

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 653
Committee Substitute Favorable 4/25/17
PROPOSED COMMITTEE SUBSTITUTE H653-PCS40563-TU-17

Short Title: Report/Car Accident Caused by Seizure or Coma.

(Public)

Sponsors:

Referred to:

April 11, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ACCIDENT REPORTS TO INCLUDE INFORMATION AS TO WHETHER AN ACCIDENT WAS CAUSED BY A DRIVER SUFFERING AN EPILEPTIC SEIZURE OR A HYPOGLYCEMIC INCIDENT AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO EVALUATE WHETHER THE DRIVER CAN SAFELY OPERATE A MOTOR VEHICLE AFTER RECEIVING THE REPORT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-166.1 reads as rewritten:

"§ 20-166.1. Reports and investigations required in event of accident.

...

(h) Forms. – The Division shall provide forms or procedures for submitting crash data to persons required to make reports under this section and the reports shall be made in a format approved by the Commissioner. The following information shall be included about a reportable crash:

- (1) The cause of the crash. If a person submitting a report required under this section knows that a crash was caused as the result of a driver suffering a seizure or a hypoglycemic incident, the person shall specifically set forth this information, including the name of the driver in the report.
- (2) The conditions existing at the time of the crash.
- (3) The persons and vehicles involved, except that the name and address of a minor child involved in a school bus crash who is a passenger on a school bus may only be disclosed to (i) the local board of education, (ii) the State Board of Education, (iii) the parent or guardian of the child, (iv) an insurance company investigating a claim arising out of the crash, (v) an attorney representing a person involved in the crash, and (vi) law enforcement officials investigating the crash. As used in this subdivision, school bus also includes a school activity bus as defined by G.S. 20-4.01(27).
- (4) Whether the vehicle has been seized and is subject to forfeiture under G.S. 20-28.2.

(i) Effect of Report. – A report of an accident made under this section by a person who is not a law enforcement officer is without prejudice, is for the use of the Division, and shall not be used in any manner as evidence, or for any other purpose in any trial, civil or criminal, arising out of the accident. Any other report of an accident made under this section may be used in any manner as evidence, or for any other purpose, in any trial, civil or criminal, as permitted



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1 under the rules of evidence. At the demand of a court, the Division must give the court a
2 properly executed certificate stating that a particular accident report has or has not been filed
3 with the Division solely to prove a compliance with this section.

4 (i1) Effect of Report Involving Medical Condition. – If a report of an accident under this
5 section includes information in accordance with subdivision (1) of subsection (h) of this section
6 that an accident was the result of a driver suffering a seizure or a hypoglycemic incident, the
7 Division shall (i) evaluate whether the medical condition affects the driver's ability to safely
8 operate a motor vehicle and (ii) cancel or restrict the drivers license of the driver upon
9 completion of the evaluation in accordance with G.S. 20-15(a)(4). Upon restriction or
10 cancellation, the driver may appeal the decision of the Division or seek issuance of a new
11 restricted or unrestricted drivers license, in accordance with the process set forth in
12 G.S. 20-9(g). During the pendency of such appeal, the restriction or cancellation shall be stayed
13 unless the Division makes a determination that a stay would pose an imminent risk of harm.

14 (i2) Public Record. – The reports made under this section by persons who are not law
15 enforcement officers or medical examiners are not public records. The reports made under this
16 section by law enforcement officers and medical examiners are public records and are open to
17 inspection by the general public at all reasonable times. The Division must give a certified copy
18 of one of these reports to a member of the general public who requests a copy and pays the fee
19 set in G.S. 20-42.

20"

21 **SECTION 2.** This act becomes effective October 1, 2017, and applies to accidents
22 occurring on or after that date.