; and (3) one additional passenger. The holder of the special learner's permit shall not use any hand-held or hands-free interactive wireless communication device, 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. All occupants of the automobile shall be secured in a properly adjusted and fastened seat belt or child restraint system.

The chief administrator shall provide the holder of a special learner's permit with two removable, transferable, highly visible, reflective decals indicating that the driver of the vehicle may be the holder of a special learner's permit. 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 special learner's permit shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's special learner's permit period has ended.

b. When notified by a court of competent jurisdiction that a special learner's permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been 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-related law the chief administrator determines to be significant and applicable pursuant
to regulation, and in addition to any other penalty that may be imposed, the chief administrator shall, without the exercise of discretion or a hearing, suspend the holder's special learner's permit for 90 days. The chief administrator shall restore the permit following the term of the permit suspension if the permit holder, regardless of age, satisfactorily completes 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 permit holder shall also remit a course fee prior to the commencement of the course. If, after completion of the remedial training course, the chief administrator is notified by a court of competent jurisdiction that the special learner's permit holder has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been 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-related law the chief administrator deems significant and applicable pursuant to regulation, the chief administrator, without the exercise of discretion or a hearing, shall also postpone the issuance of a basic license for 90 days. When the chief administrator is notified by a court of competent jurisdiction that a special learner's permit 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 special learner's permit for six months.

(cf: P.L.2009, c.38, s.8)

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

3. No special permit shall be issued unless the person applying therefor shall present a written application for the same, bearing a certification by the principal of the school indicating that the person is enrolled in an approved private, one-on-one behind-the-wheel driving education course in the school of which he is principal or by the person operating a duly licensed drivers' school indicating that the person has contracted to take a course of private, one-on-one behind-the-wheel automobile driving instruction offered by the
school and shall pay a sum of up to $10 as determined by the
chief administrator to an agent of the Division of Motor
Vehicles, which sum shall be turned over by the agent
to the chief administrator, and by the chief administrator remitted with the other funds collected by the commission to the State Treasurer, in accordance with law. A special learner's permit to operate a passenger automobile shall not be issued to any person younger than 18 years of age without the signature of a parent or guardian. The signature shall be submitted to the commission on a form prescribed by the chief administrator. The chief administrator shall postpone for six months the driving privileges of any special learner’s permit applicant who submits a fraudulent signature for a parent or guardian.

A special learner’s permit shall not be issued to an applicant who is less than 18 years of age unless the applicant has completed a teen driver orientation program approved by the Division of Highway Traffic Safety in the Department of Law and Public Safety in consultation with the commission. An applicant who is under 18 years of age shall not be issued a special learner’s permit unless at least one of the applicant’s parents or guardians has completed an approved teen driver orientation program, such program shall not exceed 90 minutes and may be completed by the applicant’s parent or guardian through an on-line provider approved by the chief administrator. In the event that a parent or guardian is unavailable to complete the teen driver orientation program, completion by another relative who is at least 21 years of age, or a supervising adult who is at least 21 years of age and has been licensed to drive a passenger automobile or motorcycle, as the case may be, for not less than three years shall be deemed to meet the requirement that a parent or guardian complete the program. Prior to the issuance of a special learner’s permit, the applicant shall submit for review to the commission a certificate indicating that the applicant and at least one of the applicant’s parents or guardians, or other relative or supervising adult as permitted by this section, has completed an approved teen driver orientation program. The chief administrator shall postpone or suspend for six months the driving privileges of any special learner’s permit applicant who submits a fraudulent certificate of completion.

(cf: P.L.1998, c.108, s.6)

5. 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 private, one-on-one 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'] one year 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] [1] and [2] (4) upon passing the road test pursuant to R.S.39:3-10 [1] and [2] upon completing a minimum of 50 hours of practice driving, ten hours of which shall be completed during hours of darkness, as certified by the permit holder's parent or guardian, or by the person who accompanied and supervised the permit holder during the practice driving. The chief administrator shall suspend for six months the driving privileges of any special learner's permit holder who submits a fraudulent certification of a parent, guardian, or supervising driver [1].

