

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

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HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

§§1,2,4 -
C.39:4-134.2 to
39:4-134.4
§5 - Note

P.L.2011, CHAPTER 47, *approved April 6, 2011*
Assembly, No. 2592 (*Second Reprint*)

1 AN ACT concerning motor vehicle safety, designated as Sara’s Law,
2 supplementing Title 39 of the Revised Statutes, and amending
3 P.L.1980, c.47.

4

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

7

8 1. (New section) a. The Chief Administrator of the New
9 Jersey Motor Vehicle Commission shall develop an Internet ¹[next-
10 of-kin program] emergency contact information registry program.
11 Under the program, the chief administrator shall establish and
12 maintain an automated Statewide Internet registry to be known as
13 the “Next-of-Kin Registry,” which shall be capable of storing
14 emergency contact information to be accessible by law enforcement
15 officials for the purposes established in section 2 of P.L. _____,
16 c. (C. _____) (pending before the Legislature as this bill)¹. Under the
17 program, the holder of any New Jersey State ¹validated permit,
18 probationary ²[.]² or basic¹ driver’s license ² or ²[‘a’]² non-
19 driver identification card ¹[shall have the opportunity to] may¹
20 voluntarily submit, via the Internet, the name and telephone number
21 of ²[three] two² emergency contacts to the ¹“Next-of-Kin
22 Registry,” accessible through the ¹Motor Vehicle ¹[Commission]
23 Commission’s website¹ .

24 b. In implementing this program, the chief administrator shall
25 establish a process whereby the holder of any ¹validated permit,
26 probationary or basic¹ driver’s license ¹ or non-driver
27 identification card may electronically sign onto the Motor Vehicle
28 Commission web site using ¹[their] the holder’s validated permit,
29 probationary or basic¹ driver’s license number or non-driver
30 identification card number. The ¹permit holder,¹ licensee ¹ or
31 card holder may then submit the name and telephone number of up
32 to ²[three] two² emergency contacts ¹to be stored¹ in the
33 ¹[commission’s official web site] “Next-of-Kin Registry”¹. A
34 ¹permit holder,¹ licensee ¹ or ¹non-driver identification¹ card
35 holder who submits the name and telephone number of an

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:

¹Assembly ATR committee amendments adopted May 13, 2010.

²Senate STR committee amendments adopted September 13, 2010.

1 emergency contact shall have the opportunity to revise or update the
2 emergency contact information at any time.

3 c. ¹ ~~["The chief administrator shall be responsible for~~
4 ~~establishing and maintaining a standardized and automated~~
5 ~~Statewide registry capable of storing and distributing emergency~~
6 ~~contact information to law enforcement officials. The chief~~
7 ~~administrator shall strive to ensure that the information contained in~~
8 ~~the Internet registry is updated as appropriate in a timely and~~
9 ~~efficient manner.~~

10 d.]¹ Information in the ¹ ~~["registry] "Next-of-Kin Registry"]¹
11 shall be ¹ ~~["accessible only by] available for the exclusive use of¹~~
12 ~~law enforcement officials ¹,¹ and employees of the commission~~
13 ~~¹["that] who¹ are designated by the chief administrator ¹, for the~~
14 ~~purposes of discharging their duties pursuant to P.L. _____,~~
15 ~~c. (C. _____) (pending before the Legislature as this bill)¹. Any~~
16 ~~emergency contact information submitted to the commission shall~~
17 ~~not be considered a public record pursuant to P.L.1963, c.73~~
18 ~~(C.47:1A-1 et seq.) ¹["or] ¹ P.L.2001, c.404 (C.47:1A-5 et al.) ¹, or~~
19 ~~the common law concerning access to public records and shall not~~
20 ~~be discoverable as a public record by any person, entity, or~~
21 ~~governmental agency, except upon a subpoena issued by a grand~~
22 ~~jury or a court order in a criminal matter¹.~~~~

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

1 e.² For the purposes of **1** ["this act"] P.L. , c. (C.) (pending
2 before the Legislature as this bill)¹, “emergency contact person” or
3 “emergency contact” means a person, eighteen years of age or
4 older, **1** ["who"] whom¹ the holder of any New Jersey State 1 validated
5 permit, probationary or basic¹ driver’s license 1 1 or non-driver
6 identification card 1 has¹ designated to be contacted by law
7 enforcement personnel when the 1 permit holder,¹ licensee 1 1 or
8 1 non-driver identification¹ card holder is rendered unable to
9 communicate due to a motor vehicle accident resulting in the
10 serious bodily injury, death, or incapacitation of the 1 permit
11 holder,¹ licensee 1 1 or 1 non-driver identification¹ card holder. An
12 “emergency contact person” or “emergency contact” may or may
13 not be the next-of-kin of the 1 permit holder,¹ licensee 1 1 or 1 non-
14 driver identification¹ card holder; except that if the 1 permit holder,¹
15 licensee 1 1 or card holder is under the age of eighteen and is not
16 emancipated, the emergency contact person shall be the parent or
17 guardian of that 1 permit holder,¹ licensee 1 1 or card holder.

18

19 2. (New section) **2** a.² When a motor vehicle accident results in
20 the serious bodily injury, death, or incapacitation of a driver or any
21 passenger, the law enforcement officer investigating the motor
22 vehicle accident shall attempt to locate an emergency contact
23 person by accessing the **1** ["emergency contact database"] “Next-of-
24 Kin Registry,”¹ established pursuant to section 1 of
25 P.L. , c. (C.) (pending before the Legislature as this
26 bill). **1** ["That"] The¹ law enforcement officer shall, when
27 practicable, expeditiously notify the emergency contact of **1** ["any]
28 each¹ person involved in the motor vehicle accident and inform the
29 emergency contact of the hospital or other location at which the
30 driver or passenger may be receiving medical treatment.

31 **2** b. No law enforcement officer or law enforcement employee
32 shall be liable to any person for civil damages, or subject to
33 criminal prosecution resulting from or caused by: (1) any disruption
34 or failure in Internet service caused by any accident, malfunction,
35 act of sabotage or God, or any other condition or circumstance that
36 the commission has not, directly or indirectly, caused and which
37 results in, or prevents, the holder of any New Jersey State validated
38 permit, probationary or basic driver’s license, or non-driver
39 identification card from accessing, or inputting information into, the
40 “Next-of-Kin Registry” or which results in, or prevents, the chief
41 administrator and designated commission employees and law
42 enforcement officers from accessing, establishing, or maintaining
43 the “Next-of-Kin Registry”; (2) any misuse of, or the failure or
44 omission to input accurate information, or the inputting of
45 inaccurate or out-dated information into the “Next-of-Kin Registry”
46 by any holder of any New Jersey State validated permit,

1 probationary or basic driver's license, or non-driver identification
2 card; or (3) the inability of any law enforcement officer to make
3 contact, in good faith, with any designated emergency contact
4 person. This limitation of liability is inapplicable if such failure
5 resulted from a malicious purpose or a wanton and willful disregard
6 for the safety of persons or property.²

7
8 3. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read
9 as follows:

