

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 653

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

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

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Transportation, if favorable, Judiciary III

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 DIABETIC COMA 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 diabetic coma, 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



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 diabetic coma, the Division  
7 shall (i) evaluate whether the medical condition affects the driver's ability to safely operate a  
8 motor vehicle and (ii) suspend the drivers license of the driver pending completion of the  
9 evaluation. If the Division determines that the medical condition does not affect the driver's  
10 ability to safely operate a motor vehicle, the Division shall restore the drivers license of the  
11 driver at no cost to the driver. If the Division determines that the medical condition does affect  
12 the driver's ability to safely operate a motor vehicle, the Division shall cancel the drivers  
13 license of the driver in accordance with G.S. 20-15(a)(4). Upon cancellation, the driver may  
14 appeal the decision of the Division or seek issuance of a new restricted or unrestricted driver's  
15 license, in accordance with the process set forth in G.S. 20-9(g).

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

22 .....

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