

Next-of-Kin Registry

This Act directs the chief administrator of the state 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,” to store emergency contact information that can be accessed by law enforcement officials to notify the next-of-kin when a motor vehicle accident results in serious bodily injury, death, or incapacitation of a driver or passenger.

The Act directs the the chief administrator to set up a process whereby the holder of any valid permit, probationary or basic driver’s license, or non-driver identification card, may electronically sign onto the state motor vehicle commission website using a number assigned to such documents. 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 Act defines “emergency contact person” as a person, eighteen years of age or older, whom the holder of any valid state 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 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 the Act. Any emergency contact information submitted to the commission shall not be subject to public disclosure under the state 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.

Submitted as:

New Jersey

[Chapter 47 of 2011](#)

Status: Enacted into law in 2011.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Establish a Next-of-Kin
2 Registry.”

3
4 Section 2. [*Identification Cards and Next-of-Kin Registry.*]

5 (A) The [motor vehicle commission] shall issue an identification card to any resident of the
6 state who is [fourteen] years of age or older and who is not the holder of a valid permit or basic
7 driver's license. The identification card shall attest to the true name, correct age, and other
8 identifying data as certified by the applicant for such identification card. Every application for an

9 identification card shall be signed and verified by the applicant and shall be accompanied by the
10 written consent of at least one parent or the person's legal guardian if the person is under [seventeen]
11 years of age and shall be supported by such documentary evidence of the age and identity, or
12 blindness, disability, or handicap, of such person as the chief administrator may require. In addition
13 to requiring an applicant for an identification card to submit satisfactory proof of identity and age,
14 the [chief administrator] also shall require the applicant to provide, as a condition for obtaining the
15 card, satisfactory proof that the applicant's presence in the United States is authorized under federal
16 law. If the [chief administrator] has reasonable cause to suspect that any document presented by an
17 applicant as proof of identity, age, or legal residency is altered, false or otherwise invalid, the chief
18 administrator shall refuse to grant the identification card until such time as the document may be
19 verified by the issuing agency to the chief administrator's satisfaction.

20 (B) The [chief administrator of the motor vehicle commission] shall develop an Internet
21 emergency contact information registry program. Under the program, the [chief administrator] shall
22 establish and maintain an automated statewide Internet registry to be known as the "Next-of-Kin
23 Registry," which shall be capable of storing emergency contact information to be accessible by law
24 enforcement officials for the purposes established in this section.

25 (C) Under the program, the holder of any [state] validated permit, probationary or basic
26 driver's license, or non-driver identification card may voluntarily submit, via the Internet, the name
27 and telephone number of two emergency contacts to the "Next-of-Kin Registry," accessible through
28 the [motor vehicle commission's] website.

29 (D) For the purposes of this section, "emergency contact person" or "emergency contact"
30 means a person, [eighteen] years of age or older, whom the holder of any [state] validated permit,
31 probationary or basic driver's license, or non-driver identification card has designated to be
32 contacted by law enforcement personnel when the permit holder, licensee, or non-driver
33 identification card holder is rendered unable to communicate due to a motor vehicle accident
34 resulting in the serious bodily injury, death, or incapacitation of the permit holder, licensee, or non-
35 driver identification card holder. An "emergency contact person" or "emergency contact" may or
36 may not be the next-of-kin of the permit holder, licensee, or non-driver identification card holder;
37 except that if the permit holder, licensee, or card holder is under the age of [eighteen] and is not
38 emancipated, the emergency contact person shall be the parent or guardian of that permit holder,
39 licensee, or card holder.

40 (E) In implementing this program, the [chief administrator] shall establish a process whereby
41 the holder of any validated permit, probationary or basic driver's license, or nondriver identification
42 card may electronically sign onto the [motor vehicle commission] web site using the holder's
43 validated permit, probationary or basic driver's license number or non-driver identification card
44 number. The permit holder, licensee, or card holder may then submit the name and telephone
45 number of up to two emergency contacts to be stored in the "Next-of-Kin Registry." A permit
46 holder, licensee, or non-driver identification card holder who submits the name and telephone
47 number of an emergency contact shall have the opportunity to revise or update the emergency
48 contact information at any time.

