

ASSEMBLY, No. 6014

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Permits person with certain brain injuries 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 certain brain injuries.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/15/2021)

1 AN ACT concerning motor vehicle drivers with a certain brain
2 injuries and supplementing Title 39 and Title 53 of the Revised
3 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 a traumatic or acquired brain
13 injury by a physician, psychologist, or any other health care
14 professional licensed pursuant to Title 45 of the Revised Statutes.

15 The designation shall be used by a law enforcement officer or an
16 emergency medical professional to identify and effectively
17 communicate with a person who has been diagnosed with a
18 traumatic or acquired brain injury and shall not be used for any
19 other purpose by any other person.

20 b. The designation indicating that a person has been diagnosed
21 with a traumatic or acquired brain injury pursuant to subsection a.
22 of this section shall be given a restriction code that shall be
23 displayed on the person's driver's license or non-driver
24 identification in accordance with procedures prescribed by the chief
25 administrator.

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

29
30 2. a. The Chief Administrator of the New Jersey Motor
31 Vehicle Commission shall establish and maintain an automated
32 Statewide registry accessible by law enforcement officers for the
33 purposes of identifying and effectively communicating with a
34 person who has been diagnosed with a traumatic or acquired brain
35 injury by a physician, psychologist, or any other health care
36 professional licensed pursuant to Title 45 of the Revised Statutes.

37 The chief administrator shall permit a person diagnosed with a
38 traumatic or acquired brain injury to voluntarily report the diagnosis
39 to the commission for inclusion in the registry. The registry shall
40 be capable of storing information, which shall include, but not
41 limited to: (1) the license plate and registration information of any
42 motor vehicle that the person intends to regularly operate; (2) the
43 emergency contact information of a person who can communicate
44 on behalf of the person with the traumatic or acquired brain injury;
45 and (3) any other information that may assist a law enforcement
46 officer when communicating with the person.

47 b. The holder of a basic driver's license or non-driver
48 identification card may voluntarily submit information to the

1 registry established pursuant to subsection a. of this section,
2 through the commission's website, by mail, or when completing an
3 application for a driver's license, motor vehicle registration, or non-
4 driver identification card issued by the commission.

5 A holder of a basic driver's license or non-driver identification
6 card who submits information to the registry established pursuant to
7 this section shall have the opportunity to revise the information,
8 update the information, or be removed from the registry at any time.

9 c. Information submitted pursuant to this section shall only be
10 available to: (1) employees of the commission who are designated
11 by the chief administrator to collect and maintain the information;
12 and (2) law enforcement officers when accessing the person's motor
13 vehicle records. The information shall be exclusively used during a
14 motor vehicle stop or other law enforcement action to assist law
15 enforcement officers in identifying and effectively communicating
16 with a person who has been diagnosed with a traumatic or acquired
17 brain injury.

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

25 d. The chief administrator and employees of the commission
26 who are designated by the chief administrator, for the purposes of
27 discharging their duties pursuant to P.L. , c. (C.) (pending
28 before the Legislature as this bill), shall not be liable to any person
29 for civil damages, or subject to criminal prosecution resulting from
30 or caused by: (1) any disruption or failure in Internet service caused
31 by any accident, malfunction, act of sabotage or God, or any other
32 condition or circumstance that the commission has not, directly or
33 indirectly, caused, and which prevents the holder of a basic driver's
34 license or non-driver identification card from accessing, or
35 inputting information into, the registry established pursuant to this
36 section or which results in, or prevents, the chief administrator and
37 designated commission employees and law enforcement officers
38 from accessing, establishing, or maintaining the database; (2) any
39 misuse of, or the failure or omission to input accurate information,
40 or the inputting of inaccurate or outdated information into the
41 registry by any holder of a basic driver's license or non-driver
42 identification card; or (3) the inability of any law enforcement
43 officer to make contact, in good faith, with any designated
44 emergency contact person. This limitation of liability is
45 inapplicable if the failure resulted from a malicious purpose or a
46 wanton and willful disregard for the safety of persons or property.

47 e. The chief administrator may adopt, pursuant to the
48 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-

1 1 et seq.), any rules or regulations necessary for the implementation
2 of P.L. c. (C.) (pending before the Legislature as
3 this bill).

