

[First Reprint]

ASSEMBLY, No. 1571

STATE OF NEW JERSEY
215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

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District 19 (Middlesex)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

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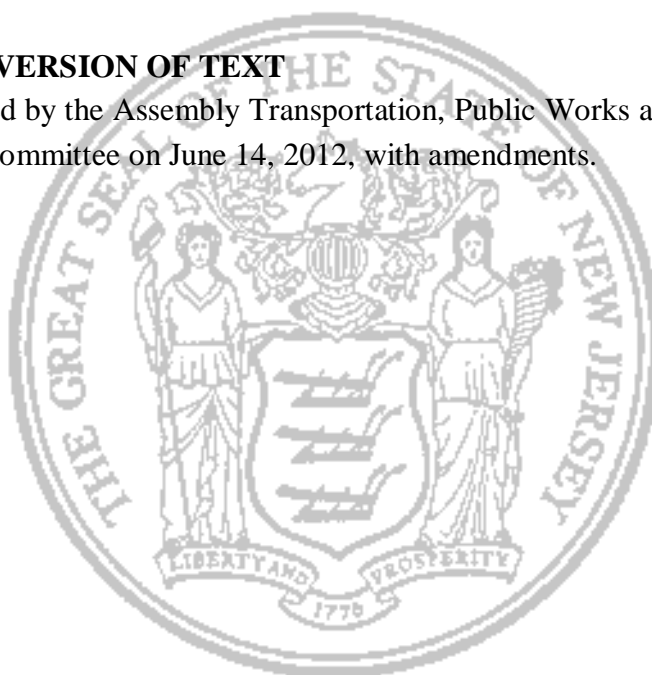
Assemblymen Wimberly, Amodeo and Assemblywoman Caride

SYNOPSIS

Expands education requirements for special learner's and examination permits.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation, Public Works and Independent Authorities Committee on June 14, 2012, with amendments.



(Sponsorship Updated As Of: 6/22/2012)

1 AN ACT concerning special learner's and examination permits and
2 amending various parts of the statutory law.

3

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

6

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

8 39:3-13. The chief administrator may, in the chief
9 administrator's discretion, issue to a person over 17 years of age an
10 examination permit, under the hand and seal of the chief
11 administrator, allowing such person, for the purpose of fitting the
12 person to become a licensed driver, to operate a designated class of
13 motor vehicles other than passenger automobiles and motorcycles
14 for a specified period of not more than 90 days, while in the
15 company and under the supervision of a driver licensed to operate
16 such designated class of motor vehicles.

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

29 An examination permit shall not be issued to an applicant who is
30 less than 21 years of age unless the applicant has completed a teen
31 driver orientation program approved by the Division of Highway
32 Traffic Safety in the Department of Law and Public Safety in
33 consultation with the commission. An examination permit
34 applicant who is under 18 years of age shall not be issued an
35 examination permit unless at least one of the applicant's parents or
36 guardians has completed an approved teen driver orientation
37 program, ¹[such] which¹ program ¹[shall not exceed 90 minutes
38 and]¹ may be completed by the applicant's parent or guardian
39 through an on-line provider approved by the chief administrator. In
40 the event that a parent or guardian is unavailable to complete the
41 teen driver orientation program, completion by another relative who
42 is at least 21 years of age, or a supervising adult who is at least 21
43 years of age and has been licensed to drive a passenger automobile
44 or motorcycle, as the case may be, for not less than three years,

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 June 14, 2012.

1 shall be deemed to meet the requirement that a parent or guardian
2 complete the program. The teen driver orientation program shall be
3 made available to the parent or guardian of an applicant for an
4 examination permit who is at least 18 years of age, but less than 21
5 years of age. Prior to the issuance of an examination permit, the
6 applicant shall submit for review to the commission a certificate
7 indicating that the applicant ¹[and, if required, at least one of the
8 applicant's parents or guardians, or other relative or supervising
9 adult as permitted by this section,] ¹ has completed an approved
10 teen driver orientation program. The chief administrator shall
11 postpone or suspend for six months the driving privileges of any
12 examination permit applicant who submits a fraudulent certificate
13 of completion.