49 (F) Information in the "Next-of-Kin Registry" shall be available for the exclusive use of law
50 enforcement officials, and employees of the [commission] who are designated by the [chief
51 administrator], for the purposes of discharging their duties pursuant to [insert citation]. Any
52 emergency contact information submitted to the [commission] shall not be considered a public
53 record pursuant to [insert citation] and shall not be discoverable as a public record by any person,
54 entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a
55 criminal matter.

56 (G) When a motor vehicle accident results in the serious bodily injury, death, or
57 incapacitation of a driver or any passenger, the law enforcement officer investigating the motor

58 vehicle accident shall attempt to locate an emergency contact person by accessing the “Next-of-Kin
59 Registry,” established pursuant to this section. The law enforcement officer shall, when practicable,
60 expeditiously notify the emergency contact of each person involved in the motor vehicle accident
61 and inform the emergency contact of the hospital or other location at which the driver or passenger
62 may be receiving medical treatment.

63 (H) The [chief administrator] and employees of the [commission] who are designated by the
64 [chief administrator], for the purposes of discharging their duties pursuant to this section, shall not
65 be liable to any person for civil damages, or subject to criminal prosecution resulting from or caused
66 by:

67 (1) any disruption or failure in Internet service caused by any accident, malfunction,
68 act of sabotage or God, or any other condition or circumstance that the [commission] has not,
69 directly or indirectly, caused and which results in, or prevents, the holder of any [state] validated
70 permit, probationary or basic driver’s license, or non-driver identification card from accessing, or
71 inputting information into, the “Next-of-Kin Registry” or which results in, or prevents, the [chief
72 administrator] and designated [commission] employees and law enforcement officers from
73 accessing, establishing, or maintaining the “Next-of-Kin Registry”;

74 (2) any misuse of, or the failure or omission to input accurate information, or the
75 inputting of inaccurate or outdated information into the “Next-of-Kin Registry” by any holder of any
76 [state] validated permit, probationary or basic driver’s license, or non-driver identification card; or

77 (3) the inability of any law enforcement officer to make contact, in good faith, with
78 any designated emergency contact person. This limitation of liability is inapplicable if such failure
79 resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or
80 property.

81 (I) No law enforcement officer or law enforcement employee shall be liable to any person for
82 civil damages, or subject to criminal prosecution resulting from or caused by:

83 (1) any disruption or failure in Internet service caused by any accident, malfunction,
84 act of sabotage or God, or any other condition or circumstance that the commission has not, directly
85 or indirectly, caused and which results in, or prevents, the holder of any [State] validated permit,
86 probationary or basic driver’s license, or non-driver identification card from accessing, or inputting
87 information into, the “Next-of-Kin Registry” or which results in, or prevents, the chief administrator
88 and designated commission employees and law enforcement officers from accessing, establishing, or
89 maintaining the “Next-of-Kin Registry”;

90 (2) any misuse of, or the failure or omission to input accurate information, or the
91 inputting of inaccurate or out-dated information into the “Next-of-Kin Registry” by any holder of
92 any [state] validated permit, probationary or basic driver’s license, or non-driver identification card;
93 or

94 (3) the inability of any law enforcement officer to make contact, in good faith, with
95 any designated emergency contact person. This limitation of liability is inapplicable if such failure
96 resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or
97 property.

98 (J) The [chief administrator] may adopt, pursuant to [insert citation], any rules or regulations
99 necessary to implement this Act.

100
101 Section 3. [*Severability.*] [Insert severability clause.]
102

103 Section 4. [*Repealer.*] [Insert repealer clause.]
104

105 Section 5. [*Effective Date.*] [Insert effective date.]