10 2. The ¹**['Division of Motor Vehicles]** New Jersey Motor
11 Vehicle Commission¹ shall issue an identification card to any
12 resident of the State who is **[17]** 14 years of age or older and who
13 is not the holder of a valid ¹**['learner's']** permit or ¹**['a valid]** basic¹
14 driver's license. The identification card shall attest to the true
15 name, correct age, and other identifying data as certified by the
16 applicant for such identification card. Every application for an
17 identification card shall be signed and verified by the applicant and
18 shall be ¹accompanied by the written consent of at least one parent
19 or the person's legal guardian if the person is under 17 years of age
20 and shall be¹ supported by such documentary evidence of the age
21 and identity, or blindness, disability, or handicap, of such person as
22 the ¹**['division]** chief administrator¹ may require. In addition to
23 requiring an applicant for an identification card to submit
24 satisfactory proof of identity and age, the ¹**['director]** chief
25 administrator¹ also shall require the applicant to provide, as a
26 condition for obtaining the card, satisfactory proof that the
27 applicant's presence in the United States is authorized under federal
28 law. If the ¹**['director]** chief administrator¹ has reasonable cause to
29 suspect that any document presented by an applicant as proof of
30 identity, age or legal residency is altered, false or otherwise invalid,
31 the ¹**['director]** chief administrator¹ shall refuse to grant the
32 identification card until such time as the document may be verified
33 by the issuing agency to the ¹**['director's]** chief administrator's¹
34 satisfaction.

35 (cf: P.L.2001, c.391, s.14)

36
37 4. The chief administrator may adopt, pursuant to the
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
39 seq.), any rules or regulations necessary for the implementation of
40 this act.

41
42 5. This act shall take effect on the first day of the ²**['thirteenth]**
43 nineteenth² month after enactment, but the chief administrator may
44 take such anticipatory administrative action in advance as shall be
45 necessary for the timely implementation of this act.

1

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4

“Sara’s Law;” requires Motor Vehicle Commission to establish
next-of-kin program.

ASSEMBLY, No. 2592

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 22, 2010

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

“Sara’s Law;” requires Motor Vehicle Commission to establish next-of-kin program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning motor vehicle safety, designated as Sara's Law,
2 supplementing Title 39 of the Revised Statutes, and amending
3 P.L.1980, c.47.

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

7
8 1. (New section) a. The Chief Administrator of the New Jersey
9 Motor Vehicle Commission shall develop an Internet next-of-kin
10 registry program. Under the program, the holder of any New Jersey
11 State driver's license or non-driver identification card shall have the
12 opportunity to voluntarily submit, via the Internet, the name and
13 telephone number of three emergency contacts to the Motor Vehicle
14 Commission.

15 b. In implementing this program, the chief administrator shall
16 establish a process whereby the holder of any driver's license or
17 non-driver identification card may electronically sign onto the
18 Motor Vehicle Commission web site using their driver's license
19 number or non-driver identification card number. The licensee or
20 card holder may then submit the name and telephone number of up
21 to three emergency contacts to the commission's official web site.
22 A licensee or card holder who submits the name and telephone
23 number of an emergency contact shall have the opportunity to
24 revise or update the emergency contact information at any time.

25 c. The chief administrator shall be responsible for establishing
26 and maintaining a standardized and automated Statewide registry
27 capable of storing and distributing emergency contact information
28 to law enforcement officials. The chief administrator shall strive to
29 ensure that the information contained in the Internet registry is
30 updated as appropriate in a timely and efficient manner.

31 d. Information in the registry shall be accessible only by law
32 enforcement officials and employees of the commission that are
33 designated by the chief administrator. Any emergency contact
34 information submitted to the commission shall not be considered a
35 public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or
36 P.L.2001, c.404 (C.47:1A-5 et al.).

37 e. For the purposes of this act, "emergency contact person" or
38 "emergency contact" means a person, eighteen years of age or
39 older, who the holder of any New Jersey State driver's license or
40 non-driver identification card designated to be contacted by law
41 enforcement personnel when the licensee or card holder is rendered
42 unable to communicate due to a motor vehicle accident resulting in
43 the serious bodily injury, death, or incapacitation of the licensee or
44 card holder. An "emergency contact person" or "emergency
45 contact" may or may not be the next-of-kin of the licensee or card

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 holder; except that if the licensee or card holder is under the age of
2 eighteen and is not emancipated, the emergency contact person shall
3 be the parent or guardian of that licensee or card holder.

4
5 2. (New section) When a motor vehicle accident results in the
6 serious bodily injury, death, or incapacitation of a driver or any
7 passenger, the law enforcement officer investigating the motor
8 vehicle accident shall attempt to locate an emergency contact
9 person by accessing the emergency contact database established
10 pursuant to section 1 of P.L. c. (C.)(pending before the
11 Legislature as this bill.). That law enforcement officer shall, when
12 practicable, expeditiously notify the emergency contact of any
13 person involved in the motor vehicle accident and inform the
14 emergency contact of the hospital or other location at which the
15 driver or passenger may be receiving medical treatment.

16
17 3. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read
18 as follows:

19 2. The Division of Motor Vehicles shall issue an identification
20 card to any resident of the State who is **[17]** 14 years of age or
21 older and who is not the holder of a valid learner's permit or a valid
22 driver's license. The identification card shall attest to the true
23 name, correct age, and other identifying data as certified by the
24 applicant for such identification card. Every application for an
25 identification card shall be signed and verified by the applicant and
26 shall be supported by such documentary evidence of the age and
27 identity, or blindness, disability, or handicap, of such person as the
28 division may require. In addition to requiring an applicant for an
29 identification card to submit satisfactory proof of identity and age,
30 the director also shall require the applicant to provide, as a
31 condition for obtaining the card, satisfactory proof that the
32 applicant's presence in the United States is authorized under federal
33 law. If the director has reasonable cause to suspect that any
34 document presented by an applicant as proof of identity, age or
35 legal residency is altered, false or otherwise invalid, the director
36 shall refuse to grant the identification card until such time as the
37 document may be verified by the issuing agency to the director's
38 satisfaction.

39 (cf: P.L.2001, c.391, s.14)

40
41 4. The chief administrator may adopt, pursuant to the
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
43 seq.), any rules or regulations necessary for the implementation of
44 this act.

45
46 5. This act shall take effect on the first day of the thirteenth
47 month after enactment, but the chief administrator may take such
48 anticipatory administrative action in advance as shall be necessary

1 for the timely implementation of this act.

2 STATEMENT

3

4 This bill establishes a “next-of-kin program” within the Motor
5 Vehicle Commission. Under the program, the holder of any New
6 Jersey State driver’s license or non-driver identification card has the
7 opportunity to voluntarily submit, via the Internet, the name and
8 telephone number of one emergency contact person to the Motor
9 Vehicle Commission. In the case that the licensee is involved in an
10 accident resulting in serious injury, death, or incapacitation the law
11 enforcement personnel would be able to utilize the registry to notify
12 the licensee’s emergency contact.

13 Any information submitted to the Motor Vehicle Commission
14 would only be accessible by certain motor vehicle commission
15 employees and law enforcement personnel. The bill provides the
16 emergency contact person’s name and number is not subject to
17 public disclosure under the “Open Public Records Act.”

18 In addition, this bill lowers the age requirement to receive a non-
19 driver identification card that is used for identification purposes.
20 Under current law, a person must be at least 17 years of age to
21 receive a non-driver identification card. This bill allows a person
22 who is 14 years of age or older to receive such a card. It is the
23 sponsor’s intent that by lowering the age to receive an identification
24 card, a young teenager who is a passenger involved in a motor
25 vehicle accident may still be identified by police if they are unable
26 to communicate. Lowering this age requirement also expands the
27 number of teenagers eligible to participate in the “next-of-kin
28 program” established under the bill.