14 For **[six months]** one year immediately following the validation
15 of an examination permit, and until the holder passes the road test,
16 the holder who is less than 21 years of age shall operate the
17 passenger automobile only when accompanied by, and under the
18 supervision of, a New Jersey licensed driver who is at least 21 years
19 of age and has been licensed to drive a passenger automobile for not
20 less than three years. The holder of an examination permit who is at
21 least 21 years of age shall operate the passenger automobile for the
22 first three months under such supervision and until the holder
23 passes the road test. The supervising driver of the passenger
24 automobile shall sit in the front seat of the vehicle. Whenever
25 operating a vehicle while in possession of an examination permit,
26 the holder of the permit shall operate the passenger automobile with
27 only one additional passenger in the vehicle excluding dependents
28 of the permit holder, except that this passenger restriction shall not
29 apply when the permit holder is at least 21 years of age or when the
30 permit holder is accompanied by a parent or guardian. Further, the
31 holder of the passenger automobile permit who is less than 21 years
32 of age shall not drive during the hours between 11:01 p.m. and 5
33 a.m.; provided, however, that this condition may be waived for an
34 emergency which, in the judgment of local police, is of sufficient
35 severity and magnitude to substantially endanger the health, safety,
36 welfare, or property of a person, or for any bona fide employment
37 or religion-related activity if the employer or appropriate religious
38 authority provides written verification of such activity in a manner
39 provided for by the chief administrator. The holder of the
40 examination permit shall not use any hand-held or hands-free
41 interactive wireless communication device, except in an emergency,
42 while operating a moving passenger automobile on a public road or
43 highway. "Use" shall include, but not be limited to, talking or
44 listening on any hand-held or hands-free interactive wireless
45 communication device or operating its keys, buttons, or other
46 controls. The passenger automobile permit holder shall ensure that

1 all occupants of the vehicle are secured in a properly adjusted and
2 fastened seat belt or child restraint system.

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

11 The holder of any examination permit shall not operate a
12 motorcycle having a motor with a maximum piston displacement
13 that is less than 50 cubic centimeters or a motor that is rated at no
14 more than 1.5 brake horsepower with a maximum speed of no more
15 than 35 miles per hour on a flat surface at anytime from a half-hour
16 after sunset to a half-hour before sunrise and shall not operate the
17 motorcycle with any other passenger. The holder of any
18 examination permit shall not operate such a motorcycle upon
19 limited-access interstate highways or public roads or highways with
20 a posted speed limit greater than 35 miles per hour.

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

27 The chief administrator shall provide the holder of an
28 examination permit with two removable, transferable, highly
29 visible, reflective decals indicating that the driver of the vehicle
30 may be the holder of an examination permit. The decals shall be
31 designed by the chief administrator, in consultation with the
32 Division of Highway Traffic Safety in the Department of Law and
33 Public Safety. The chief administrator may charge a fee for the
34 decals not to exceed the actual cost of producing and distributing
35 the decals. The decals shall be displayed in a manner prescribed by
36 the chief administrator, in consultation with the Division of
37 Highway Traffic Safety in the Department of Law and Public
38 Safety, and shall be clearly visible to law enforcement officers. The
39 holder of an examination permit shall not operate a vehicle unless
40 the decals are displayed. The decal shall be removed once the
41 driver's examination permit period has ended.