4
5 3. a. The Superintendent of the Division of State Police within
6 the Department of Law and Public Safety, in consultation with the
7 Chief Administrator of the New Jersey Motor Vehicle Commission
8 and the Commissioner of Human Services, shall develop a program
9 to assist and train law enforcement officers to identify and
10 effectively communicate with a person who has been diagnosed
11 with a traumatic or acquired brain injury by a physician,
12 psychologist, or any other health care professional licensed
13 pursuant to Title 45 of the Revised Statutes.

14 The program shall include, but not be limited to, training in de-
15 escalation methods when interacting with a person who has been
16 diagnosed with a traumatic or acquired brain injury, proper
17 utilization of the registry established pursuant section 2 of P.L. ,
18 c. (C.) (pending before the Legislature as this bill), and any
19 other information, as recommended by the Commissioner of Human
20 Services, that may be useful to law enforcement officers when
21 interacting with a person who has been diagnosed with a traumatic
22 or acquired brain injury.

23 b. The program established pursuant to subsection a. of this
24 section shall be available annually to every county and municipal
25 law enforcement agency in this State.

26
27 4. a. Sections 1 and 2 of this act shall take effect on the first
28 day of the seventh month following enactment, but the Chief
29 Administrator of the New Jersey Motor Vehicle Commission may
30 take any administrative action in advance of that date as shall be
31 necessary for the timely implementation of this act.

32 b. Section 3 of this act shall take effect on the first day of the
33 thirteenth month following enactment, but the Superintendent of the
34 Division of State Police may take any administrative action in
35 advance of that date as shall be necessary for the timely
36 implementation of this act.

37 38 39 STATEMENT

40
41 The bill permits the holder of a license or identification card to
42 voluntarily indicate on the license or identification card that the
43 holder has been diagnosed with a traumatic or acquired brain injury.
44 The designation is to be used by law enforcement officers or
45 emergency medical professionals to identify and effectively
46 communicate with the person.

47 The designation is to be given a restriction code that is required
48 to be displayed on the person's driver's license or non-driver

1 identification in accordance with procedures prescribed by the chief
2 administrator. The holder of a basic driver's license or non-driver
3 identification card who makes the voluntary designation may have
4 the designation removed at any time.

5 The bill requires the Chief Administrator (chief administrator) of
6 the New Jersey Motor Vehicle Commission (MVC) to establish and
7 maintain an automated Statewide registry accessible by law
8 enforcement officials for the purposes of identifying and effectively
9 communicating with a person who has been diagnosed with a
10 traumatic or acquired brain injury by a physician, psychologist, or
11 any other licensed health care professional. The registry is to be
12 capable of storing information, which is to include, but not limited
13 to: the license plate and registration information of any motor
14 vehicle that the person intends to regularly operate; the emergency
15 contact information of a person who can communicate on behalf of
16 the person; and any other information that may assist a law
17 enforcement officer when communicating with the person.

18 Under the bill, a person may submit information to the registry
19 through the MVC's website, by mail, or when completing an
20 application for a driver's license, motor vehicle registration, or non-
21 driver identification card. The information provided to the MVC
22 for the registry is to only be accessible to MVC employees who are
23 designated by the chief administrator to collect and maintain the
24 information and law enforcement officers during a motor vehicle
25 stop or other law enforcement action. Information submitted to the
26 MVC is not to be subject to public disclosure under the "Open
27 Public Records Act" or the common law concerning access to
28 public records or be discoverable as a government record by any
29 person, entity, or governmental agency except in certain
30 circumstances.

31 The bill provides for certain limitations on civil liabilities and on
32 criminal prosecution for the chief administrator and MVC
33 employees designated by the chief administrator. The limitations
34 on civil liabilities and on criminal prosecution are inapplicable if
35 certain failures, as provided in the bill, resulted from a malicious
36 purpose or a wanton and willful disregard for the safety of persons
37 or property.

38 The bill establishes a program that is to be developed by the
39 Superintendent of the Division of State Police, in consultation with
40 the chief administrator and the Commissioner of Human Services,
41 to assist and train law enforcement officers to identify and
42 effectively communicate with a person who has been diagnosed
43 with a traumatic or acquired brain injury. The program is to
44 include, but not be limited to, training in de-escalation methods
45 when interacting with a person who has been diagnosed with a
46 traumatic or acquired brain injury, proper utilization of the registry
47 established pursuant to this bill, and any other information, as
48 recommended by the Commissioner of Human Services, that may

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1 be useful to law enforcement officers when interacting with a
2 person who has been diagnosed with a traumatic or acquired brain
3 injury. The program is to be made available annually to every
4 county and municipal law enforcement agency in the State.