

ASSEMBLY APPROPRIATIONS COMMITTEE

AMENDMENTS

to

ASSEMBLY, No. 4743

(Sponsored by Assemblywoman QUIJANO, Assemblymen MUKHERJI, SCHAER and JOHNSON, Assemblywoman VAINIERI HUTTLE and Assemblyman DANIELSEN)

REPLACE SECTION 2 TO READ:

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

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

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

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and the applicant's knowledge of the laws and ordinary usages of the road. The examination shall be made available in English and each of the three languages, other than English, most commonly spoken in the State, as determined by the chief administrator. The chief administrator shall periodically, and at least every five years, verify the three languages, other than English, most commonly spoken in the State.

A person shall not sit for an examination for any permit without exhibiting photo identification deemed acceptable by the commission, unless that person is a high school student participating in a course of automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the written law knowledge examination for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The commission shall be required to provide that person with a booklet that highlights those motor vehicle laws unique to New Jersey. A road test shall be required for a probationary license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. During the road test, an applicant may use a rear visibility system, parking sensors, or other technology installed on the motor vehicle that enables the applicant to view areas directly behind the vehicle or alerts the applicant of obstacles while parking.

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

A person who successfully completes a road test for a motorcycle license or a motorcycle endorsement when operating a motorcycle or motorized scooter with an engine displacement of less than 231 cubic centimeters shall be issued a motorcycle license or endorsement restricting the person's operation of the vehicles to any motorcycle with an engine displacement of 500 cubic centimeters or less. A

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

A person issued a motorcycle license pursuant to this section may be issued a standard motorcycle license or a REAL ID motorcycle license. In addition to requiring the person to submit satisfactory proof of identity and age, the commission shall require the person to provide:

(1) as a condition for obtaining a standard motorcycle license, two documents providing satisfactory proof that the person is a New Jersey resident and proof of the person's social security number. If the person does not have a social security number, the person shall indicate, in a manner prescribed by the commission, that the person is not eligible to receive a social security number; or

(2) as a condition for obtaining a REAL ID motorcycle license: two documents providing satisfactory proof that the person is a New Jersey resident; proof of the person's social security number or verification of ineligibility for a social security number in accordance with the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder; and proof that the person's presence in the United States is authorized under federal law.

A standard motorcycle license shall indicate that the license shall not be accepted as identification for an official purpose, as that term is defined under the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder, and shall bear a unique design or color to indicate that the license shall not be accepted for such official purpose.

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

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pursuant to regulation; and (4) passed an examination of the applicant's ability to operate a motor vehicle pursuant to this section.

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

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

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

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

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

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the commission any current driver's license issued to the applicant by another state or jurisdiction upon the applicant's receipt of a driver's license for this State. The commission shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is [less than] under 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a

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time period designated by the commission, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

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

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering or any vehicle defined as a motorcycle pursuant to R.S.39:1-1 having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface.

b. Omnibuses as classified by R.S.39:3-10.1 and school buses classified under N.J.S.18A:39-1 et seq.

c. (Deleted by amendment, P.L.1999, c.28)

d. All motor vehicles not included in classifications a. and b. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license[.]" and may be issued as a standard basic driver's license or a REAL ID basic driver's license.

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

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

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

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

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

The required fee for a license for the license period shall be as follows, subject to adjustment pursuant to section 16 of P.L.2007, c.335 (C.39:2A-36.1):

[Motorcycle] Standard motorcycle license or endorsement: \$18.

REAL ID motorcycle license: \$29.

Omnibus or school bus endorsement: \$18.

[Basic] Standard basic driver's license: \$18.

REAL ID basic driver's license: \$29.

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

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

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

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

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide[.]:

(1) as a condition for obtaining a permit and standard basic driver's license, two documents providing satisfactory proof that the applicant is a New Jersey resident and proof of the applicant's social

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security number. If the applicant does not have a social security number, the applicant shall indicate, in a manner prescribed by the commission, that the applicant is not eligible to receive a social security number; or

(2) as a condition for obtaining a REAL ID basic driver's license: two documents providing satisfactory proof that the applicant is a New Jersey resident; proof of the applicant's social security number or verification of ineligibility for a social security number in accordance with the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder; and proof that the applicant's presence in the United States is authorized under federal law.

A standard basic driver's license shall indicate that the license shall not be accepted as identification for an official purpose, as that term is defined under the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder, and shall bear a unique design or color to indicate that the license shall not be accepted for such official purpose.

