

**13:19-4.6 Case referral**

Upon application for restoration, the case may be referred to the Cardiovascular Committee as provided for in N.J.A.C. 13:19-4.3.

Amended by R.1999 d.312, effective September 20, 1999.  
See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).  
Changed N.J.A.C. reference.

**13:19-4.7 Interval reports**

(a) As a condition precedent to the issuance, retention or restoration of driving privileges pursuant to this subchapter, the individual must agree in writing to submit to the Chief Administrator periodic reports on forms approved by the Chief Administrator. The reports shall contain a statement of the individual's case history and a statement by the treating physician.

(b) These reports shall be submitted every six months from the date that approval is given to hold a driver license.

(c) The Chief Administrator may, in his or her discretion, waive or change the interval report requirement of (b) above.

Amended by R.1999 d.312, effective September 20, 1999.  
See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

In (c), neutralized gender reference.

Amended by R.2005 d.47, effective February 7, 2005.  
See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

Substituted "Chief Administrator" for "Director" throughout.

**13:19-4.8 Driver reexamination**

As a condition precedent to the issuance, retention or restoration of driving privileges, the Chief Administrator may require that a motorist be given a driving test and examination at a Motor Vehicle Commission Driver Qualification Center.

Amended by R.2005 d.47, effective February 7, 2005.  
See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

Substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles".

**SUBCHAPTER 5. CONVULSIVE SEIZURES****13:19-5.1 Satisfaction of physical qualifications**

Any person 16 years of age or older who suffers or who has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms, shall as a prerequisite to the issuance of a learner's permit or driver's license, renewal of a driver's license or retention of a driver's license establish to the satisfaction of the Chief Administrator that he or she has been free from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination for a period of one year with or without medication and that he or she is physically qualified to operate a motor vehicle.

As amended, R.1981 d.18, effective January 16, 1981.

See: 12 N.J.R. 606(a), 13 N.J.R. 150(b).

Freedom from impairments amended from two years to one.

Amended by R.2005 d.47, effective February 7, 2005.

See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

Substituted "Chief Administrator" for "Director" and inserted "or she" following "he".

**Case Notes**

Driver's license applicant, who had suffered seizure within year, had burden of persuasion on issue of whether he posed acceptable risk. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Negative recommendations of Neurological Disorder Committee regarding application for driver's license by person with seizure disorder was not binding on Director of the Department of Motor Vehicles. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Order suspending driver's license because of licensee's epileptic disorder, subject to licensee's reapplication after one-year seizure-free period, was properly based on conclusion that pattern of licensee's specific individual disorder posed safety risk. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Presumption created by regulation, that driver's license applicant's seizure disorder is not sufficiently controlled to permit him to drive safely unless he has been seizure-free for one year, was fair and reasonable. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Regulation establishing rebuttable presumption that driver's license applicant's seizure disorder is not sufficiently controlled to permit him to drive safely unless he has been seizure-free for one year, should require recommendations of Neurological Disorder Committee to respond with particularity directly to applicant's contentions. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Regulation that created rebuttable presumption that driver's license applicant's seizure disorder is not sufficiently controlled to permit him to drive safely unless he has been seizure-free for one year, required members of Neurological Disorder Committee to determine whether, despite occurrence of seizure within one year, applicant, because of specific characteristics of his disorder, can drive safely. Division of Motor Vehicles v. Granziel, 236 N.J.Super. 191, 565 A.2d 404 (A.D.1989).

Suspension of driver's license was reversed when motorist's medical condition was determined not to impair his driving. Division of Motor Vehicles v. Avallone, 96 N.J.A.R.2d (MVH) 6.

No unconsciousness due to acute hypoglycemia for one year allowed reinstatement. Division of Motor Vehicles v. Sereno, 92 N.J.A.R.2d (MVH) 7.

Licensee under medication for seizures was physically able to operate motor vehicle. Division of Motor Vehicles v. Nasti, 92 N.J.A.R.2d (MVH) 4.