29 This bill is in memory of Sara Dubinin, a 19-year-old Sayreville
30 woman who tragically died on September 25, 2007 from injuries
31 resulting from a car accident.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2592

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably with amendments Assembly Bill No. 2592.

As reported, this amended bill requires the Chief Administrator of the Motor Vehicle Commission to develop an Internet emergency contact information registry program. Under the program, the chief administrator shall establish and maintain an automated Statewide Internet registry to be known as the "Next-of-Kin Registry," which shall be capable of storing emergency contact information to be accessible by law enforcement officials for the purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger.

In implementing this program, the chief administrator shall establish a process whereby the holder of any validated permit, probationary or basic driver's license, or non-driver identification card may electronically sign onto the Motor Vehicle Commission web site using the number assigned to such document. The permit holder, licensee, or card holder may then submit the name and telephone number of up to three emergency contacts to be stored in the "Next-of-Kin Registry."

The bill would define "emergency contact person" as a person, eighteen years of age or older, whom the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card has designated to be contacted by law enforcement personnel when the holder is rendered unable to communicate due to involvement in a motor vehicle accident resulting in serious bodily injury, death, or incapacitation. The emergency contact person of a permit holder, licensee, or card holder who is under the age of eighteen and is not emancipated is required to be the holder's parent or guardian.

A permit holder, licensee, or non-driver identification card holder who submits the name and telephone number of an emergency contact

shall have the opportunity to revise or update the emergency contact information at any time.

The bill would provide that information in the “Next-of-Kin Registry” shall be available for the exclusive use of law enforcement officials, and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to this legislation. Any emergency contact information submitted to the commission shall not be subject to public disclosure under the “Open Public Records Act” or the common law concerning access to public records and shall not be discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

This amended bill would also lower the age requirement to receive a non-driver identification card that is used for identification purposes. Under current law, a person must be at least 17 years of age to receive a non-driver identification card. This bill allows a person between 14 and 17 years of age or to receive such a card with parental consent.

This bill is in memory of Sara Dubinin, a 19-year-old Sayreville woman who tragically died on September 25, 2007 from injuries resulting from a car accident.

COMMITTEE AMENDMENTS

The committee amended the bill to include holders of validated permits and probationary licenses as those who may register their emergency contact information with the “Next-of-Kin-Registry.” The amendments also provide additional privacy protections for those using the registry in specifying that any emergency contact information submitted to the motor vehicle commission is not discoverable as a public record except upon subpoena by a grand jury or court order in a criminal matter. The amendments require that any person between the ages of 14 and 17 may receive a non-driver identification card with parental consent. Finally, the amendments make technical corrections to grammar and punctuation.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2592

STATE OF NEW JERSEY 214th LEGISLATURE

DATED: JULY 23, 2010

SUMMARY

- Synopsis:** “Sara’s Law;” requires Motor Vehicle Commission to establish next-of-kin program.
- Type of Impact:** Possible increased State cost.
- Agencies Affected:** Motor Vehicle Commission (MVC)

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) cannot determine and quantify the fiscal impact of this bill on the State.

BILL DESCRIPTION

Assembly Bill No. 2592 (1R) of 2010 requires the Chief Administrator of the MVC to develop an Internet emergency contact information registry program. Under the program, the chief administrator would establish and maintain an automated Statewide Internet registry to be known as the “Next-of-Kin Registry,” which would be capable of storing emergency contact information to be accessible by law enforcement officials for the purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has no information from which to estimate the fiscal impact of this bill on the State. Presumably, however, the MVC will incur some cost in the development of the registry and notification program that this bill requires. The OLS notes that the Ohio Bureau of Motor Vehicles reports that it spent \$60,000 to establish an Internet-accessible next-of-kin registry database in 2008, and that operation and maintenance of the database since that time has been virtually without cost.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Hroncich
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2592

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 2010

The Senate Transportation Committee reports favorably Assembly Bill No. 2592 (1R) with committee amendments.

As reported, this amended bill requires the Chief Administrator of the Motor Vehicle Commission to develop an Internet emergency contact information registry program. Under the program, the chief administrator shall establish and maintain an automated Statewide Internet registry to be known as the "Next-of-Kin Registry," which shall be capable of storing emergency contact information to be accessible by law enforcement officials for the purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger.

In implementing this program, the chief administrator shall establish a process whereby the holder of any validated permit, probationary or basic driver's license, or non-driver identification card may electronically sign onto the Motor Vehicle Commission web site using the number assigned to such document. The permit holder, licensee, or card holder may then submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry."

The bill defines "emergency contact person" as a person, eighteen years of age or older, whom the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card has designated to be contacted by law enforcement personnel when the holder is rendered unable to communicate due to involvement in a motor vehicle accident resulting in serious bodily injury, death, or incapacitation. The emergency contact person of a permit holder, licensee, or card holder who is under the age of eighteen and is not emancipated is required to be the holder's parent or guardian.

A permit holder, licensee, or non-driver identification card holder who submits the name and telephone number of an emergency contact shall have the opportunity to revise or update the emergency contact information at any time.

The bill provides that the chief administrator and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to the provisions of this bill or any law enforcement officer or law enforcement employee, shall not be liable to any person for civil damages, or subject to criminal prosecution resulting from or caused by: (1) any disruption or failure in Internet service caused by any accident, malfunction, act of sabotage or God, or any other condition or circumstance that the commission has not, directly or indirectly, caused and which results in, or prevents, the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card from accessing, or inputting information into, the "Next-of-Kin Registry" or which results in, or prevents, the chief administrator and designated commission employees and law enforcement officers from accessing, establishing, or maintaining the "Next-of-Kin Registry"; (2) any misuse of, or the failure or omission to input accurate information, or the inputting of inaccurate or outdated information into the "Next-of-Kin Registry" by any holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card; or (3) the inability of any law enforcement officer to make contact, in good faith, with any designated emergency contact person. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

The bill would provide that information in the "Next-of-Kin Registry" shall be available for the exclusive use of law enforcement officials, and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to this legislation. Any emergency contact information submitted to the commission shall not be subject to public disclosure under the "Open Public Records Act" or the common law concerning access to public records and shall not be discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

This bill would also lower the age requirement to receive a non-driver identification card that is used for identification purposes. Under current law, a person must be at least 17 years of age to receive a non-driver identification card. This bill allows a person between 14 and 17 years of age or to receive such a card with parental consent.

This bill is in memory of Sara Dubinin, a 19-year-old Sayreville woman who tragically died on September 25, 2007 from injuries resulting from a car accident.

The provisions of this bill are identical to those of Senate Bill No. 1829, as amended and reported by the committee this day.

COMMITTEE AMENDMENTS

The committee amended the bill to:

-- reduce from three to two, the number of emergency contacts an individual can list in the "Next-of-kin Registry;"

-- provide a limitation of liability to (1) the chief administrator and employees of the commission who are designated by the chief administrator for the purposes of discharging their duties pursuant to the provisions of this bill, and (2) any law enforcement officer or law enforcement employee under certain limited circumstances; and

-- delay the effective date of the bill from the first day of the thirteenth month to the first day of the nineteenth month.

