

SENATE, No. 548

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

1 AN ACT concerning medical review and reporting of drivers with
2 certain disorders and amending P.L.1970, c.195.

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

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7 1. Section 1 of P.L.1970, c.195 (C.39:3-10.4) is amended to read
8 as follows:

9 1. a. Each physician treating [any person] a patient 16 years of age
10 or older for [recurrent convulsive seizures or for recurrent periods of
11 unconsciousness or for impairment or loss of motor coordination due
12 to conditions such as, but not limited to, epilepsy in any of its
13 forms,] one or more episodes of altered consciousness or loss of body
14 control related to a specifically identifiable neurological condition, as
15 defined in the rules and regulations of the Division of Motor Vehicles,
16 when such [conditions persist or recur] condition persists or recurs
17 despite medical treatments, shall, subject to the provisions of
18 subsection b. of this section and within 24 hours after his
19 determination of such fact, report the same to the Director of the
20 Division of Motor Vehicles.

21 b. The report shall be made only if the physician knows or has
22 reason to believe that the patient has failed to report an episode, as
23 required in section 2 of P.L.1970, c.195 (C.39:3-10.5), which episode,
24 in his judgment, increases the likelihood that the patient will be unable
25 to exercise reasonable driving skills and control over a motor vehicle
26 and therefore will create an unacceptable risk of injury to himself or
27 others. The physician shall not be liable for any civil damages for
28 making this report in good faith. The director, in consultation with the
29 State Commissioner of Health, shall prescribe and furnish the forms on
30 which such reports shall be made.

31 c. The fine for violating this section is not less than \$1,000 or more
32 than \$3,000.

33 d. Any person may report to the director an accident involving a
34 driver whom the person believes is subject to the provisions of section

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 2 of P.L.1970, c.195 (C.39:3-10.5), if the person has reason to believe
2 an episode of altered consciousness or loss of body control, as
3 provided in subsection a. of this section, contributed to the accident.
4 The report shall contain such information as the director shall
5 determine is necessary to investigate its authenticity. The director
6 shall hold in confidence the identity of the person making the report.
7 If the director initially determines the report to be bonafide, he shall
8 investigate the report and refer his findings to the Neurological
9 Disorder Committee. If the committee determines that the driver is
10 unable to exercise reasonable driving skills and control over a motor
11 vehicle and therefore poses an unacceptable risk of injury to himself or
12 others, the director may immediately suspend the license of the driver
13 until such time as the Neurological Disorder Committee shall
14 recommend restoration of the driver's license and the director shall
15 concur. A person who files such a report in good faith shall not be
16 liable in civil damages as a result.
17 (cf: P.L.1970, c.195, s.1)

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19 2. Section 2 of P.L.1970, c.195 (C.39:3-10.5) is amended to read
20 as follows:

21 2. a. Each person [subject to recurrent convulsive seizures or
22 recurrent periods of unconsciousness or impairment or loss of motor
23 coordination due to conditions such as, but not limited to, epilepsy in
24 any of its forms], who suffers or who has suffered from an episode of
25 altered consciousness or loss of body control related to a specifically
26 identifiable neurological condition, shall at the time of his initial
27 application for a driver's license or any subsequent application for a
28 renewal thereof or at such other time as prescribed by the Director of
29 the Division of Motor Vehicles, report the existence of such conditions
30 to the Director of the Division of Motor Vehicles in a manner to be
31 prescribed by the director. The person shall also establish to the
32 satisfaction of the director that he has been free of these symptoms for
33 at least three months, with or without medication, and that he is
34 physically qualified to safely operate a motor vehicle. The
35 three-month period may be reduced or extended by the director in
36 individual cases upon expert medical advice submitted for the review
37 of the Neurological Disorder Committee.

38 b. A driver licensed under subsection a. of this section who
39 experiences any episode of altered consciousness or loss of body
40 control shall immediately report this incident to the division. The
41 division shall refer each such report to its Neurological Disorder
42 Committee. The committee shall review the medical and driving record
43 of the person and recommend to the director whether the person's
44 license shall be suspended. The director shall suspend for not less than
45 one year or more than two years the license of a person who fails to
46 report such an incident. The division shall notify all drivers on record

1 with a medical history of the symptoms and conditions described in
2 subsection a. of this section of the requirements of subsection b. of
3 this section.

4 (cf: P.L.1970, c.195, s.2)

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6 3. This act shall take effect on the first day of the sixth month after
7 enactment.

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10 STATEMENT

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12 This bill makes certain changes in provisions of the State motor
13 vehicle code regarding drivers who have certain neurological
14 disorders. The bill replaces specific references to seizures and
15 epilepsy with more general symptom-related language: "one or more
16 episodes of altered consciousness or loss of body control related to a
17 specifically identifiable neurological condition."

18 It would reduce from one year to three months the period of time
19 during which a person who has experienced such an episode must be
20 symptom-free before the person could qualify for a learner's permit, a
21 driver's license, or a renewal thereof. The three month period could
22 be reduced or extended by the Director of the Division of Motor
23 Vehicles (DMV) on the basis of expert medical advice. A one-year
24 episode-free period is now required under regulations promulgated by
25 the DMV (N.J.A.C.13:19-5.1).

26 The bill also conditionally removes the requirement for a physician
27 to always report a patient who experiences such episodes to DMV.
28 The physician would only be obligated to file a report if he has reason
29 to believe or knows that his patient has not reported such an episode.
30 The physician would be required to make such a report only if he
31 determines it likely that the patient would not be able to operate the
32 car safely and would create an unacceptable risk of injury to himself
33 and others.

34 The bill also requires a driver who has such a condition to report
35 any episode immediately to the DMV so that its Neurological Disorder
36 Committee can review his case. Failure to do so could result in a one
37 to two year suspension of his license.

38 The bill also allows any person who is aware of an accident which
39 appears to have involved an episode of altered consciousness or loss
40 of body control to report it to the DMV. Any bonafide report must
41 then be investigated by the DMV which would refer its findings to the
42 Neurological Disorder Committee. If the committee finds that the
43 driver would create an unacceptable risk to himself or others, then the
44 DMV may immediately suspend the person's license until reissuance is

1 recommended by the committee.

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6 Modifies reporting duties of physicians and driver licensing

7 requirements for persons with certain neurological disorders.