42 When notified by a court of competent jurisdiction that an
43 examination permit holder has been convicted of a violation which
44 causes the permit holder to accumulate more than two motor vehicle
45 points or has been convicted of a violation of R.S.39:4-50; section 2
46 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);
47 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any

1 other motor vehicle-related law the chief administrator deems
2 significant and applicable pursuant to regulation, in addition to any
3 other penalty that may be imposed, the chief administrator shall,
4 without the exercise of discretion or a hearing, suspend the
5 examination permit holder's examination permit for 90 days. The
6 chief administrator shall restore the permit following the term of the
7 permit suspension if the permit holder satisfactorily completes a
8 remedial training course of not less than four hours which may be
9 given by the commission, a driving school licensed by the chief
10 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2),
11 or any Statewide safety organization approved by the chief
12 administrator. The course shall be subject to oversight by the
13 commission according to its guidelines. The permit holder shall
14 also remit a course fee prior to the commencement of the course.
15 The chief administrator also shall postpone without the exercise of
16 discretion or a hearing the issuance of a basic license for 90 days if
17 the chief administrator is notified by a court of competent
18 jurisdiction that the examination permit holder, after completion of
19 the remedial training course, has been convicted of any motor
20 vehicle violation which results in the imposition of any motor
21 vehicle points or has been convicted of a violation of R.S.39:4-50;
22 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, **[c.182]**
23 c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of
24 N.J.S.2C:12-1 or any other motor vehicle-related law the chief
25 administrator deems significant and applicable pursuant to
26 regulation. When the chief administrator is notified by a court of
27 competent jurisdiction that an examination permit holder has been
28 convicted of any alcohol or drug-related offense unrelated to the
29 operation of a motor vehicle and is not otherwise subject to any
30 other suspension penalty therefor, the chief administrator shall,
31 without the exercise of discretion or a hearing, suspend the
32 examination permit for six months.

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

39 Each permit shall be sufficient license for the person to operate
40 such designated class of motor vehicles in this State during the
41 period specified, while in the company of and under the control of a
42 driver licensed by this State to operate such designated class of
43 motor vehicles, or, in the case of a commercial driver license
44 permit, while in the company of and under the control of a holder of
45 a valid commercial driver license for the appropriate license class
46 and with the appropriate endorsements issued by this or any other
47 state. Such person, as well as the licensed driver, except for a motor

1 vehicle examiner administering a driving skills test, shall be held
2 accountable for all violations of this subtitle committed by such
3 person while in the presence of the licensed driver. In addition to
4 requiring an applicant for an examination permit to submit
5 satisfactory proof of identity and age, the chief administrator also
6 shall require the applicant to provide, as a condition for obtaining
7 the permit, satisfactory proof that the applicant's presence in the
8 United States is authorized under federal law. If the chief
9 administrator has reasonable cause to suspect that any document
10 presented by an applicant as proof of identity, age, or legal
11 residency is altered, false, or otherwise invalid, the chief
12 administrator shall refuse to grant the permit until such time as the
13 document may be verified by the issuing agency to the chief
14 administrator's satisfaction.

15 'Prior to obtaining a probationary driver's license, the holder of
16 an examination permit who obtains such permit before reaching 21
17 years of age shall complete a minimum of 50 hours of practice
18 driving, ten hours of which shall be completed during hours of
19 darkness, as certified by the permit holder's parent or guardian, or
20 by the person who accompanied and supervised the permit holder
21 during the practice driving. The chief administrator shall suspend
22 for six months the driving privileges of any examination permit
23 holder who submits a fraudulent certification of a parent, guardian,
24 or supervising driver.'¹

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

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

- 46 Basic driver's license.....up to \$10
47 Motorcycle license or endorsement.....\$ 5

1 Omnibus or school bus endorsement.....\$25

2 The chief administrator shall waive the payment of fees for
3 issuance of examination permits for omnibus endorsements
4 whenever the applicant establishes to the chief administrator's
5 satisfaction that said applicant will use the omnibus endorsement
6 exclusively for operating omnibuses owned by a nonprofit
7 organization duly incorporated under Title 15 or 16 of the Revised
8 Statutes or Title 15A of the New Jersey Statutes.

9 The specified period for which a permit is issued may be
10 extended for not more than an additional 60 days, without payment
11 of an added fee, upon application made by the holder thereof, where
12 the holder has applied to take the examination for a driver's license
13 prior to the expiration of the original period for which the permit
14 was issued and the chief administrator was unable to schedule an
15 examination during said period.

