

[First Reprint]

## **ASSEMBLY, No. 3191**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

INTRODUCED FEBRUARY 24, 2020

**Sponsored by:**

**Assemblywoman SERENA DIMASO**

**District 13 (Monmouth)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman JEAN STANFIELD**

**District 8 (Atlantic, Burlington and Camden)**

**Co-Sponsored by:**

**Assemblywoman Dunn, Assemblymen Benson, Giblin, Scharfenberger,  
Assemblywoman Chaparro, Assemblyman DiMaio, Assemblywoman  
B.DeCroce and Assemblyman Freiman**

### **SYNOPSIS**

Permits person diagnosed with autism or communication disability to voluntarily make notation on driver's license, identification card, and in MVC registry; establishes program to train law enforcement officers in interactions with persons with autism or communication disabilities.

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Transportation and Independent Authorities Committee on October 22, 2020, with amendments.

(Sponsorship Updated As Of: 10/22/2020)

1 AN ACT concerning persons with autism or communication  
2 disabilities and supplementing Title 39 and Title 53 of the  
3 Revised Statutes.

4

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

7

8 1. a. The Chief Administrator of the New Jersey Motor  
9 Vehicle Commission shall permit a basic driver's license or non-  
10 driver identification card holder to voluntarily indicate on the  
11 holder's basic driver's license or non-driver identification card that  
12 the person has been diagnosed with an autism spectrum disorder or  
13 a communication disability by a physician, psychologist, or any  
14 other health care professional licensed pursuant to Title 45 of the  
15 Revised Statutes.

16 The designation shall be used by a law enforcement officer or an  
17 emergency medical professional to identify and effectively  
18 communicate with a person who has been diagnosed with an autism  
19 spectrum disorder or communication disability and shall not be used  
20 for any other purpose by any other person.

21 b. The designation indicating that a person has been diagnosed  
22 with an autism spectrum disorder or a communication disability  
23 pursuant to subsection a. of this section shall be given a restriction  
24 code that shall be displayed on the person's driver's license or non-  
25 driver identification in accordance with procedures prescribed by  
26 the chief administrator.

27 A holder of a basic driver's license or non-driver identification  
28 card who makes a voluntary designation pursuant to this section  
29 shall have the opportunity to remove the designation at any time.

30 c. As used in this section, "communication disability" means a  
31 condition involving an impairment in the person's ability to receive,  
32 send, process, or comprehend concepts or verbal, nonverbal, or  
33 graphic symbol systems, that may result in a primary disability or  
34 may be secondary to other disabilities.

35

36 2. a. As used in this section, "communication disability"  
37 means a condition involving an impairment in the person's ability  
38 to receive, send, process, or comprehend concepts or verbal,  
39 nonverbal, or graphic symbol systems, that may result in a primary  
40 disability or may be secondary to other disabilities.

41 b. The Chief Administrator of the New Jersey Motor Vehicle  
42 Commission shall establish and maintain an automated Statewide  
43 registry accessible by law enforcement officers for the purposes of  
44 identifying and effectively communicating with a person who has  
45 been diagnosed with an autism spectrum disorder or communication

**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:

<sup>1</sup>Assembly ATR committee amendments adopted October 22, 2020.

1 disability by a physician, psychologist, or any other health care  
2 professional licensed pursuant to Title 45 of the Revised Statutes.

3 The chief administrator shall permit a person diagnosed with an  
4 autism spectrum disorder or communication disability to voluntarily  
5 report the diagnosis to the commission for inclusion in the registry.  
6 The registry shall be capable of storing information, which shall  
7 include, but not limited to: the license plate and registration  
8 information of any motor vehicle that the person intends to  
9 regularly operate; the emergency contact information of a person  
10 who can communicate on behalf of the person who has been  
11 diagnosed with an autism spectrum disorder or communication  
12 disability; and any other information that may assist a law  
13 enforcement officer when communicating with the person.

14 c. The holder of a New Jersey **'[State]'** basic driver's license  
15 or non-driver identification card may voluntarily submit  
16 information to the registry established pursuant to subsection a.,  
17 through the commission's website, by mail, or when completing an  
18 application for a driver's license, motor vehicle registration, or non-  
19 driver identification card issued by the commission.

20 A holder of a New Jersey **'[State]'** basic driver's license or non-  
21 driver identification card who submits information to the registry  
22 established pursuant to this section shall have the opportunity to  
23 revise 'the information', update the information, or be removed  
24 from the registry at any time.