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 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, 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)
Section 8 of P.L. 1998, c.108 (C.27:5F-41) is amended to read as follows:

a. The Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety, after consultation with the Director of the Division of Motor Vehicles in the Department of Transportation Chief Administrator of the New Jersey Motor Vehicle Commission and the State Review Board on Driver Education established in section 10 of P.L.1998, c.108 (C.27:5F-43), shall develop curriculum guidelines for use by teachers of approved classroom driver education courses. The course of instruction for approved courses shall be no less than 30 hours in length and be designed to develop and instill the knowledge and attitudes necessary for the safe operation and driving of motor vehicles. Defensive driving, highway courtesy, accident avoidance, understanding and respect for the State’s motor vehicle laws, insurance fraud and State requirements for and benefits of maintaining automobile insurance shall be emphasized. The incorporation of these curriculum guidelines in these classroom courses and the use of related instructional materials shall be a requirement for approval of the course by the Chief Administrator.

b. The Director of the Division of Highway Traffic Safety, in consultation with the Director of the Division of Motor Vehicles chief administrator, shall produce an informational brochure for parents and guardians of beginning drivers under the age of 18 years. The division shall ensure that the parents or guardians of a permit holder receive these brochures at the time a permit is issued to a beginning driver shall be distributed at approved teen driver orientation programs, as required by R.S.39:3-13 or section 3 of P.L.1950, c.127 (c.39:3-13.3), whichever is applicable. The brochures shall include, but not be limited to, the following information:

(1) Setting an example for the beginning driver;
(2) Accident and fatality statistics about beginning drivers;
(3) Causes of accidents among beginning drivers;
(4) The need to supervise vehicle operation by a beginning driver;
(5) Methods to coach a beginning driver on how to reduce accidents;
(6) A description of the graduated driver’s license program;
(7) Benefits of classroom and behind-the-wheel driver education under the direction of State certified or licensed driving instructors, as the case may be; and
(8) A sample practice driving log.

(cf: P.L.2001, c.420, s.1)
Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read as follows:

8. a. The Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety, after consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission in, but not of, the Department of Transportation, shall develop curriculum guidelines for use by teachers of approved classroom driver education courses. The course of instruction for approved courses shall be no less than 30 hours in length and be designed to develop and instill the knowledge and attitudes necessary for the safe operation and driving of motor vehicles. Defensive driving, highway courtesy, accident avoidance, understanding and respect for the State's motor vehicle laws, insurance fraud and State requirements for and benefits of maintaining automobile insurance shall be emphasized. The incorporation of these curriculum guidelines in these classroom courses and the use of related instructional materials shall be a requirement for approval of the course by the chief administrator.

b. The Director of the Division of Highway Traffic Safety, in consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission, shall produce an informational brochure for parents and guardians of beginning drivers under the age of 18 years. The commission shall ensure that the parents or guardians of a permit holder receive these brochures at the time a permit is issued to a beginning driver shall be distributed at approved teen driver orientation programs, as required by R.S.39:3-13 or section 3 of P.L.1950, c.127 (C.39:3-13.3), whichever is applicable, and made available through on-line providers of teen orientation programs approved by the chief administrator. The brochures shall include, but not be limited to, the following information:

(1) Setting an example for the beginning driver;
(2) Accident and fatality statistics about beginning drivers;
(3) Causes of accidents among beginning drivers;
(4) The need to supervise vehicle operation by a beginning driver;
(5) Methods to coach a beginning driver on how to reduce accidents;
(6) A description of the graduated driver's license program;
(7) Benefits of classroom and behind-the-wheel driver education under the direction of State certified or licensed driving instructors, as the case may be; and
(8) A sample practice driving log.
7. This act shall take effect on the first day of the 13th month after enactment, but the New Jersey Motor Vehicle Commission may take such anticipatory action necessary to implement the provisions of this act.