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

21 The chief administrator may require that whenever a person to
22 whom an examination permit has been issued has reconstructive or
23 cosmetic surgery which significantly alters the person's facial
24 features, the person shall notify the chief administrator who may
25 require the picture of the person to be updated.

26 Specific use of the examination permit and any information
27 stored or encoded, electronically or otherwise, in relation thereto
28 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and
29 the federal Driver's Privacy Protection Act of 1994, Pub.L.103-322.
30 Notwithstanding the provisions of any other law to the contrary, the
31 digitized picture or any access thereto or any use thereof shall not
32 be sold, leased, or exchanged for value.

33 (cf: P.L.2011, c.13, s.3)

34

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

37 1. The Chief Administrator of the New Jersey Motor Vehicle
38 Commission may issue to a person over 16 years of age a special
39 learner's permit, under the hand and seal of the chief administrator,
40 allowing such person, for the purpose of preparing himself to
41 qualify for a provisional license for a passenger automobile by
42 operating a dual pedal controlled motor vehicle while taking a
43 required course of private, one-on-one behind-the-wheel automobile
44 driving education approved by the State Department of Education
45 and conducted in a public, parochial, or private school of this State
46 or a course of private, one-on-one behind-the-wheel automobile

1 driving instruction conducted by a drivers' school duly licensed
2 pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.).

3 Within 12 months of the effective date of P.L. , c. (C.)
4 (pending before the Legislature as this bill), the commission shall
5 adopt standard, up-to-date guidelines to be implemented by public,
6 parochial, or private schools and licensed drivers' schools offering
7 the course of behind-the-wheel automobile driving education
8 required by this section. These guidelines shall be developed by the
9 commission in consultation with the Division of Highway Traffic
10 Safety in the Department of Law and Public Safety, the State
11 Department of Education, and licensed drivers' schools in this
12 State.

13 The special learner's permit shall be issued in lieu of the
14 examination permit provided for in R.S.39:3-13. In addition to
15 requiring an applicant for a permit to submit satisfactory proof of
16 identity and age, the chief administrator also shall require the
17 applicant to provide, as a condition for obtaining a permit,
18 satisfactory proof that the applicant's presence in the United States
19 is authorized under federal law. If the chief administrator has
20 reasonable cause to suspect that any document presented by an
21 applicant as proof of identity, age or legal residency is altered, false
22 or otherwise invalid, the chief administrator shall refuse to grant the
23 permit until such time as the document may be verified by the
24 issuing agency to the chief administrator's satisfaction.

25 The special learner's permit described above, when issued to a
26 person taking a course of private, one-on-one behind-the-wheel
27 driving education conducted in a public, parochial or private school,
28 shall be retained in the office of the school principal at all times
29 except during such time as the person to whom the permit is issued
30 is undergoing private, one-on-one behind-the-wheel automobile
31 driving instruction. The chief administrator may make such rules
32 and regulations as he may deem necessary to carry out the
33 provisions of this section.

34 (cf: P.L.2009, c.38, s.7)

35
36 3. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to
37 read as follows:

38 6. a. Any person to whom a special learner's permit has been
39 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon
40 successful completion of a State approved written examination, eye
41 examination, and an approved minimum six-hour private, one-on-
42 one behind-the-wheel driving course, shall be entitled to retain the
43 special learner's permit in his own possession. The special learner's
44 permit shall be validated by the commission for the purpose of
45 driving a motor vehicle on a public highway in this State after the
46 holder has successfully met the necessary examination
47 requirements, and upon the successful completion of a private, one-