¹In addition to the requirements provided in this section, the chief administrator shall conduct a wanted person check for every applicant for a standard basic driver's license and a Real ID basic driver's license.¹

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

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

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

Any documents and personal information, including an applicant's photograph, obtained by the commission from an applicant for a standard basic driver's license or standard motorcycle license shall be confidential, shall not be considered a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to government records, and

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shall not be disclosed by the commission for the purpose of investigation, arrest, citation, prosecution, or detention related to an applicant's citizenship or immigration status without the consent of the applicant or without a valid court order or subpoena; except that the commission shall not be restricted, prohibited, or prevented from maintaining, or sending to or receiving from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual, pursuant to 8 U.S.C. s.1373 and 8 U.S.C. s.1644. Any person that knowingly discloses any documents or personal information in violation of this section shall be guilty of a crime of the fourth degree.

Possession of a standard basic driver's license or standard motorcycle license issued pursuant to this section shall not be considered evidence of an individual's citizenship or immigration status and shall not be used as a basis for an investigation, arrest, citation, prosecution, or detention.

As used in this section:

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

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

¹"Wanted person check" means a determination of whether a person has an outstanding arrest warrant or pending charges by accessing the New Jersey Wanted Person System (NJWPS) and New Jersey Criminal Justice Information System (NJCJIS) in the files of the National Crime Information Center (NCIC).¹

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

REPLACE SECTION 8 TO READ:

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

4. a. The holder of a special learner's permit shall be entitled to a probationary driver's license (1) upon attaining the age of 17 years, (2) upon the satisfactory completion of an approved behind-the-wheel driver training course as indicated upon the face of the special permit over the signature of the principal of the school or the person operating the driving school in which the course was conducted, (3) upon the completion of six months' driving experience with a validated special learner's permit in compliance with the provisions of section 6 of P.L.1977, c.25 (C.39:3-13.2a), and (4) upon passing the road test pursuant to R.S.39:3-10.

b. The holder of a probationary license shall be permitted to operate the passenger automobile with only one additional passenger in the vehicle besides any dependent of the probationary license holder, except that this passenger restriction shall not apply when the

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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); section 1 of P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of P.L.2017, c.165 (C.2C:11-5.3); 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

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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.

h. A person issued a probationary license pursuant to this section may be issued a standard probationary license or a REAL ID probationary license. In addition to requiring an applicant for a probationary license to submit satisfactory proof of identity and age, the chief administrator shall require the applicant to provide:

(1) as a condition for obtaining a standard probationary license, two documents providing satisfactory proof that the applicant is a New Jersey resident and proof of the applicant's social security number. If the applicant does not have a social security number, the applicant shall indicate, in a manner prescribed by the commission, that the applicant is not eligible to receive a social security number; or

(2) as a condition for obtaining a REAL ID probationary license: two documents providing satisfactory proof that the applicant is a New Jersey resident; proof of the applicant's social security number or verification of ineligibility for a social security number in accordance with the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder; and proof that the applicant's presence in the United States is authorized under federal law.

A standard probationary license shall indicate that the license shall not be accepted as identification for an official purpose, as that term is defined under the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder, and shall bear a unique design or color to indicate that the license shall not be accepted for such official purpose.

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If the chief administrator has reasonable cause to suspect that any document presented by an applicant pursuant to this section is altered, false, or otherwise invalid, the chief administrator shall refuse to grant the probationary license until such time as the document may be verified by the issuing agency to the chief administrator's satisfaction.

i. Any documents and personal information, including an applicant's photograph, obtained by the commission from an applicant for a standard probationary license shall be confidential, shall not be considered a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to government records, and shall not be disclosed by the commission for the purpose of investigation, arrest, citation, prosecution, or detention related to an applicant's citizenship or immigration status without the consent of the applicant or without a valid court order or subpoena; except that the commission shall not be restricted, prohibited, or prevented from maintaining, or sending to or receiving from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual, pursuant to 8 U.S.C. s.1373 and 8 U.S.C. s.1644. Any person that knowingly discloses any documents or personal information in violation of this subsection shall be guilty of a crime of the fourth degree.

Possession of a standard probationary license issued pursuant to this section shall not be considered evidence of an individual's citizenship or immigration status and shall not be used as a basis for an investigation, arrest, citation, prosecution, or detention.

¹j. In addition to the requirements provided in this section, the chief administrator shall conduct a wanted person check for every applicant for a standard probationary license and a REAL ID probationary license.