FISCAL NOTE
[Second Reprint]
ASSEMBLY, No. 2592
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: OCTOBER 18, 2010

SUMMARY

Synopsis: "Sara's Law;" requires Motor Vehicle Commission to establish next-of-kin program.

Type of Impact: General Fund Revenue and Expenditure

Agencies Affected: Motor Vehicle Commission

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	\$2,974,000	\$1,444,000	\$1,444,000
State Cost	<u>\$6,158,000</u>	<u>\$2,848,000</u>	<u>\$2,848,000</u>
Net Impact	(\$3,184,000)	(\$1,404,000)	(\$1,404,000)

- The Office of Legislative Services **concurs** with the Executive estimate.
- Projected revenue will be insufficient to cover incurred costs.
- This bill lowers the non-driver ID eligibility age from 17 to 14, and therefore may increase the volume of transactions at MVC agencies.

BILL DESCRIPTION

Assembly Bill No. 2592 (2R) of 2010 requires the Chief Administrator of the Motor Vehicle Commission (MVC) to develop an Internet emergency contact information registry program. Under the program, the chief administrator would establish and maintain an automated Statewide Internet registry to be known as the "Next-of-Kin Registry," which would be capable of storing emergency contact information to be accessible by law enforcement officials for the purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger.

FISCAL ANALYSIS***EXECUTIVE BRANCH***

This bill requires the MVC to provide non-driver photo identification cards to individuals age 14 and up. There is no provision to charge for these cards. However, the MVC is assuming that the current rates for these cards and the photos will apply. In order to determine the number of persons that would be affected by this legislation, MVC utilized statistics from the New Jersey Department of Labor - Annual Estimates of the Resident Population by Sex and Age for New Jersey. Based upon this report, MVC estimates that 113,460 (from the 10 to 14 yr old age group) + 120,189 (from the 15 to 17 yr old age group) = 233,649 persons would be affected. Since this data was not age specific, extrapolations were used to define estimated age groups. The bill lowers the non-driver ID eligibility age from 17 to 14.

Revenue:

Under the Motor Vehicle Security and Customer Service Act, the MVC receives a proportional share of revenues from driver license fees. It is estimated that the MVC would keep the same proportion of the total fees collected for the Non-Driver's Identification Card itself (excluding the fee for the photo which is not subject to the split), therefore this component amount is $\$18.00 \times 37.4\% = \$6.73/\text{each card issued} \times 233,649 = \$1,572,458$. MVC does not share the \$6.00 in photo fees collected, thus it is anticipated that the number of cards to be issued to the population as currently proposed by this legislation is 233,649 (14 and 15 year old teens) $\times \$6.00/\text{photo} = \$1,401,894$. The projected combined additional revenue would be $\$2,974,352$ ($\$1,572,458 + \$1,401,894$).

Expenses:

The MVC employs a "Cost of Service" methodology that defines and standardizes for ongoing evaluation all motor vehicle transactional costs for services it provides. This methodology takes into account all appropriated motor vehicle budget dollars, internal resources, existing workflow processes, as well as many other standardized factors (such as the MVC's salary, facility, and technology costs) to determine the actual costs for services that support each of the transactions and processes administered by the MVC. Since the costs to establish and maintain this registry program are estimated to exceed projected revenue, a net deficit of approximately \$3.2 million for FY 2011, and \$1.4 million each for FY 2012 and FY 2013 would be the resulting fiscal impact to the MVC from this legislation.

The Executive also notes that the information technology costs associated with implementing this legislation would be reduced if implementation was delayed until the overhaul of the MVC's computer programming system, known as the MATRIX project, is complete and the system is fully functional.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate of fiscal impact.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Hroncich
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 2592

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2010

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2592 (2R).

This bill requires the Chief Administrator of the Motor Vehicle Commission (MVC) to develop an Internet emergency contact information registry program. Under the program, the chief administrator shall establish and maintain an automated Statewide Internet registry to be known as the "Next-of-Kin Registry," which shall be capable of storing emergency contact information to be accessible by law enforcement officials for the purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger.

In implementing this program, the chief administrator shall establish a process whereby the holder of any validated permit, probationary or basic driver's license, or non-driver identification card may electronically sign onto the Motor Vehicle Commission web site using the number assigned to such document. The permit holder, licensee, or card holder may then submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry," and shall have the opportunity to revise or update the emergency contact information at any time.

The bill provides for limitations on civil liabilities and on criminal prosecution for the chief administrator and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to the provisions of this bill or for any law enforcement officer or law enforcement employee utilizing the system created by the bill. This limitations on civil liabilities and on criminal prosecution is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

The bill would provide that information in the "Next-of-Kin Registry" shall be available for the exclusive use of law enforcement officials, and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to this legislation. Any emergency contact information submitted to the commission shall not be subject to public disclosure

under the “Open Public Records Act” or the common law concerning access to public records and shall not be discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

This bill would also lower the age requirement to receive a non-driver identification card that is used for identification purposes. Under current law, a person must be at least 17 years of age to receive a non-driver identification card. This bill allows a person between 14 and 17 years of age or to receive such a card with parental consent.

This bill is in memory of Sara Dubinin, a 19-year-old Sayreville woman who tragically died on September 25, 2007 from injuries resulting from a car accident.

This bill is identical to Senate Bill No. 1829 (1R), as also reported by the committee.

FISCAL IMPACT:

According to the MVC, this legislation will require the agency to respond to requests to provide non-driver photo identification cards to individuals ages 14 and up. As the bill lowers the non-driver ID eligibility age from 17 to 14, the volume of transactions at MVC agencies is likely to increase.

The MVC estimates, assuming current agency rates for cards and photos apply, that fees collected in association with the legislation will roughly equal the cost of providing identification cards.

CORRECTED COPY
FISCAL NOTE
 [Second Reprint]
ASSEMBLY, No. 2592
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: DECEMBER 16, 2010

SUMMARY

Synopsis: "Sara's Law;" requires Motor Vehicle Commission to establish next-of-kin program.

Type of Impact: General Fund Revenue and Expenditure

Agencies Affected: Motor Vehicle Commission (MVC)

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	\$5,608,000	\$2,723,000	\$2,723,000
State Cost	\$5,783,000	\$2,848,000	\$2,848,000
Net Impact	(\$175,000)	(\$125,000)	(\$125,000)

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	\$3,552,000	\$672,000	\$672,000
State Cost	\$3,836,000	\$845,000	\$845,000
Net Impact	(\$284,000)	(\$173,000)	(\$173,000)

- The Office of Legislative Services (OLS) **concurs** with the Executive's projection that the revenue expected under this legislation from fees for issuing non-driver photo identification cards to a newly eligible population would cover most of the costs of issuance.
- In applying the Executive's unit fiscal data to OLS's estimate of that population, both revenue and cost levels would be lower than those projected by the Executive, while the net deficit would be slightly higher.

- This bill lowers the non-driver ID eligibility age from 17 to 14, and therefore may increase the volume of transactions at MVC agencies.

BILL DESCRIPTION

Assembly Bill No. 2592 (2R) of 2010 requires the Chief Administrator of the MVC to develop an Internet emergency contact information registry program. Under the program, the chief administrator would establish and maintain an automated Statewide Internet registry to be known as the "Next-of-Kin Registry," which would be capable of storing emergency contact information to be accessible by law enforcement officials for the purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger. The MVC is also required to issue an identification card to any resident of the State who is 14 years of age or older, and who is not the holder of a valid permit or basic driver's license.