1 on-one behind-the-wheel driving course. Such person may operate
2 a motor vehicle of the class for which a basic driver's license is
3 required except during the hours between 11:01 p.m. and 5:00 a.m.
4 while in the company and under the supervision, from the front
5 passenger seat, of a licensed motor vehicle driver of this State who
6 is over 21 years of age and has been licensed to drive a passenger
7 automobile for at least three years. Such special learner's permit
8 shall be valid until such person's seventeenth birthday or until he
9 qualifies for a probationary license. Except during an instructional
10 period of a behind-the-wheel driving course, the holder of a special
11 learner's permit shall operate a passenger automobile with only the
12 following passengers: (1) the supervising passenger; (2) any parent,
13 guardian, or dependent of the special permit holder; and (3) one
14 additional passenger. The holder of the special learner's permit
15 shall not use any hand-held or hands-free interactive wireless
16 communication device, except in an emergency, while operating a
17 moving passenger automobile on a public road or highway. "Use"
18 shall include, but not be limited to, talking or listening on any hand-
19 held or hands-free interactive wireless communication device or
20 operating its keys, buttons, or other controls. All occupants of the
21 automobile shall be secured in a properly adjusted and fastened seat
22 belt or child restraint system.

23 The chief administrator shall provide the holder of a special
24 learner's permit with two removable, transferable, highly visible,
25 reflective decals indicating that the driver of the vehicle may be the
26 holder of a special learner's permit. The decals shall be designed by
27 the chief administrator, in consultation with the Division of
28 Highway Traffic Safety in the Department of Law and Public
29 Safety. The chief administrator may charge a fee for the decals not
30 to exceed the actual cost of producing and distributing the decals.
31 The decals shall be displayed in a manner prescribed by the chief
32 administrator, in consultation with the Division of Highway Traffic
33 Safety in the Department of Law and Public Safety, and shall be
34 clearly visible to law enforcement officers. The holder of a special
35 learner's permit shall not operate a vehicle unless the decals are
36 displayed. The decal shall be removed once the driver's special
37 learner's permit period has ended.

38 b. When notified by a court of competent jurisdiction that a
39 special learner's permit holder has been convicted of a violation
40 which causes the permit holder to accumulate more than two motor
41 vehicle points or has been convicted of a violation of R.S.39:4-50;
42 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189
43 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
44 N.J.S.2C:12-1; or any other motor vehicle-related law the chief
45 administrator determines to be significant and applicable pursuant
46 to regulation, and in addition to any other penalty that may be
47 imposed, the chief administrator shall, without the exercise of

1 discretion or a hearing, suspend the holder's special learner's permit
2 for 90 days. The chief administrator shall restore the permit
3 following the term of the permit suspension if the permit holder,
4 regardless of age, satisfactorily completes a remedial training
5 course of not less than four hours which may be given by the
6 commission, a driving school licensed by the chief administrator
7 pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any
8 Statewide safety organization approved by the chief administrator.
9 The course shall be administered pursuant to rules and regulations
10 promulgated by the chief administrator and subject to oversight by
11 the commission. The authority of the chief administrator to
12 suspend, revoke, or deny issuance of an initial or renewal license to
13 operate a driving school or an instructor's license, and to assess
14 fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to
15 any violations related to the administration of a remedial training
16 course. The permit holder shall also remit a course fee prior to the
17 commencement of the course. If, after completion of the remedial
18 training course, the chief administrator is notified by a court of
19 competent jurisdiction that the special learner's permit holder has
20 been convicted of any motor vehicle violation which results in the
21 imposition of any motor vehicle points or has been convicted of a
22 violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-
23 50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-
24 5; subsection c. of N.J.S.2C:12-1; or any other motor vehicle-
25 related law the chief administrator deems significant and applicable
26 pursuant to regulation, the chief administrator, without the exercise
27 of discretion or a hearing, shall also postpone the issuance of a
28 basic license for 90 days. When the chief administrator is notified
29 by a court of competent jurisdiction that a special learner's permit
30 holder has been convicted of any alcohol or drug-related offense
31 unrelated to the operation of a motor vehicle and he is not otherwise
32 subject to any other suspension penalty therefor, the chief
33 administrator shall, without the exercise of discretion or a hearing,
34 suspend the special learner's permit for six months.