As used in this paragraph, "wanted person check" means a determination of whether a person has an outstanding arrest warrant or pending charges by accessing the New Jersey Wanted Person System (NJWPS) and New Jersey Criminal Justice Information System (NJCJIS) in the files of the National Crime Information Center (NCIC).¹

(cf: P.L.2017, c.165, s.13)

REPLACE SECTION 9 TO READ:

9. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read as follows:

2. a. (1) The New Jersey Motor Vehicle Commission shall issue an identification card to any resident of the State who is 14 years of age or older and who is not the holder of a valid permit or basic driver's license. The identification card shall attest to the true name, correct age, and veteran status, upon submission of satisfactory proof, by any veteran, and shall contain other identifying data as certified by the applicant for such identification card. Every application for an

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identification card shall be signed and verified by the applicant and shall be accompanied by the written consent of at least one parent or the person's legal guardian if the person is under 17 years of age and shall be supported by such documentary evidence of the age, identity, and veteran status, or blindness, or disability of such person as the chief administrator may require. In addition to requiring an applicant for an identification card to submit satisfactory proof of identity, age, and, if appropriate, veteran status, the chief administrator also shall require the applicant to provide[.]:

(a) as a condition for obtaining [the] a standard identification card, two documents providing satisfactory proof that the applicant is a New Jersey resident and proof of the applicant's social security number. If the applicant does not have a social security number, the applicant shall indicate, in a manner prescribed by the commission, that the applicant is not eligible to receive a social security number; or

(b) as a condition for obtaining a REAL ID identification card: two documents providing satisfactory proof that the applicant is a New Jersey resident; proof of the applicant's social security number or verification of ineligibility for a social security number in accordance with the "REAL ID Act of 2005," Pub.L.109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder; and proof that the applicant's presence in the United States is authorized under federal law.

Any documents and personal information, including an applicant's photograph, obtained by the commission from an applicant for a standard identification card shall be confidential, shall not be considered a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to government records, and shall not be disclosed by the commission for the purpose of investigation, arrest, citizenship, prosecution, or detention related to an applicant's citizenship or immigration status without the consent of the applicant or without a valid court order or subpoena; except that the commission shall not be restricted, prohibited, or prevented from maintaining, or sending to or receiving from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual, pursuant to 8 U.S.C. s.1373 and 8 U.S.C. s.1644. Any person that knowingly discloses any documents or personal information in violation of this subsection shall be guilty of a crime of the fourth degree.

Possession of a standard identification card issued pursuant to this section shall not be considered evidence of an individual's citizenship or immigration status and shall not be used as a basis for an investigation, arrest, citation, prosecution, or detention.

If the chief administrator has reasonable cause to suspect that any document presented by an applicant [as proof of identity, age, veteran status, or legal residency] pursuant to this section is altered, false or otherwise invalid, the chief administrator shall refuse to grant the

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identification card until such time as the document may be verified by the issuing agency to the chief administrator's satisfaction.

¹In addition to the requirements provided in this section, the chief administrator shall conduct a wanted person check for every applicant for a standard identification card and a Real ID identification card.¹

(2) In addition to the requirements for the form and content of an identification card pursuant to this section, the Chief Administrator of the New Jersey Motor Vehicle Commission shall, upon submission of satisfactory proof, designate on an identification card that the card holder is a Gold Star Family member. The commission shall provide to the Department of Military and Veterans' Affairs personal identifying information for any person issued an identification card with a Gold Star Family designation pursuant to this section.

b. The designation of veteran status on an identification card shall not be deemed sufficient valid proof of veteran status for official governmental purposes when any other statute, or any regulation or other directive of a governmental entity, requires documentation of veteran status.

c. For the purpose of this section:

"Gold Star Family member" means a spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian, or other legal custodian, whether of the whole or half blood or by adoption, of a member of the Armed Forces of the United States or National Guard, who lost his or her life while on active duty for the United States.

"REAL ID identification card" shall have the same meaning as provided in R.S.39:1-1.

"Veteran" means a person who has been honorably discharged from the active military service of the United States; and

"Satisfactory proof" means, in the case of a veteran, a copy of form DD-214 or federal activation orders showing service under Title 10, section 672 or section 12301, of the United States Code, or a county veteran identification card only if issuance of the card requires a copy of form DD-214 discharge papers or approved separation forms as outlined by all branches of the military and duly recorded by the county clerk's office. In the case of a Gold Star Family member, satisfactory proof includes any or all of the following:

(1) a certification from the Department of New Jersey of American Gold Star Mothers, Inc., or any other organization formed for the support of family members of members of the Armed Forces of the United States or National Guard, who lost their lives while on active duty for the United States, that the applicant is either the spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian, or other legal custodian, whether of the whole or half blood or by adoption, of a member of the armed forces or National Guard who died while on active duty for the United States; or

(2) (a) documentation deemed acceptable by the Adjutant General, including, but not limited to, a federal DD Form 1300, Report of

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Casualty, or a federal DD Form 2064, Certificate of Death Overseas, which identifies the member of the Armed Forces of the United States or National Guard who died while on active duty for the United States; and

(b) documentation indicating the applicant's relationship to the service member.

¹"Wanted person check" means a determination of whether a person has an outstanding arrest warrant or pending charges by accessing the New Jersey Wanted Person System (NJWPS) and New Jersey Criminal Justice Information System (NJCJIS) in the files of the National Crime Information Center (NCIC).¹

(cf: P.L.2017, c.175, s.7)

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