

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10220-ML-92 (02/14)

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

Sponsors: Representatives Dobson, Dollar, and Torbett (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ACCIDENT REPORTS TO INCLUDE INFORMATION AS TO
3 WHETHER AN ACCIDENT WAS CAUSED BY A DRIVER SUFFERING AN
4 EPILEPTIC SEIZURE OR DIABETIC COMA AND TO REQUIRE THE DIVISION OF
5 MOTOR VEHICLES TO EVALUATE WHETHER THE DRIVER CAN SAFELY
6 OPERATE A MOTOR VEHICLE AFTER RECEIVING THE REPORT.

7 The General Assembly of North Carolina enacts:

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

9 "§ 20-166.1. Reports and investigations required in event of accident.

10 ...

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

15 (1) The cause of the crash. If a person submitting a report required under this
16 section knows that a crash was caused as the result of a driver suffering a
17 seizure or diabetic coma, the person shall specifically set forth this
18 information, including the name of the driver in the report.

19 (2) The conditions existing at the time of the crash.

20 (3) The persons and vehicles involved, except that the name and address of a
21 minor child involved in a school bus crash who is a passenger on a school
22 bus may only be disclosed to (i) the local board of education, (ii) the State
23 Board of Education, (iii) the parent or guardian of the child, (iv) an
24 insurance company investigating a claim arising out of the crash, (v) an
25 attorney representing a person involved in the crash, and (vi) law
26 enforcement officials investigating the crash. As used in this subdivision,
27 school bus also includes a school activity bus as defined by
28 G.S. 20-4.01(27).

29 (4) Whether the vehicle has been seized and is subject to forfeiture under
30 G.S. 20-28.2.

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



1 properly executed certificate stating that a particular accident report has or has not been filed
2 with the Division solely to prove a compliance with this section.

3 (i1) Effect of Report Involving Medical Condition. – If a report of an accident under this
4 section includes information in accordance with subdivision (1) of subsection (h) of this section
5 that an accident was the result of a driver suffering a seizure or diabetic coma, the Division
6 shall (i) evaluate whether the medical condition affects the driver's ability to safely operate a
7 motor vehicle and (ii) suspend the drivers license of the driver pending completion of the
8 evaluation. If the Division determines that the medical condition does not affect the driver's
9 ability to safely operate a motor vehicle, the Division shall restore the drivers license of the
10 driver at no cost to the driver. If the Division determines that the medical condition does affect
11 the driver's ability to safely operate a motor vehicle, the Division shall cancel the drivers
12 license of the driver in accordance with G.S. 20-15(a)(4). Upon cancellation, the driver may
13 appeal the decision of the Division or seek issuance of a new restricted or unrestricted driver's
14 license, in accordance with the process set forth in G.S. 20-9(g).

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

21"

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