

**SENATE, No. 741**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Senator DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Co-Sponsored by:**

**Senator T.Kean**

**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**

Introduced Pending Technical Review by Legislative Counsel.



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

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

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

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

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

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

39 e. The chief administrator and employees of the commission  
40 who are designated by the chief administrator, for the purposes of  
41 discharging their duties pursuant to P.L. , c. (C. ) (pending  
42 before the Legislature as this bill), shall not be liable to any person  
43 for civil damages, or subject to criminal prosecution resulting from  
44 or caused by: (1) any disruption or failure in Internet service caused  
45 by any accident, malfunction, act of sabotage or God, or any other  
46 condition or circumstance that the commission has not, directly or  
47 indirectly, caused, and which prevents the holder of a New Jersey  
48 State basic driver's license or non-driver identification card from

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

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

18  
19 3. a. As used in this section, "communication disability"  
20 means a condition involving an impairment in the person's ability  
21 to receive, send, process, or comprehend concepts or verbal,  
22 nonverbal, or graphic symbol systems, that may result in a primary  
23 disability or may be secondary to other disabilities.

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

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

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

45  
46 4. a. Sections 1 and 2 of this act shall take effect on the first  
47 day of the seventh month after enactment, but the Chief  
48 Administrator of the New Jersey Motor Vehicle Commission may

1 take any administrative action in advance as shall be necessary for  
2 the timely implementation of this act.

3 b. Section 3 of this act shall take effect on the first day of the  
4 thirteenth month following enactment, by the Superintendent of the  
5 Division of State Police may take any administrative action in  
6 advance as shall be necessary for the timely implementation of this  
7 act.

#### 10 STATEMENT

12 This bill concerns the licenses, identification cards, and law  
13 enforcement officer interactions with persons who have been  
14 diagnosed with an autism spectrum disorder or a communication  
15 disability. The bill defines “communication disability” as a  
16 condition involving an impairment in the person’s ability to receive,  
17 send, process, or comprehend concepts or verbal, nonverbal, or  
18 graphic symbol systems, that may result in a primary disability or  
19 may be secondary to other disabilities.

20 The bill permits the holder of a license or identification card to  
21 voluntarily indicate on the license or identification card that the  
22 holder has been diagnosed with an autism spectrum disorder or a  
23 communication disability. The designation is to be used by law  
24 enforcement officers or emergency medical professionals to identify  
25 and effectively communicate with a person diagnosed with an  
26 autism spectrum disorder or communication disability.

27 The designation indicating that a person has been diagnosed with  
28 an autism spectrum disorder or a communication disability is to be  
29 given a restriction code that is required to be displayed on the  
30 person’s driver’s license or non-driver identification in accordance  
31 with procedures prescribed by the chief administrator. However,  
32 the holder of a basic driver's license or non-driver identification  
33 card who makes the voluntary designation is required to have the  
34 opportunity to remove the designation at any time.

35 The bill also requires the Chief Administrator (chief  
36 administrator) of the New Jersey Motor Vehicle Commission  
37 (MVC) to establish and maintain an automated Statewide registry  
38 accessible by law enforcement officials for the purposes of  
39 identifying and effectively communicating with a person who has  
40 been diagnosed with an autism spectrum disorder or communication  
41 disability by a physician, psychologist, or any other health care  
42 professional. The registry is to be capable of storing information,  
43 which is to include, but not limited to: the license plate and  
44 registration information of any motor vehicle that the person  
45 intends to regularly operate; the emergency contact information of a  
46 person who can communicate on behalf of the person who has been  
47 diagnosed with an autism spectrum disorder or communication

1 disability; and any other information that may assist a law  
2 enforcement officer when communicating with the person.

3 Under the bill, a person may submit information to the registry  
4 through the MVC's website, by mail, or when completing an  
5 application for a driver's license, motor vehicle registration, or non-  
6 driver identification card. The information provided to the MVC  
7 for the registry is to only be accessible to employees of the  
8 commission who are designated by the chief administrator to collect  
9 and maintain the information and law enforcement officers during a  
10 motor vehicle stop or other law enforcement action. Information  
11 submitted to the MVC is not to be subject to public disclosure under  
12 the "Open Public Records Act" or the common law concerning  
13 access to public records or be discoverable as a government record  
14 by any person, entity, or governmental agency except in certain  
15 circumstances.

16 The bill provides for certain limitations on civil liabilities and on  
17 criminal prosecution for the chief administrator and MVC  
18 employees designated by the chief administrator. The limitations  
19 on civil liabilities and on criminal prosecution are inapplicable if  
20 such failure resulted from a malicious purpose or a wanton and  
21 willful disregard for the safety of persons or property.

22 Lastly, the bill establishes a program that is to be developed by  
23 the Superintendent of the Division of State Police, in conjunction  
24 with the chief administrator and the Commissioner of Human  
25 Services, to assist and train law enforcement officers to identify and  
26 effectively communicate with a person who has been diagnosed  
27 with an autism spectrum disorder or a communication disability.  
28 The program is to also include training in de-escalation methods  
29 when interacting with a person who has been diagnosed with an  
30 autism spectrum disorder or a communication disability, proper  
31 utilization of the registry established pursuant this bill, and any  
32 other information, as recommended by the Commissioner of Human  
33 Services, that may be useful to law enforcement officers when  
34 interacting with a person who has been diagnosed with an autism  
35 spectrum disorder or a communication disability. The program is to  
36 be made available annually to every county and municipal law  
37 enforcement agency in the State.