FISCAL ANALYSIS

EXECUTIVE BRANCH

This bill broadens the class of persons not holding a driver's license or permit who would be eligible to apply to the MVC for a non-driver photo identification card to include individuals aged 14 to 17. The current rates for these cards (\$18) and the photos (\$6) will apply. In order to determine the number of persons that would be affected by this legislation, MVC utilized statistics from the New Jersey Department of Labor - Annual Estimates of the Resident Population by Sex and Age for New Jersey. Based upon this report, MVC estimates that 113,460 (from the 10 to 14 yr old age group) + 120,189 (from the 15 to 17 yr old age group) = 233,649 persons would be affected. Since this data was not age specific, extrapolations were used to define estimated age groups. The bill lowers the non-driver ID eligibility age from 17 to 14.

Revenue:

The estimated total State revenue expected from issuing non-driver photo identification cards to the newly eligible population is approximately \$5.6 million (233,649 x \$24) in the first year and \$2.7 million (113,460 x \$24) in the second and third years. This includes revenue from the \$18 fee for the Non-Driver's Identification Card, and the \$6 photo fee charged to the age groups mentioned above.

With respect to the MVC alone, under the Motor Vehicle Security and Customer Service Act, the MVC receives a proportional share of revenues from driver license fees. It is estimated that the MVC would keep the same proportion of the total fees collected for the non-driver identification card itself (excluding the fee for the photo which is not subject to the split). Therefore this component amount is $\$18.00 \times 37.4\% = \$6.73/\text{each card issued} \times 233,649 = \$1,572,458$. MVC does not share the \$6.00 in photo fees collected, thus it is anticipated that the number of cards to be issued to the population as currently proposed by this legislation is $233,649 \text{ (14 and 15 year old teens)} \times \$6.00/\text{photo} = \$1,401,894$. The projected combined additional revenue to the MVC would be $\$2,974,352 (\$1,572,458 + \$1,401,894)$.

Expenses:

The MVC employs a “Cost of Service” methodology that defines and standardizes for ongoing evaluation all motor vehicle transactional costs for services it provides. This methodology takes into account all appropriated motor vehicle budget dollars, internal resources, existing workflow processes, as well as many other standardized factors (such as the MVC’s salary, facility, and technology costs) to determine the actual costs for services that support each of the transactions and processes administered by the MVC. Under this methodology, the standard labor cost of producing a non-driver identification card is currently estimated at \$21.10. At this unit rate, the labor cost of producing 233,649 ID cards in the first year of implementation would be approximately \$4.93 million. With the addition of start-up costs for computer programming consultation plus the cost of information technology oversight, material and supplies, and other overhead, the total projected cost is \$5.78 million in the first year and \$2.85 million in each of the following years.

Net Fiscal Impact:

Total State revenue is projected to be slightly less or almost equal with the costs incurred by the MVC for the first three years of the program. Since the costs to establish and maintain this registry program are estimated to exceed projected revenue, a net deficit of approximately \$175,000 for FY 2011, and \$125,000 each for FY 2012 and FY 2013 would be the resulting fiscal impact to the MVC from this legislation.

The Executive notes that the information technology costs associated with implementing this legislation would be reduced if implementation was delayed until the overhaul of the MVC’s computer programming system, known as the MATRIX project, is complete and the system is fully functional.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs in the Executive’s projection of overhead costs, and of the unit cost of, and revenue expected from, the issuance of each non-driver photo identification card, but believes that the number of cards required to be issued will be lower than the Executive projects. The OLS notes that in the first year of implementation, the affected cohort potentially includes all of the 15 to 17 year old population numbering about 120,000, and those members of the age 10 to 14 cohort who are between 14 and 15 years of age. Assuming that sub-groups of the lower-age cohort comprise roughly 25 percent of the total population of the cohort, or 28,000, the total newly eligible population in the first year would amount to 148,000. In applying this lower population number, the net impact would result in a slightly higher net deficit than that projected by the Executive. In subsequent years, the annual incoming cohort of eligibles would be only 28,000. Therefore, both the revenue and production-related costs would be lower than assumed by the Executive. With the reduction, after the first year’s start-up, in overhead costs, the net deficit in years two and three would be lower than in the first year, but again slightly higher than is projected by the Executive.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Hroncich
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

A2592 [2R]

4

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1829

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MARCH 22, 2010

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator THOMAS GOODWIN

District 14 (Mercer and Middlesex)

SYNOPSIS

“Sara’s Law;” requires Motor Vehicle Commission to establish next-of-kin program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning motor vehicle safety, designated as Sara's Law,
2 supplementing Title 39 of the Revised Statutes, and amending
3 P.L.1980, c.47.

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

7
8 1. (New section) a. The Chief Administrator of the New Jersey
9 Motor Vehicle Commission shall develop an Internet next-of-kin
10 registry program. Under the program, the holder of any New Jersey
11 State driver's license or non-driver identification card shall have the
12 opportunity to voluntarily submit, via the Internet, the name and
13 telephone number of three emergency contacts to the Motor Vehicle
14 Commission.

15 b. In implementing this program, the chief administrator shall
16 establish a process whereby the holder of any driver's license or
17 non-driver identification card may electronically sign onto the
18 Motor Vehicle Commission web site using their driver's license
19 number or non-driver identification card number. The licensee or
20 card holder may then submit the name and telephone number of up
21 to three emergency contacts to the commission's official web site.
22 A licensee or card holder who submits the name and telephone
23 number of an emergency contact shall have the opportunity to
24 revise or update the emergency contact information at any time.

25 c. The chief administrator shall be responsible for establishing
26 and maintaining a standardized and automated Statewide registry
27 capable of storing and distributing emergency contact information
28 to law enforcement officials. The chief administrator shall strive to
29 ensure that the information contained in the Internet registry is
30 updated as appropriate in a timely and efficient manner.

31 d. Information in the registry shall be accessible only by law
32 enforcement officials and employees of the commission that are
33 designated by the chief administrator. Any emergency contact
34 information submitted to the commission shall not be considered a
35 public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or
36 P.L.2001, c.404 (C.47:1A-5 et al.).

37 e. For the purposes of this act, "emergency contact person" or
38 "emergency contact" means a person, eighteen years of age or
39 older, who the holder of any New Jersey State driver's license or
40 non-driver identification card designated to be contacted by law
41 enforcement personnel when the licensee or card holder is rendered
42 unable to communicate due to a motor vehicle accident resulting in
43 the serious bodily injury, death, or incapacitation of the licensee or
44 card holder. An "emergency contact person" or "emergency
45 contact" may or may not be the next-of-kin of the licensee or card

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 holder; except that if the licensee or card holder is under the age of
2 eighteen and is not emancipated, the emergency contact person shall
3 be the parent or guardian of that licensee or card holder.

4
5 2. (New section) When a motor vehicle accident results in the
6 serious bodily injury, death, or incapacitation of a driver or any
7 passenger, the law enforcement officer investigating the motor
8 vehicle accident shall attempt to locate an emergency contact
9 person by accessing the emergency contact database established
10 pursuant to section 1 of P.L. c. (C.)(pending before the
11 Legislature as this bill.). That law enforcement officer shall, when
12 practicable, expeditiously notify the emergency contact of any
13 person involved in the motor vehicle accident and inform the
14 emergency contact of the hospital or other location at which the
15 driver or passenger may be receiving medical treatment.

