



Legislation Text

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AN ORDINANCE AMENDING TITLE VIII ENTITLED “BUSINESSES AND OCCUPATIONS” OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, TO CREATE NEW CHAPTER 8:43 ENTITLED “DRIVING SCHOOL REGISTRATION” TO PROMOTE IMPROVED STREET SAFETY IN THE CITY OF NEWARK’S PUBLIC RIGHT-OF WAY.

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WHEREAS, pursuant to New Jersey Statute and the New Jersey Administrative Code, the State of New Jersey Motor Vehicle Commission (NJMVC) regulates and approves licenses to operate driving schools and to provide driver training instructions within the state of New Jersey; and

WHEREAS, the law does not provide for any authority for local municipalities to license or otherwise regulate driving schools. The New Jersey Administrative Code at N.J.A.C. 13:23-2.1 solely authorizes the Chief Administrator of the New Jersey Division Motor Vehicle Commission to regulate the operation of driving schools as follows:

Section 13:23-2.1 - Licenses

- (a) Every person proposing to engage in the business of conducting a driving school shall be licensed by the Chief Administrator prior to engaging in such business.
- (b) A driving school license, either initial or renewal, shall not be issued unless at least one motor vehicle, which is owned or leased by the driving school and registered in the name of the driving school or the lessor, is insured and equipped in accordance with 13:23-2.28.
- (c) A license, either initial or renewal, shall not be issued until compliance with the conditions in this subchapter has been effected.
- (d) In accordance with 39:12-2, a driving school license, either initial or renewal, shall not be issued unless an owner of the driving school or an employee thereof is a qualified supervising instructor. In accordance with 39:12-2.1, a person shall receive hour-for-hour credit from the Commission for the person's behind-the-wheel instructional experience in a public or non-public secondary school toward the fulfillment of the behind-the-wheel hourly instructional requirement for classification as a qualified supervising instructor imposed pursuant to 39:12-2. In order to maintain licensure during the term of the license, an owner of the driving school or an employee thereof shall be a qualified supervising instructor. Compliance with the qualified supervising instructor requirement set forth in 39:12-2 shall not be attained by means of subcontracting.
- (e) A driving school license, either initial or renewal, shall not be issued unless the applicant therefor has filed with the Commission a surety bond in the amount of \$ 10,000 issued by a company authorized to transact surety business in this State and payable to the New Jersey Motor Vehicle Commission. The surety bond shall be filed with each initial application and each renewal application and shall cover the entire

term of the license. If a surety bond is cancelled or terminated for any reason during the term of the license, the company that issued the surety bond shall immediately notify the Chief Administrator of such cancellation or termination. The licensee shall immediately obtain and file with the Chief Administrator a replacement surety bond that shall cover the remaining term of the license; and

WHEREAS, many driving schools operate within the City of Newark by using the streets in Newark to instruct students on various driving maneuvers such as motor vehicle operation, parking, steering, stopping, negotiating intersections, turning, and direction changes; and

WHEREAS, there is no local mechanism in place to determine whether the schools which operate in Newark are properly licensed by the NJMVC; and

WHEREAS, some of Newark's neighborhoods are densely populated with limited parking, narrow streets, traffic congestion, and tight parking spaces; and

WHEREAS, it is known that driving schools operate on certain public streets and in doing so impede traffic, cause the erection of obstacles in the roadway and various other obstructions to the safe flow of traffic.

NOW, THEREFORE, the Municipal Council of the City of Newark does hereby ordain as follows:

SECTION 1. Title VIII Businesses and Occupations of the Revised General Ordinances of the City of Newark, New Jersey 2000 shall be amended and supplemented by adding a new chapter 8:43 Driving School Registration.

8:43-1 Purpose.

- a. Properly supervise, control and license the use of the public streets and highways within the territorial limits of the City of Newark for the purpose of carrying on the business of teaching automobile driving to inexperienced drivers.
- b. Prevent the use of the public streets and highways in built-up and populated residential districts within the territorial limits of the City of Newark.

8:43-2 Definitions.

ADMINISTRATOR

Refers to the Director of Public Safety.

AUTOMOBILE DRIVING SCHOOL OR AUTOMOBILE DRIVING BUSINESS - Includes any business which uses the public streets and highways of the City of Newark for the purpose of instructing and teaching inexperienced or unlicensed automobile drivers how to operate a motor vehicle, for a monetary compensation or a valuable consideration, either directly or indirectly, of any kind or character.

COMPLIANCE OFFICER

Means Law Enforcement personnel designated by the Director of the Department of Public Safety.