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

36
37 4. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to
38 read as follows:

39 3. No special permit shall be issued unless the person applying
40 therefor shall present a written application for the same, bearing a
41 certification by the principal of the school indicating that the person
42 is enrolled in an approved private, one-on-one behind-the-wheel
43 driving education course in the school of which he is principal or by
44 the person operating a duly licensed drivers' school indicating that
45 the person has contracted to take a course of private, one-on-one
46 behind-the-wheel automobile driving instruction offered by the
47 school and shall pay a sum of up to \$10 as determined by the

1 【director】 chief administrator to an agent of the 【Division of Motor
2 Vehicles】 commission, which sum shall be turned over by the agent
3 to the 【director】 chief administrator, and by 【him】 the chief
4 administrator remitted with the other funds collected 【in his
5 division】 by the commission to the State Treasurer, in accordance
6 with law. A special learner's permit to operate a passenger
7 automobile shall not be issued to any person younger than 18 years
8 of age without the signature of a parent or guardian. The signature
9 shall be submitted to the 【division】 commission on a form
10 prescribed by the 【director】 chief administrator. The 【director】
11 chief administrator shall postpone for six months the driving
12 privileges of any 【person】 special learner's permit applicant who
13 submits a fraudulent signature for a parent or guardian.

14 A special learner's permit shall not be issued to an applicant who
15 is less than 18 years of age unless the applicant has completed a
16 teen driver orientation program approved by the Division of
17 Highway Traffic Safety in the Department of Law and Public Safety
18 in consultation with the commission. An applicant who is under 18
19 years of age shall not be issued a special learner's permit unless at
20 least one of the applicant's parents or guardians has completed an
21 approved teen driver orientation program, '【such】 which' program
22 '【shall not exceed 90 minutes and】' may be completed by the
23 applicant's parent or guardian through an on-line provider approved
24 by the chief administrator. In the event that a parent or guardian is
25 unavailable to complete the teen driver orientation program,
26 completion by another relative who is at least 21 years of age, or a
27 supervising adult who is at least 21 years of age and has been
28 licensed to drive a passenger automobile or motorcycle, as the case
29 may be, for not less than three years shall be deemed to meet the
30 requirement that a parent or guardian complete the program. Prior
31 to the issuance of a special learner's permit, the applicant shall
32 submit for review to the commission a certificate indicating that the
33 applicant '【and at least one of the applicant's parents or guardians,
34 or other relative or supervising adult as permitted by this section,】'
35 has completed an approved teen driver orientation program. The
36 chief administrator shall postpone or suspend for six months the
37 driving privileges of any special learner's permit applicant who
38 submits a fraudulent certificate of completion.

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

40

41 5. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to
42 read as follows:

43 4. a. The holder of a special learner's permit shall be entitled
44 to a probationary driver's license (1) upon attaining the age of 17
45 years, (2) upon the satisfactory completion of an approved private,
46 one-on-one behind-the-wheel driver training course as indicated

1 upon the face of the special permit over the signature of the
2 principal of the school or the person operating the driving school in
3 which the course was conducted, (3) upon the completion of ~~【six~~
4 ~~months'】~~ one year driving experience with a validated special
5 learner's permit in compliance with the provisions of section 6 of
6 P.L.1977, c.25 (C.39:3-13.2a), ~~'【and】'~~¹ (4) upon passing the road
7 test pursuant to R.S.39:3-10 ¹, and (5) upon completing a minimum
8 of 50 hours of practice driving, ten hours of which shall be
9 completed during hours of darkness, as certified by the permit
10 holder's parent or guardian, or by the person who accompanied and
11 supervised the permit holder during the practice driving. The chief
12 administrator shall suspend for six months the driving privileges of
13 any special learner's permit holder who submits a fraudulent
14 certification of a parent, guardian, or supervising driver¹.