16
17 3. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read
18 as follows:

19 2. The Division of Motor Vehicles shall issue an identification
20 card to any resident of the State who is **【17】** 14 years of age or
21 older and who is not the holder of a valid learner's permit or a valid
22 driver's license. The identification card shall attest to the true
23 name, correct age, and other identifying data as certified by the
24 applicant for such identification card. Every application for an
25 identification card shall be signed and verified by the applicant and
26 shall be supported by such documentary evidence of the age and
27 identity, or blindness, disability, or handicap, of such person as the
28 division may require. In addition to requiring an applicant for an
29 identification card to submit satisfactory proof of identity and age,
30 the director also shall require the applicant to provide, as a
31 condition for obtaining the card, satisfactory proof that the
32 applicant's presence in the United States is authorized under federal
33 law. If the director has reasonable cause to suspect that any
34 document presented by an applicant as proof of identity, age or
35 legal residency is altered, false or otherwise invalid, the director
36 shall refuse to grant the identification card until such time as the
37 document may be verified by the issuing agency to the director's
38 satisfaction.

39 (cf: P.L.2001, c.391, s.14)

40
41 4. The chief administrator may adopt, pursuant to the
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
43 seq.), any rules or regulations necessary for the implementation of
44 this act.

45
46 5. This act shall take effect on the first day of the thirteenth
47 month after enactment, but the chief administrator may take such

1 anticipatory administrative action in advance as shall be necessary
2 for the timely implementation of this act.

3

4

5

STATEMENT

6

7 This bill establishes a “next-of-kin program” within the Motor
8 Vehicle Commission. Under the program, the holder of any New
9 Jersey State driver’s license or non-driver identification card has the
10 opportunity to voluntarily submit, via the Internet, the name and
11 telephone number of one emergency contact person to the Motor
12 Vehicle Commission. In the case that the licensee is involved in an
13 accident resulting in serious injury, death, or incapacitation the law
14 enforcement personnel would be able to utilize the registry to notify
15 the licensee’s emergency contact.

16 Any information submitted to the Motor Vehicle Commission
17 would only be accessible by certain motor vehicle commission
18 employees and law enforcement personnel. The bill provides the
19 emergency contact person’s name and number is not subject to
20 public disclosure under the “Open Public Records Act.”

21 In addition, this bill lowers the age requirement to receive a non-
22 driver identification card that is used for identification purposes.
23 Under current law, a person must be at least 17 years of age to
24 receive a non-driver identification card. This bill allows a person
25 who is 14 years of age or older to receive such a card. It is the
26 sponsor’s intent that by lowering the age to receive an identification
27 card, a young teenager who is a passenger involved in a motor
28 vehicle accident may still be identified by police if they are unable
29 to communicate. Lowering this age requirement also expands the
30 number of teenagers eligible to participate in the “next-of-kin
31 program” established under the bill.

32 This bill is in memory of Sara Dubinin, a 19-year-old Sayreville
33 woman who tragically died on September 25, 2007 from injuries
34 resulting from a car accident.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1829

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 2010

The Senate Transportation reports favorably Senate Bill No. 1829 with committee amendments.

As reported, this amended bill requires the Chief Administrator of the Motor Vehicle Commission to develop an Internet emergency contact information registry program. Under the program, the chief administrator shall establish and maintain an automated Statewide Internet registry to be known as the "Next-of-Kin Registry," which shall be capable of storing emergency contact information to be accessible by law enforcement officials for the purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger.

In implementing this program, the chief administrator shall establish a process whereby the holder of any validated permit, probationary or basic driver's license, or non-driver identification card may electronically sign onto the Motor Vehicle Commission web site using the number assigned to such document. The permit holder, licensee, or card holder may then submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry."

The bill defines "emergency contact person" as a person, eighteen years of age or older, whom the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card has designated to be contacted by law enforcement personnel when the holder is rendered unable to communicate due to involvement in a motor vehicle accident resulting in serious bodily injury, death, or incapacitation. The emergency contact person of a permit holder, licensee, or card holder who is under the age of eighteen and is not emancipated is required to be the holder's parent or guardian.

A permit holder, licensee, or non-driver identification card holder who submits the name and telephone number of an emergency contact shall have the opportunity to revise or update the emergency contact information at any time.

The bill provides that the chief administrator and employees of the commission who are designated by the chief administrator, for the

purposes of discharging their duties pursuant to the provisions of this bill or any law enforcement officer or law enforcement employee, shall not be liable to any person for civil damages, or subject to criminal prosecution resulting from or caused by: 1) any disruption or failure in Internet service caused by any accident, malfunction, act of sabotage or God, or any other condition or circumstance that the commission has not, directly or indirectly, caused and which results in, or prevents, the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card from accessing, or inputting information into, the "Next-of-Kin Registry" or which results in, or prevents, the chief administrator and designated commission employees and law enforcement officers from accessing, establishing, or maintaining the "Next-of-Kin Registry"; 2) any misuse of, or the failure or omission to input accurate information, or the inputting of inaccurate or outdated information into the "Next-of-Kin Registry" by any holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card; or 3) the inability of any law enforcement officer to make contact, in good faith, with any designated emergency contact person. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

The bill would provide that information in the "Next-of-Kin Registry" shall be available for the exclusive use of law enforcement officials, and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to this legislation. Any emergency contact information submitted to the commission shall not be subject to public disclosure under the "Open Public Records Act" or the common law concerning access to public records and shall not be discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

This bill would also lower the age requirement to receive a non-driver identification card that is used for identification purposes. Under current law, a person must be at least 17 years of age to receive a non-driver identification card. This bill allows a person between 14 and 17 years of age or to receive such a card with parental consent.

This bill is in memory of Sara Dubinin, a 19-year-old Sayreville woman who tragically died on September 25, 2007 from injuries resulting from a car accident.

The provisions of this bill are identical to those of Assembly Bill No. 2592 (1R), as amended and reported by the committee this day.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- include holders of validated permits and probationary licenses as those who may register their emergency contact information with the "Next-of-Kin Registry";

- reduce from three to two, the number of emergency contacts an individual can list in the "Next-of-Kin Registry";

- provide additional privacy protections for those using the registry in specifying that any emergency contact information submitted to the motor vehicle commission is not discoverable as a public record except upon subpoena by a grand jury or court order in a criminal matter;

- require that any person between the ages of 14 and 17 may receive a non-driver identification card with parental consent;

- provide a limitation of liability to (1) the chief administrator and employees of the commission who are designated by the chief administrator for the purposes of discharging their duties pursuant to the provisions of this bill, and (2) any law enforcement officer or law enforcement employee under certain limited circumstances;

- delay the effective date of the bill from the first day of the thirteenth month to the first day of the nineteenth month; and

- make technical corrections to grammar and punctuation.

FISCAL NOTE
[First Reprint]
SENATE, No. 1829
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: OCTOBER 12, 2010

SUMMARY

Synopsis: "Sara's Law;" requires Motor Vehicle Commission to establish next-of-kin program.

