

ASSEMBLY TRANSPORTATION AND INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3191

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 3191.

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

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

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

The bill also requires the Chief Administrator (chief administrator) of the New Jersey Motor Vehicle Commission (MVC) to establish and maintain an automated Statewide registry accessible by law enforcement officials for the purposes of identifying and effectively communicating with a person who has been diagnosed with an autism spectrum disorder or communication disability by a physician, psychologist, or any other health care professional. The registry is to be capable of storing information,

which is to include, but not limited to: the license plate and registration information of any motor vehicle that the person intends to regularly operate; the emergency contact information of a person who can communicate on behalf of the person who has been diagnosed with an autism spectrum disorder or communication disability; and any other information that may assist a law enforcement officer when communicating with the person.

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

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

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

COMMITTEE AMENDMENTS

The committee amended the bill to make a grammatical correction and to clarify when certain government officials may take anticipatory action to implement the provisions of the bill. The amendments also

clarify that a holder of a driver's license or non-driver identification card who submits information to the registry is to have the opportunity to revise the information in the registry.