15 b. The holder of a probationary license shall be permitted to
16 operate the passenger automobile with only one additional
17 passenger in the vehicle besides any dependent of the probationary
18 license holder, except that this passenger restriction shall not apply
19 when the holder of the probationary license is at least 21 years of
20 age or the probationary license holder is accompanied by a parent or
21 guardian. Further, the holder of the probationary license who is
22 under 21 years of age shall not drive during the hours between
23 11:01 p.m. and 5 a.m.; provided however, that this condition may
24 be waived for an emergency which, in the judgment of local police,
25 is of sufficient severity and magnitude to substantially endanger the
26 health, safety, welfare, or property of a person or for any bona fide
27 employment or religion-related activity if the employer or
28 appropriate religious authority provides written verification of such
29 activity in a manner provided for by the chief administrator.

30 c. The holder of the probationary license shall not use any
31 hand-held or hands-free interactive wireless communication device,
32 except in an emergency, while operating a moving passenger
33 automobile on a public road or highway. "Use" shall include, but
34 not be limited to, talking or listening on any hand-held or hands-
35 free interactive wireless communication device or operating its
36 keys, buttons, or other controls. In addition, the holder of the
37 probationary license shall ensure that all occupants of the vehicle
38 are secured in a properly adjusted and fastened seat belt or child
39 restraint system.

40 d. In addition to any other penalties provided under law, the
41 holder of a probationary license who accumulates more than two
42 motor vehicle points or is convicted of a violation of R.S.39:4-50;
43 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189
44 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of
45 N.J.S.2C:12-1; or any other motor vehicle law the chief
46 administrator deems to be significant and applicable pursuant to
47 regulation shall, for the first violation, be required to satisfactorily

1 complete a remedial training course of not less than four hours
2 which may be given by the commission, a driving school licensed
3 by the chief administrator pursuant to section 2 of P.L.1951, c.216
4 (C.39:12-2), or any Statewide safety organization approved by the
5 chief administrator. The course shall be administered pursuant to
6 rules and regulations promulgated by the chief administrator and
7 subject to oversight by the commission. The authority of the chief
8 administrator to suspend, revoke, or deny issuance of an initial or
9 renewal license to operate a driving school or an instructor's license,
10 and to assess fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.)
11 shall apply to any violations related to the administration of a
12 remedial training course. The license holder shall also remit a
13 course fee prior to the commencement of the course.

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

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

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

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

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

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

19 b. The Director of the **【Office】** Division of Highway Traffic
20 Safety, in consultation with the Chief Administrator of the New
21 Jersey Motor Vehicle Commission, shall produce an informational
22 brochure for parents and guardians of beginning drivers under the
23 age of 18 years. The **【commission shall ensure that the parents or**
24 **guardians of a permit holder receive these】** brochures **【at the time a**
25 **permit is issued to a beginning driver】** shall be distributed at
26 approved teen driver orientation programs, as required by R.S.39:3-
27 13 or section 3 of P.L.1950, c.127 (C.39:3-13.3), whichever is
28 applicable, and made available through on-line providers of teen
29 orientation programs approved by the chief administrator. The
30 brochures shall include, but not be limited to, the following
31 information:

- 32 (1) Setting an example for the beginning driver;
33 (2) Accident and fatality statistics about beginning drivers;
34 (3) Causes of accidents among beginning drivers;
35 (4) The need to supervise vehicle operation by a beginning
36 driver;
37 (5) Methods to coach a beginning driver on how to reduce
38 accidents;
39 (6) A description of the graduated driver's license program;
40 **【and】**
41 (7) Benefits of classroom and behind-the-wheel driver education
42 under the direction of State certified or licensed driving instructors,
43 as the case may be ; and
44 (8) A sample practice driving log.
45 (cf: P.L.2010, c.87, s.20)

1 7. This act shall take effect on the first day of the 13th month
2 after enactment, but the New Jersey Motor Vehicle Commission
3 may take such anticipatory action necessary to implement the
4 provisions of this act.