25 d. Information submitted pursuant to this section shall only be  
26 available to: (1) employees of the commission who are designated  
27 by the chief administrator to collect and maintain the information;  
28 and (2) law enforcement officers when accessing the person's motor  
29 vehicle records. The information shall be exclusively used during a  
30 motor vehicle stop or other law enforcement action to assist law  
31 enforcement officers in identifying and effectively communicating  
32 with a person who has been diagnosed with an autism spectrum  
33 disorder or communication disability.

34 Any information submitted to the commission pursuant to this  
35 section shall not be considered a government record pursuant to  
36 P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et  
37 al.), or the common law concerning access to public records and  
38 shall not be discoverable as a government record by any person,  
39 entity, or governmental agency, except upon a subpoena issued by a  
40 grand jury or a court order in a criminal matter.

41 e. The chief administrator and employees of the commission  
42 who are designated by the chief administrator, for the purposes of  
43 discharging their duties pursuant to P.L. , c. (C. ) (pending  
44 before the Legislature as this bill), shall not be liable to any person  
45 for civil damages, or subject to criminal prosecution resulting from  
46 or caused by: (1) any disruption or failure in Internet service caused  
47 by any accident, malfunction, act of sabotage or God, or any other  
48 condition or circumstance that the commission has not, directly or

1 indirectly, caused, and which prevents the holder of a New Jersey  
2 '1[State]1' basic driver's license or non-driver identification card  
3 from accessing, or inputting information into, the registry  
4 established pursuant to this section or which results in, or prevents,  
5 the chief administrator and designated commission employees and  
6 law enforcement officers from accessing, establishing, or  
7 maintaining the database; (2) any misuse of, or the failure or  
8 omission to input accurate information, or the inputting of  
9 inaccurate or outdated information into the registry by any holder of  
10 a New Jersey '1[State]1' basic driver's license or non-driver  
11 identification card; or (3) the inability of any law enforcement  
12 officer to make contact, in good faith, with any designated  
13 emergency contact person. This limitation of liability is  
14 inapplicable if such failure resulted from a malicious purpose or a  
15 wanton and willful disregard for the safety of persons or property.

16 f. The chief administrator may adopt, pursuant to the  
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
18 1 et seq.), any rules or regulations necessary for the implementation  
19 of P.L. c. (C. ) (pending before the Legislature as  
20 this bill).

21  
22 3. a. As used in this section, "communication disability"  
23 means a condition involving an impairment in the person's ability  
24 to receive, send, process, or comprehend concepts or verbal,  
25 nonverbal, or graphic symbol systems, that may result in a primary  
26 disability or may be secondary to other disabilities.

27 b. The Superintendent of the Division of State Police within the  
28 Department of Law and Public Safety, in consultation with the  
29 Chief Administrator of the New Jersey Motor Vehicle Commission  
30 and the Commissioner of Human Services, shall develop a program  
31 to assist and train law enforcement officers to identify and  
32 effectively communicate with a person who has been diagnosed  
33 with an autism spectrum disorder or a communication disability by  
34 a physician, psychologist, or any other health care professional  
35 licensed pursuant to Title 45 of the Revised Statutes.

36 The program shall also include training in de-escalation methods  
37 when interacting with a person who has been diagnosed with an  
38 autism spectrum disorder or a communication disability, proper  
39 utilization of the registry established pursuant section 2 of P.L. ,  
40 c. (C. ) (pending before the Legislature as this bill), and any  
41 other information, as recommended by the Commissioner of Human  
42 Services, that may be useful to law enforcement officers when  
43 interacting with a person who has been diagnosed with an autism  
44 spectrum disorder or a communication disability.

45 c. The program established pursuant to subsection b. of this  
46 section shall be available annually to every county and municipal  
47 law enforcement agency in this State.

1       4. a. Sections 1 and 2 of this act shall take effect on the first  
2 day of the seventh month <sup>1</sup>~~【after】~~ following<sup>1</sup> enactment, but the  
3 Chief Administrator of the New Jersey Motor Vehicle Commission  
4 may take any administrative action in advance <sup>1</sup>of that date<sup>1</sup> as shall  
5 be necessary for the timely implementation of this act.  
6       b. Section 3 of this act shall take effect on the first day of the  
7 thirteenth month following enactment, <sup>1</sup>~~【by】~~ but<sup>1</sup> the  
8 Superintendent of the Division of State Police may take any  
9 administrative action in advance <sup>1</sup>of that date<sup>1</sup> as shall be necessary  
10 for the timely implementation of this act.