**13:19-5.2 Physically unqualified pending hearing**

When it shall appear to the Chief Administrator that a licensed driver or an applicant for a learner's permit or driver's license suffers or has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination, the Chief Administrator may, upon notice and an opportunity to be heard, suspend the driving privileges of, or refuse to issue a learner's permit or a driver's license to such person as

physically unqualified to safely operate a motor vehicle; provided, however, the Chief Administrator may, in the exercise of his or her discretion, suspend such driver's license or refuse to issue such learner's permit or driver's license pending hearing, if it shall appear to the Chief Administrator to be in the interest of public safety that immediate action be taken.

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

Substituted a reference to notice for a reference to appropriate notice, and neutralized a gender reference.

Amended by R.2005 d.47, effective February 7, 2005.

See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

Substituted "Chief Administrator" for "Director" throughout.

### 13:19-5.3 History of seizures and physician's report

(a) When it shall appear to the Chief Administrator, upon information received or as a result of an investigation conducted, that a licensed driver or applicant for a learner's permit or driver's license suffers or has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination, he or she may require from such person on forms approved by the Chief Administrator:

1. A statement by the applicant or licensee of his or her case history;
2. A statement by the treating physician, including diagnosis, treatment and prognosis;
3. Any other information which the Chief Administrator may deem necessary to evaluate the motorist's qualification to operate a motor vehicle.

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

In (a), neutralized gender references.

Amended by R.2005 d.47, effective February 7, 2005.

See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

Substituted "Chief Administrator" for "Director" throughout.

### 13:19-5.4 Neurological Disorder Committee

(a) The Chief Administrator shall appoint a Neurological Disorder Committee of three members to advise him or her as to issuing licenses to persons suffering from recurrent convulsive seizures, recurrent periods of impaired consciousness or from impairment or loss of motor coordination.

(b) The Chief Administrator shall appoint the Committee upon consultation with and advice of the Medical Society of the State of New Jersey.

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

In (a), neutralized a gender reference.

Amended by R.2005 d.47, effective February 7, 2005.

See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

Substituted "Chief Administrator" for "Director" throughout.

### 13:19-5.5 Committee review of case

When the Chief Administrator deems it necessary to refer a specific case to the Committee, all available information concerning the licensed driver or applicant, including the licensee's or applicant's statement of the case history and the treating physician's statement as to diagnosis, treatment and prognosis will be referred to the Committee for review, advice and recommendation.

Amended by R.2005 d.47, effective February 7, 2005.

See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

Substituted "Chief Administrator" for "Director".

#### Case Notes

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### 13:19-5.6 Report of findings

Each member of the Committee shall separately report his or her findings and recommendations to the Chief Administrator of the Motor Vehicle Commission.

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

Neutralized a gender reference.

Amended by R.2005 d.47, effective February 7, 2005.

See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

Substituted "Chief Administrator of the Motor Vehicle Commission" for "Director of Motor Vehicles" throughout.

### 13:19-5.7 Committee recommendations

Notwithstanding the provisions of N.J.A.C. 13:19-5.1, the Chief Administrator, upon consultation with the members of the Committee, may grant a learner's permit or initial driver's license or permit a motorist to retain his or her driver's license although such person may have suffered a seizure, period of impaired consciousness, or from impairment or loss of motor coordination within a one year period from the date of the Chief Administrator's determination when the specific characteristics of a person's disorder do not adversely impact on the person's ability to safely operate a motor vehicle.

As amended, R.1984 d.310, filed June 29, 1984.

See: 16 N.J.R. 1187(a), 16 N.J.R. 2003(a).

"two year" changed to "one year".

Amended by R.1994 d.468, effective September 19, 1994.

See: 26 N.J.R. 2738(a), 26 N.J.R. 3873(a).

Amended by R.1999 d.312, effective September 20, 1999.

See: 31 N.J.R. 1440(a), 31 N.J.R. 2756(a).

Neutralized a gender reference.

Amended by R.2005 d.47, effective February 7, 2005.

See: 36 N.J.R. 4005(a), 37 N.J.R. 505(a).

Substituted "Chief Administrator" for "Director" throughout.