RIGHT-OF-WAY

Shall mean and includes highways, roads, avenues, boulevards, courts, public lanes, alleys, sidewalks, footpaths and all other public highways for vehicular or pedestrian travel within the City of Newark's control.

8:43-3 Registration required.

- a. No person, firm or corporation shall manage, conduct, operate and carry on the business of automobile driving schools within the territorial limits of the City of Newark, as defined by this chapter, without first having obtained a license therefor as hereinafter provided.

8:43-4 Application process.

- a. All applications for driving school registration shall be in writing on all forms furnished by the City of Newark, signed by the applicant or the authorized agent of the applicant, and presented to the Division of Tax Abatement and Special Tax,

The application shall state:

1. The name of the driving school;
2. The correct name under which the business is being operated;
3. Such other pertinent information as may be necessary for an investigation of the applicant;
4. Proof of New Jersey State Driving School License;
- b. Complete information as to year, license plate number, state of vehicle registration, VIN#, model, make of all motor vehicles to be used in the carrying on and conducting of the said business within the territorial limits of the City of Newark.
- c. Name and address or addresses for the last five years of each and every automobile operator-instructor employed by the person, firm or corporation making the application, together with said automobile driver's license number.
- d. The name of each and every public street or highway within the territorial limits of the City of Newark which the licensee proposes to use as a learning grounds for the carrying on of its business.
- e. An insurance policy with the premium prepaid thereon, written by an insurance company duly licensed to transact business under the insurance laws of the state.

8:43-5 License Fee.

- f. A license fee of \$250 must accompany the original application. No license fee shall be prorated.
- g. Renewal applications shall be submitted for approval and issuance at least 30 days prior to the expiration date of the current license.

8:43-6 Issuance; license contents; display of instructor's name.

- a. All licenses shall be issued by the Compliance Officer.
- b. The automobile driving school licenses herein provided for shall bear a number and shall state the name and address of the person, firm or corporation licensed and the names of all public streets and highways within the territorial limits of the City of Newark upon which the said licensee may conduct the said business.
- c. The name and address of the automobile operator-instructor of each motor vehicle actually engaged in the business under said license shall be conspicuously exhibited in the said motor vehicle at all times while same is being operated in the carrying on of said business.
- d. A driving school must display the business name, telephone number, license number as prescribed by the Compliance Officer on the outside of the said motor vehicle at all times while same is being operated in the carrying on of said business.

8:43-7 Transferability.

Licenses issued hereunder shall not be transferable or assignable except by resolution of the Municipal Council and by the qualification of the transferee or assignee with the provisions of this chapter as if such request for transfer or assignment was an original application.

8:43-8 Changes in application information.

In case of any change of a motor vehicle or change of an operator-instructor or change of any other material fact or statement required to be set forth in said application, before or after a license is issued hereunder, such change shall be immediately reported to the Police Division and such motor vehicle shall not be used or operator-instructor employed in the business of the licensee until approved by proper authority in accordance with the provisions of this chapter as in the case of an original application.

8:43-9 Suspensions and revocations.

- a. The Municipal Council reserves the right at all times to suspend or revoke the operation of the license permitting the conducting and carrying on of the business of an automobile driving school upon the public streets and highways within the territorial limits of the City of Newark as provided in this chapter.
- b. The Department of Public Safety can recommend revoking the local license when a continuous violation of any provision of this Chapter exists, for the protection of the public safety and welfare.

8:43-10 Violations and penalties.

Any person who violates any provision of this chapter, shall upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

8:43-11 Resident complaints.

A resident may file a complaint with the Compliance Officer if an automobile driving school or automobile driving business fails to comply with the provisions of this Article. The Compliance Officer shall investigate complaints within a reasonable time period.

8:43-12 Use of public streets restricted.

Use of the public streets and highways within the territorial limits of the City of Newark as learning grounds for inexperienced drivers, by persons, firms or corporations engaged in the business of an automobile driving school, in residential districts wherein the frontage on the public streets or highways is mainly occupied by dwellings or buildings less than 300 feet apart, is hereby prohibited.

SECTION 2: Any prior ordinances or parts thereof inconsistent herewith shall be amended and supplemented to conform to the provisions contained herein.

SECTION 3: If any part of this ordinance is declared unconstitutional or illegal, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 4: This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

SECTION 5. Codification. This Ordinance shall be a part of the Code of the City of Newark as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Newark in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

STATEMENT

This Ordinance amends and supplements Title VIII, entitled "Businesses and Occupations" of the Revised General Ordinances of the City of Newark, New Jersey, 2000, by creating a new chapter establishing a registration requirement for automobile driving school or automobile driving business operating in the City of Newark, of carrying on the business of teaching automobile driving to inexperienced drivers.