

39:2-16

LEGISLATIVE HISTORY CHECKLIST

NJSA 39:2-16 (MV Medical Advisory Panel-- immunity from liability)

LAWS 1980 CHAPTER 173

Bill No. S153

Sponsor(s) Zane

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Dec. 8, 1980

Senate Aug. 4, 1980

Date of approval Dec. 29, 1980

Following statements are attached if available:

Sponsor statement	Yes	No	(Below)
Committee Statement: Assembly	Yes	No	Also attached: Senate amendment (adopted 7-28-80) with statement
Senate	Yes	No	
Fiscal Note	Yes	No	
Veto Message	Yes	No	
Message on signing	Yes	No	
Following were printed:			
Reports	Yes	No	
Hearings	Yes	No	

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Sponsor's statement:

This bill provides immunity from civil suit for the Medical-Vision Advisory Panel and other persons providing reports and recommendations with respect to a motor vehicle applicant's and licensee's ability to safely operate a motor vehicle.

(over)

Recommendation for legislation (as mentioned in Senate Committee statement)--
p.46 (attached)

974.90 New Jersey. Motor Vehicle Study Commission.
A939 Report. Trenton, 1975.
1975

CH. 173

50

12-29-80

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SENATE, No. 153

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senator ZANE

A SUPPLEMENT to "An act creating the Medical***[-Vision]*** Advisory Panel in the Division of Motor Vehicles and prescribing its functions, powers and duties," approved February 24, 1977 (P. L. 1977, c. 26, C. 39:2-13 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. No member of the Medical***[-Vision]*** Advisory Panel, the
2 Director of the Division of Motor Vehicles or his employees, or any
3 physician or optometrist licensed to practice in this State shall be
4 liable for any civil damages as a result of providing any reports,
5 records, examinations, opinions or recommendations pursuant to
6 the act to which this act is a supplement.

1 2. This act shall take effect immediately.

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

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 153

STATE OF NEW JERSEY

DATED: JUNE 23, 1980

This bill would grant immunity from liability for civil damages to the Medical-Vision Advisory Panel members, the director and employees of the Division of Motor Vehicles, and to physicians or optometrists for providing reports, records, examinations, opinions or recommendations regarding a motor vehicle license applicant's or licensee's ability to safely operate a motor vehicle.

With respect to the physicians and optometrists who are members of the board, the division has notified committee that they have experienced some difficulty in the past in getting individuals to serve because there is no immunity which this bill would provide. The division strongly favors passage of this bill.

Immunity for the board members was originally recommended by the New Jersey Motor Vehicle Study Commission in its report in September 1975 (page 46).

SENATE AMENDMENTS TO
SENATE, No. 153

STATE OF NEW JERSEY

ADOPTED JULY 28, 1980

Amend page 1, title, line 1, omit “-Vision”.

Amend page 1, section 1, line 1, omit “-Vision”.

STATEMENT

This amendment conforms the name of the panel to the name as it was changed by P. L. 1980, c. 37 on June 20, 1980.

*Report of the New Jersey Medical Board
to the Health Commission - 1975*

OPTOMETRISTS AND LICENSING OFFICIALS TO DEVELOP BETTER LICENSING STANDARDS. THE NEW STANDARDS SHOULD BE VALIDATED THROUGH A STUDY ON A SAMPLE POPULATION OF THE DRIVERS BEFORE IMPLEMENTATION. THE STUDY SHOULD ALSO SEE IF THERE IS JUSTIFICATION FOR REEXAMINATION AND IF SO, AT WHAT INTERVAL REEXAMINATION SHOULD TAKE PLACE. THE PANEL SHOULD ALSO ASSIST THE DIVISION IN ADJUDICATING CASES CONCERNING DRIVERS WHO SUFFER FROM IDENTIFIED MEDICAL OR VISION PROBLEMS.

Recommended legislation:

It is recommended that the following sections of Title 39 be repealed:

39:3-10.4

39:3-10.5

39:3-10.6

39:3-10.7

39:3-10.8

In their place the following is recommended:

39:3-10.10

(a) There shall be a Medical Advisory Board consisting of such members as the Division may reasonably deem appropriate and shall be appointed by the Director with the assistance of the Department of Health.

(b) The Board shall advise the Director on medical criteria and vision standards relating to the licensing of drivers under the provisions of this Chapter.

(c) The Division, having good cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may obtain the advice of the Board. The Board may formulate its advice from records and reports or may cause an examination and report to be made by one or more members of the Board or any other qualified person it may designate. The licensed driver or applicant may cause a written report to be forwarded to the Board by a physician of his choice and it shall be given due consideration by the Board.

(d) Members of the Board and other persons making examinations shall not be held liable for their opinions and recommendations presented pursuant to subsection (c).