

[First Reprint]

SENATE, No. 741

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 25 (Morris and Somerset)

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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 Senate Transportation Committee on May 6, 2021, with amendments.



(Sponsorship Updated As Of: 11/8/2021)

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

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:

¹Senate STR committee amendments adopted May 6, 2021.

1 been diagnosed with an autism spectrum disorder or communication
2 disability by a physician, psychologist, or any other health care
3 professional licensed pursuant to Title 45 of the Revised Statutes.

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

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

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

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

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

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

1 condition or circumstance that the commission has not, directly or
2 indirectly, caused, and which prevents the holder of a New Jersey
3 ¹【State】¹basic driver's license or non-driver identification card
4 from accessing, or inputting information into, the registry
5 established pursuant to this section or which results in, or prevents,
6 the chief administrator and designated commission employees and
7 law enforcement officers from accessing, establishing, or
8 maintaining the database; (2) any misuse of, or the failure or
9 omission to input accurate information, or the inputting of
10 inaccurate or outdated information into the registry by any holder of
11 a New Jersey ¹【State】¹ basic driver's license or non-driver
12 identification card; or (3) the inability of any law enforcement
13 officer to make contact, in good faith, with any designated
14 emergency contact person. This limitation of liability is
15 inapplicable if such failure resulted from a malicious purpose or a
16 wanton and willful disregard for the safety of persons or property.

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

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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 ¹【Superintendent of the Division of State Police within
28 the 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,】 New Jersey Office of
31 the Attorney General¹ shall develop a program to assist and train
32 law enforcement officers to identify and effectively communicate
33 with a person who has been diagnosed with an autism spectrum
34 disorder or a communication disability by a physician, psychologist,
35 or any other health care professional licensed pursuant to Title 45 of
36 the Revised Statutes.

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

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

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5 4. a. Sections 1 and 2 of this act shall take effect on the first
6 day of the seventh month ¹~~【after】~~ following¹ enactment, but the
7 Chief Administrator of the New Jersey Motor Vehicle Commission
8 may take any administrative action in advance ¹of that date¹ as shall
9 be necessary for the timely implementation of this act.

10 b. Section 3 of this act shall take effect on the first day of the
11 thirteenth month following enactment, ¹~~【by】~~ but¹ the
12 Superintendent of the Division of State Police may take any
13 administrative action in advance ¹of that date¹ as shall be necessary
14 for the timely implementation of this act.