Type of Impact: General Fund Revenue and Expenditure

Agencies Affected: Motor Vehicle Commission

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	\$2,974,000	\$1,444,000	\$1,444,000
State Cost	<u>\$6,158,000</u>	<u>\$2,848,000</u>	<u>\$2,848,000</u>
Net Impact	(\$3,184,000)	(\$1,404,000)	(\$1,404,000)

- The Office of Legislative Services **concurs** with the Executive estimate.
- Projected revenue will be insufficient to cover incurred costs.
- This bill lowers the non-driver ID eligibility age from 17 to 14, and therefore may increase the volume of transactions at MVC agencies.

BILL DESCRIPTION

Senate Bill No. 1829 (1R) of 2010 requires the Chief Administrator of the Motor Vehicle Commission (MVC) to develop an Internet emergency contact information registry program. Under the program, the chief administrator would establish and maintain an automated Statewide Internet registry to be known as the "Next-of-Kin Registry," which would be capable of storing emergency contact information to be accessible by law enforcement officials for the purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger.

FISCAL ANALYSIS

EXECUTIVE BRANCH

This bill requires the MVC to provide non-driver photo identification cards to individuals age 14 and up. There is no provision to charge for these cards. However, the MVC is assuming that the current rates for these cards and the photos will apply. In order to determine the number of persons that would be affected by this legislation, MVC utilized statistics from the New Jersey Department of Labor - Annual Estimates of the Resident Population by Sex and Age for New Jersey. Based upon this report, MVC estimates that 113,460 (from the 10 to 14 yr old age group) + 120,189 (from the 15 to 17 yr old age group) = 233,649 persons would be affected. Since this data was not age specific, extrapolations were used to define estimated age groups. The bill lowers the non-driver ID eligibility age from 17 to 14.

Revenue:

Under the Motor Vehicle Security and Customer Service Act, the MVC receives a proportional share of revenues from driver license fees. It is estimated that the MVC would keep the same proportion of the total fees collected for the non-driver identification card itself (excluding the fee for the photo which is not subject to the split), therefore this component amount is $\$18.00 \times 37.4 \text{ percent} = \$6.73/\text{each card issued} \times 233,649 = \$1,572,458$. MVC does not share the \$6.00 in photo fees collected, thus it is anticipated that the number of cards to be issued to the population as currently proposed by this legislation is 233,649 (14 and 15 year old teens) $\times \$6.00/\text{photo} = \$1,401,894$. The projected combined additional revenue would be $\$2,974,352 (\$1,572,458 + \$1,401,894)$.

Expenses:

The MVC employs a "Cost of Service" methodology that defines and standardizes for ongoing evaluation all motor vehicle transactional costs for services it provides. This methodology takes into account all appropriated motor vehicle budget dollars, internal resources, existing workflow processes, as well as many other standardized factors (such as the MVC's salary, facility, and technology costs) to determine the actual costs for services that support each of the transactions and processes administered by the MVC. Since the costs to establish and maintain this registry program are estimated to exceed projected revenue, a net deficit of approximately \$3.2 million for FY 2011, and \$1.4 million each for FY 2012 and FY 2013 would be the resulting fiscal impact to the MVC from this legislation.

The Executive also notes that the information technology costs associated with implementing this legislation would be reduced if implementation was delayed until the overhaul of the MVC's computer programming system, known as the MATRIX project, is complete and the system is fully functional.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate of fiscal impact.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Joseph A. Hroncich
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1829

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2010

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1829 (1R).

This bill requires the Chief Administrator of the Motor Vehicle Commission (MVC) to develop an Internet emergency contact information registry program. Under the program, the chief administrator shall establish and maintain an automated Statewide Internet registry to be known as the "Next-of-Kin Registry," which shall be capable of storing emergency contact information to be accessible by law enforcement officials for the purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger.

In implementing this program, the chief administrator shall establish a process whereby the holder of any validated permit, probationary or basic driver's license, or non-driver identification card may electronically sign onto the Motor Vehicle Commission web site using the number assigned to such document. The permit holder, licensee, or card holder may then submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry," and shall have the opportunity to revise or update the emergency contact information at any time.

The bill provides for limitations on civil liabilities and on criminal prosecution for the chief administrator and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to the provisions of this bill or for any law enforcement officer or law enforcement employee utilizing the system created by the bill. This limitations on civil liabilities and on criminal prosecution is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

The bill would provide that information in the "Next-of-Kin Registry" shall be available for the exclusive use of law enforcement officials, and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to this legislation. Any emergency contact information submitted to the commission shall not be subject to public disclosure

under the “Open Public Records Act” or the common law concerning access to public records and shall not be discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

This bill would also lower the age requirement to receive a non-driver identification card that is used for identification purposes. Under current law, a person must be at least 17 years of age to receive a non-driver identification card. This bill allows a person between 14 and 17 years of age or to receive such a card with parental consent.

This bill is in memory of Sara Dubinin, a 19-year-old Sayreville woman who tragically died on September 25, 2007 from injuries resulting from a car accident.

This bill is identical to Assembly Bill No. 2592 (2R), as also reported by the committee.

FISCAL IMPACT:

According to the MVC, this legislation will require the agency to respond to requests to provide non-driver photo identification cards to individuals ages 14 and up. As the bill lowers the non-driver ID eligibility age from 17 to 14, the volume of transactions at MVC agencies is likely to increase.

The MVC estimates, assuming current agency rates for cards and photos apply, that fees collected in association with the legislation will roughly equal the cost of providing identification cards.

[CORRECTED COPY]
FISCAL NOTE
 [First Reprint]
SENATE, No. 1829
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: JANUARY 5, 2011

SUMMARY

Synopsis: “Sara’s Law;” requires Motor Vehicle Commission to establish next-of-kin program.

Type of Impact: General Fund Revenue and Expenditure

Agencies Affected: Motor Vehicle Commission (MVC)

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	\$5,608,000	\$2,723,000	\$2,723,000
State Cost	\$5,783,000	\$2,848,000	\$2,848,000
Net Impact	(\$175,000)	(\$125,000)	(\$125,000)

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	\$3,552,000	\$672,000	\$672,000
State Cost	\$3,836,000	\$845,000	\$845,000
Net Impact	(\$284,000)	(\$173,000)	(\$173,000)

- The Office of Legislative Services (OLS) **concurs** with the Executive’s projection that the revenue expected under this legislation from fees for issuing non-driver photo identification cards to a newly eligible population would cover most of the costs of issuance.
- In applying the Executive’s unit fiscal data to OLS’s estimate of that population, both revenue and cost levels would be lower than those projected by the Executive, while the net deficit would be slightly higher.

- This bill lowers the non-driver ID eligibility age from 17 to 14, and therefore may increase the volume of transactions at MVC agencies.

BILL DESCRIPTION

Senate Bill No. 1829 (1R) of 2010 requires the Chief Administrator of the MVC to develop an Internet emergency contact information registry program. Under the program, the chief administrator would establish and maintain an automated Statewide Internet registry to be known as the "Next-of-Kin Registry," which would be capable of storing emergency contact information to be accessible by law enforcement officials for the purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death, or incapacitation of a driver or any passenger. The MVC is also required to issue an identification card to any resident of the State who is 14 years of age or older, and who is not the holder of a valid permit or basic driver's license.

