

SENATE, No. 1297

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senators Zwicker and Ruiz

SYNOPSIS

Requires MVC to create mobile driver's licenses and identification cards.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/25/2024)

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1 AN ACT creating mobile driver's licenses and identification cards,
2 supplementing Title 39 of the Revised Statutes, and amending
3 R.S.39:3-29.

4

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

7

8 1. (New section) a. As used in this section:

9 "Mobile driver's license" means an electronic basic driver's
10 license, electronic motorcycle license, or electronic probationary
11 driver's license issued by the New Jersey Motor Vehicle
12 Commission that is accessible on a mobile electronic
13 communication device and includes all information found on a
14 printed, hard-copy basic driver's license, motorcycle license, or
15 probationary driver's license issued by the commission;

16 "Mobile electronic communication device" means any mobile
17 device capable of communication or other transmission of
18 information and includes, but is not limited to, a cellular telephone,
19 wireless tablet, any device with Internet capability, or other wireless
20 communication device; and

21 "Mobile identification card" means an electronic identification
22 card issued by the New Jersey Motor Vehicle Commission that is
23 accessible on a mobile electronic communication device and
24 includes all information found on a printed, hard-copy identification
25 card issued by the commission.

26 b. The Chief Administrator of the New Jersey Motor Vehicle
27 Commission shall create and issue a mobile driver's license and
28 mobile identification card to an individual who voluntarily requests
29 a mobile driver's license or mobile identification card and who
30 meets all requirements for the issuance of a driver's license or
31 identification card. The commission may charge and collect a
32 reasonable fee for the issuance of a mobile driver's license and
33 mobile identification card. The commission shall retain such fee in
34 accordance with subsection b. of section 105 of P.L.2003, c.13
35 (C.39:2A-36).

36 c. The commission shall provide that the mobile driver's
37 license and mobile identification card include features to ensure the
38 security and integrity of the license and identification card. A
39 process, prescribed by the chief administrator, shall provide for the
40 issuance of mobile driver's licenses and mobile identification cards
41 to prevent and detect the alteration, duplication, counterfeiting,
42 photographing, forging, or other modification of the mobile driver's
43 license and mobile identification card.

44 d. The commission shall allow a person with a mobile driver's
45 license or a mobile identification card, or a person applying for such

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.

1 driver's license or identification card, to update the person's motor
2 vehicle record, including, but not limited to, a change of address
3 and organ donor status. Such changes shall immediately become
4 part of the person's official motor vehicle record and shall take
5 precedence over information provided on a printed, hard-copy
6 driver's license and identification card.

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8 2. R.S.39:3-29 is amended to read as follows:

9 39:3-29. The driver's license, the registration certificate of a
10 motor vehicle, and an insurance identification card shall be in the
11 possession of the driver or operator at all times when the driver or
12 operator is in charge of a motor vehicle on the highways of this
13 State.

14 The driver or operator shall exhibit the driver or operator's
15 driver's license and an insurance identification card, and the holder
16 of a registration certificate or the operator or driver of a motor
17 vehicle for which a registration certificate has been issued, whether
18 or not the holder, driver or operator is a resident of this State, shall
19 also exhibit the registration certificate, when requested so to do by a
20 police officer or judge, while in the performance of the duties of
21 their office, and shall write the driver or operator's name in the
22 presence of the officer, so that the officer may thereby determine
23 the identity of the licensee and at the same time determine the
24 correctness of the registration certificate, as it relates to the
25 registration number and number plates of the motor vehicle for
26 which it was issued; and the correctness of the evidence of a policy
27 of insurance, as it relates to the coverage of the motor vehicle for
28 which it was issued.

29 The driver's license, registration certificate, or insurance
30 identification card may be displayed or provided in either paper or
31 electronic form. For the purposes of this section, "electronic form"
32 means the display of images on an electronic device, such as a
33 cellular telephone, tablet, or computer.

34 The use of a cellular telephone, tablet, computer, or any other
35 electronic device to display the driver's license, proof of
36 registration, or proof of insurance does not constitute consent for a
37 police officer or judge to access any other contents on the device.
38 Any police officer or judge presented with an electronic device
39 pursuant to this section shall be immune from any liability resulting
40 from damage to the device.

41 Any person violating this section shall be subject to a fine of
42 \$150, except that if the person is a driver or operator of an omnibus,
43 as defined pursuant to R.S.39:1-1, the amount of the fine shall be
44 \$250. Of the amount of any such fine collected pursuant to this
45 paragraph, \$25 shall be deposited in the Uninsured Motorist
46 Prevention Fund established by section 2 of P.L.1983, c.141
47 (C.39:6B-3).

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1 If a person charged with a violation of this section can exhibit
2 the person's driver's license, insurance identification card, and
3 registration certificate, which were valid on the day the person was
4 charged, to the judge of the municipal court before whom the
5 person is summoned to answer to the charge, such judge may
6 dismiss the charge. However, the judge may impose court costs.

7 In addition to and independent of any fine or other penalty
8 provided for under law, the court shall impose a fine of \$150 on any
9 driver or operator of an omnibus, convicted of a violation of this
10 section, who does not have a certificate of public convenience and
11 necessity as required pursuant to R.S.48:4-3. The State Treasurer
12 shall annually deposit the monies collected from the fines imposed
13 pursuant to this paragraph to the "Omnibus Safety Enforcement
14 Fund" established pursuant to section 4 of P.L.2007, c.40 (C.39:3-
15 79.23). The fine described herein shall not be deemed a fine,
16 penalty, or forfeiture pursuant to R.S.39:5-41.

17 (cf: P.L.2021, c.258, s.2)

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19 3. The Chief Administrator of the New Jersey Motor Vehicle
20 Commission shall adopt, pursuant to the "Administrative Procedure
21 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to
22 implement the provisions of P.L. , c. (C.) (pending before
23 the Legislature as this bill).

24

25 4. This act shall take effect 72 months after enactment, but the
26 Chief Administrator of the New Jersey Motor Vehicle Commission
27 may take any administrative action in advance of that date as may
28 be necessary for the timely implantation of this act.

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STATEMENT

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33 This bill requires the Chief Administrator of the New Jersey
34 Motor Vehicle Commission (commission) to create and issue a
35 mobile driver's license and mobile identification card to an
36 individual who requests such electronic documentation. Under the
37 bill, a mobile driver's license includes a basic driver's license,
38 motorcycle license, and probationary driver's license that is
39 accessible on a mobile electronic communication device and
40 includes all information found on a printed, hard-copy version. The
41 commission may charge and collect a reasonable fee for the
42 issuance of a mobile driver's license and mobile identification card.

43 When issuing a mobile driver's license and mobile identification
44 card, the commission is required to prevent and detect the
45 alteration, duplication, counterfeiting, photographing, forging, or
46 other modification of the mobile driver's license and mobile
47 identification card. The commission is also required to include

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1 features in the license and card to ensure the security and integrity
2 of these documents.

3 Under the bill, the commission is to allow a person with a mobile
4 driver's license or a mobile identification card, or a person applying
5 for such documentation, to update the person's motor vehicle
6 record. The changes are to immediately become part of the
7 person's official motor vehicle record and are to take precedence
8 over information provided on the person's printed, hard-copy
9 driver's license and identification card.

10 The bill provides that a person may possess a mobile driver's
11 license when driving a motor vehicle in this State and may exhibit a
12 mobile driver's license when requested by a police officer or judge.