

SENATE, No. 1455

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Senator MARTIN

1 AN ACT concerning certain driver's licenses and amending P.L.1970,
2 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 forms],
13 one or more episodes of altered consciousness or loss of body control
14 related to a specifically identifiable neurological condition, as defined
15 in the rules and regulations of the Division of Motor Vehicles, when
16 such [conditions persist or recur] condition persists or recurs despite
17 medical treatments, shall, subject to the provisions of subsection b. of
18 this section and within 24 hours after his determination of such fact,
19 report the same to the Director of the Division of Motor Vehicles.

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

30 c. The director shall investigate the report and refer his findings to
31 the Neurological Disorder Committee. If the committee determines
32 that the driver is unable to exercise reasonable driving skills and
33 control over a motor vehicle and therefore poses an unacceptable risk
34 of injury to himself or others, the director may immediately suspend

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 the license of the driver until such time as the Neurological Disorder
2 Committee shall recommend restoration of the driver's license and the
3 director shall concur.

4 (cf: P.L.1970, c.195, s.1)

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

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

25 b. A driver licensed under the provisions of subsection a. of this
26 section shall file, during the 12 month period immediately following
27 the issuance of that license, two reports with the director. The
28 reports, which shall be submitted at six month intervals, shall be of
29 a manner and form and shall contain such information as prescribed by
30 the director.

31 c. A driver licensed under subsection a. of this section who
32 experiences any episode of altered consciousness or loss of body
33 control related to a specifically identifiable neurological condition shall
34 immediately report the incident to the division. The division shall refer
35 each such report to its Neurological Disorder Committee. The
36 committee shall review the medical and driving record of the person
37 and recommend to the director whether the person's license shall be
38 suspended. The director shall suspend for not less than one year or
39 more than two years the license of a person who fails to report such
40 an incident. The division shall notify all drivers on record with a
41 medical history of the symptoms and conditions described in
42 subsection a. of this section of the requirements of subsection b. of
43 this section.

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

1 3. Section 3 of P.L.1970, c.195 (C.39:3-10.6) is amended to read
2 as follows:

3 3. a. In order to be assured that no person is unwarrantedly denied
4 the privilege of operating a motor vehicle in this State because of
5 reports submitted under the provisions of this act, the Director of the
6 Division of Motor Vehicles, in consultation with the State
7 Commissioner of Health, shall establish a procedure for evaluation
8 and screening of cases so reported.

9 b. Any person who has been denied a learner's permit or driver's
10 license or who has had their driver's license suspended because the
11 director has determined that person is not physically qualified to safely
12 operate a motor vehicle may appeal that determination. The appeal
13 shall be filed in writing with the director within 15 business days of
14 the mailing of the notice of denial or suspension, as the case may be.
15 The hearing shall be before an administrative law judge.

16 A person aggrieved by a decision of the administrative law judge
17 may file an exception thereto with the director. The exception shall be
18 filed within 15 business days of the rendering of the administrative
19 law judge's decision.

20 A person aggrieved by the final determination of the director may,
21 within 45 business days of that determination, appeal that decision to
22 the Appellate Division of the Superior Court.

23 (cf: P.L.1970, c.195, s.3)

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25 4. This act shall take effect on the first day of the third month
26 following enactment.

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STATEMENT

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31 This bill revises the standards and procedures for issuing driver's
32 licenses to persons with certain neurological conditions.

33 Under the provisions of the bill, persons with specifically
34 identifiable neurological conditions which have involved episodes of
35 altered consciousness or loss of body control may obtain a driver's
36 license if they have been seizure-free for three months. The bill
37 specifies that the required three month seizure-free period may (1)
38 involve a reliance on medication and (2) be lengthened or reduced by
39 the director depending upon the review of any expert medical evidence
40 submit for review by the Division of Motor Vehicle's (DMV)
41 Neurological Disorder Committee. Currently, persons who have such
42 conditions and episodes must be seizure-free for a period of one year
43 in order to qualify for a driver's license.

44 The bill also changes the reporting requirements. Currently,
45 physicians are required to notify the DMV of their patients over the
46 age of 16 who are being treated for recurrent seizures, periods of

1 unconsciousness or impairment or loss of motor coordination. Under
2 this bill, the primary responsibility for such notification is placed on
3 the applicant for, or holder of, a driver's license. These individual
4 reports are to be reviewed by the division's Neurological Disorder
5 Committee, which is to submit its recommendations to the director for
6 action. Failure to notify the DMV of any such episodes will result in
7 the suspension of the violator's license for at least one year, but not
8 more than two years. The reporting obligations of physicians are
9 limited to those instances where the physician knows or has reason to
10 believe the patient has failed to report an episode to the DMV. The
11 bill affords physicians civil immunity when such reports are submitted
12 in good faith.

13 Currently, persons licensed under this statute are required to submit
14 biannual medical reports to the director during the first two years after
15 they are licensed and annual reports thereafter. This bill would require
16 biannual reports only for the first year after licensing and eliminate the
17 annual reports thereafter. These annual reports are unnecessary since
18 the bill mandates licensees to immediately notify the division of any
19 episode.

20 Finally, the bill clarifies the appeal procedures. Persons aggrieved
21 by a DMV decision initially may appeal for a hearing before an
22 administration law judge. The request for a hearing must be filed
23 within 15 business days. An exception to a law judge's determination
24 may be filed with the director. The exception must be submitted
25 within 15 business days. A director's decision may be appealed to the
26 Appellate Division of the Superior Court.

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31 Revises standards and procedures for issuing driver's licenses to
32 persons with certain neurological conditions.