FISCAL ANALYSIS

EXECUTIVE BRANCH

This bill broadens the class of persons not holding a driver's license or permit who would be eligible to apply to the MVC for a non-driver photo identification card to include individuals aged 14 to 17. The current rates for these cards (\$18) and the photos (\$6) will apply. In order to determine the number of persons that would be affected by this legislation, MVC utilized statistics from the New Jersey Department of Labor - Annual Estimates of the Resident Population by Sex and Age for New Jersey. Based upon this report, MVC estimates that 113,460 (from the 10 to 14 yr old age group) + 120,189 (from the 15 to 17 yr old age group) = 233,649 persons would be affected. Since this data was not age specific, extrapolations were used to define estimated age groups. The bill lowers the non-driver ID eligibility age from 17 to 14.

Revenue:

The estimated total State revenue expected from issuing non-driver photo identification cards to the newly eligible population is approximately \$5.6 million (233,649 x \$24) in the first year and \$2.7 million (113,460 x \$24) in the second and third years. This includes revenue from the \$18 fee for the Non-Driver's Identification Card, and the \$6 photo fee charged to the age groups mentioned above.

With respect to the MVC alone, under the Motor Vehicle Security and Customer Service Act, the MVC receives a proportional share of revenues from driver license fees. It is estimated that the MVC would keep the same proportion of the total fees collected for the non-driver identification card itself (excluding the fee for the photo which is not subject to the split). Therefore this component amount is $\$18.00 \times 37.4\% = \$6.73/\text{each card issued} \times 233,649 = \$1,572,458$. MVC does not share the \$6.00 in photo fees collected, thus it is anticipated that the number of cards to be issued to the population as currently proposed by this legislation is 233,649 (14 and 15 year old teens) $\times \$6.00/\text{photo} = \$1,401,894$. The projected combined additional revenue to the MVC would be \$2,974,352 ($\$1,572,458 + \$1,401,894$).

Expenses:

The MVC employs a “Cost of Service” methodology that defines and standardizes for ongoing evaluation all motor vehicle transactional costs for services it provides. This methodology takes into account all appropriated motor vehicle budget dollars, internal resources, existing workflow processes, as well as many other standardized factors (such as the MVC’s salary, facility, and technology costs) to determine the actual costs for services that support each of the transactions and processes administered by the MVC. Under this methodology, the standard labor cost of producing a non-driver identification card is currently estimated at \$21.10. At this unit rate, the labor cost of producing 233,649 ID cards in the first year of implementation would be approximately \$4.93 million. With the addition of start-up costs for computer programming consultation plus the cost of information technology oversight, material and supplies, and other overhead, the total projected cost is \$5.78 million in the first year and \$2.85 million in each of the following years.

Net Fiscal Impact:

Total State revenue is projected to be slightly less or almost equal with the costs incurred by the MVC for the first three years of the program. Since the costs to establish and maintain this registry program are estimated to exceed projected revenue, a net deficit of approximately \$175,000 for FY 2011, and \$125,000 each for FY 2012 and FY 2013 would be the resulting fiscal impact to the MVC from this legislation.

The Executive notes that the information technology costs associated with implementing this legislation would be reduced if implementation was delayed until the overhaul of the MVC’s computer programming system, known as the MATRIX project, is complete and the system is fully functional.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs in the Executive’s projection of overhead costs, and of the unit cost of, and revenue expected from, the issuance of each non-driver photo identification card, but believes that the number of cards required to be issued will be lower than the Executive projects. The OLS notes that in the first year of implementation, the affected cohort potentially includes all of the 15 to 17 year old population numbering about 120,000, and those members of the age 10 to 14 cohort who are between 14 and 15 years of age. Assuming that sub-groups of the lower-age cohort comprise roughly 25 percent of the total population of the cohort, or 28,000, the total newly eligible population in the first year would amount to 148,000. In applying this lower population number, the net impact would result in a slightly higher net deficit than that projected by the Executive. In subsequent years, the annual incoming cohort of eligibles would be only 28,000. Therefore, both the revenue and production-related costs would be lower than assumed by the Executive. With the reduction, after the first year’s start-up, in overhead costs, the net deficit in years two and three would be lower than in the first year, but again slightly higher than is projected by the Executive.

Section: Authorities, Utilities, Transportation and Communications

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Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

Governor Christie Signs "Sara's Law" Creating Emergency Contact Information Registry

Monday, April 11, 2011 Tags: [Bill Action](#)

New Jersey is the 7th State to Implement Next-of-Kin Notification Measure

Trenton, NJ – On Wednesday, April 6, 2011, Governor Chris Christie signed Sara's Law, establishing a next-of-kin registry that provides law enforcement officials with immediate access to contact information in the event a family member is involved or injured in a motor vehicle accident. The bill is named for Sara Dubinin of Sayreville who fell into a coma and died as a result of a 2007 car accident. It took nearly two hours for her parents to be notified of the incident.

"As the father of four children, I know first-hand that it is a parent's natural instinct to protect their child from harm and to be with that child in their time of need," said Governor Christie. "My heart goes out to the Dubinins for their terrible loss. By signing Sara's Law, we are putting a commonsense process in place to ensure a family facing the terrible difficulty of a child in harm or danger is not further strained through notification that is delayed or too late."

New Jersey joins a growing trend of states implementing similar notification measures. Six other states use next-of-kin registries. They are Florida, Ohio, Illinois, Indiana, Colorado and Delaware.

Under the new program, the holder of any New Jersey driver's license or non-driver identification card has the opportunity to voluntarily submit the name and telephone number of two emergency contact persons to the New Jersey Motor Vehicle Commission (MVC).

If the licensee is involved in an accident resulting in serious injury, death, or incapacitation, law enforcement personnel would be able to utilize the program to notify the licensee's emergency contacts.

To expand the number of teenagers eligible to participate in the next-of-kin program, the measure lowers the age at which a non-driver identification card can be obtained from 17 to 14.

Certain safeguards have been put in place to protect against unauthorized or improper access. For instance, any information submitted to the MVC will only be accessible by certain MVC employees and law enforcement personnel. Additionally, emergency contact information will not be subject to public disclosure under the "Open Public Records Act" and information is not discoverable as a public record, except upon a subpoena issued by a grand jury or a court order in a criminal matter. There will also be a delayed effective date of 18 months in order for the MVC to program their computers to process the new information made available by the bill.

Sponsors of Sara's Law include Senator Joseph F. Vitale (D-Middlesex), Assemblymen John S. Wisniewski (D-Middlesex), Craig J. Coughlin (D-Middlesex) and Vincent Prieto (D-Hudson).

On Friday, April 8, 2011, Governor Christie also signed the following:

S-831/A-2513 (Codey, Beck/McKeon) – Permits wagers to be placed at racetracks or casino simulcasting facilities in advance for races not simulcast at facility under certain circumstances if race is simulcast at other facilities in the State

S-2130/A-3058 (Sarlo, O'Toole/Greenwald, Chivukula) – Revises sales and use tax to maintain compliance with certain terms and conditions of Streamlined Sales and Use Tax

S-2390/A-3511 (Sarlo, Whelan/Burzichelli, Dance, Wagner, Casagrande, Vainieri Huttie) – Decreases annual standardbred race dates to 75 minimum upon consent from Standardbred Breeders and Owners Association of New Jersey; increases to 5% maximum amount of certain purse moneys that may be distributed to aid horsemen

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