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UNFIT DRIVERS; REPORTS BY HEALTH AND SAFETY WORKERS

House Bill 5856

Sponsor: Rep. Paul DeWeese

Committee: Transportation

Complete to 4-12-02

A SUMMARY OF HOUSE BILL 5856 AS INTRODUCED 4-9-02

House Bill 5856 would amend the Michigan Vehicle Code to establish a procedure that health and safety workers could follow to report unfit drivers to the secretary of state.

The bill specifies that the secretary of state would have good cause to believe that a person was incompetent to drive a motor vehicle on the basis of (but not limited to) a report by: a) a police officer; b) a member of a health profession as defined under the Public Health Code; c) a member of the person's family (within three degrees of consanguinity) or the person's spouse, when they are 18 years of age or older (however, family member reports would be limited to one report each year). The bill also would require that a report state that the person cannot safely operate a motor vehicle, based on either personal observation or physical evidence described in the report, or upon an investigation by a police officer. The report would be a written declaration, in the form prescribed by the secretary of state, and it would have to include the name, address, telephone number, and signature of the person making it.

Under the bill, a health care professional could report to the secretary of state any patient diagnosed or assessed as having a disorder or condition that could prevent him or her from safely operating a motor vehicle. The report would state the diagnosis or assessment, and whether the condition was permanent or temporary. The existence of a physician-patient relationship would not prevent the making of a report by a medical professional. The bill specifies that a person who made a report in good faith would be immune from any civil liability that might arise from making the report, and that the reports made and the medical records reviewed and maintained by the secretary of state would be confidential except upon order of a court.

House Bill 5856 would enable the secretary of state to keep records and statistics of reports made, and of actions taken against driver licensees. It would require the secretary of state to develop a standardized form and reporting guidelines, and to provide information about reporting procedures to health care professionals and law enforcement officers.

The bill specifies that any person who knowingly violated a confidentiality provision, or who knowingly permitted or encouraged the unauthorized use of a report or a person's name, would be guilty of a misdemeanor.

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Finally, the bill specifies that a person whose condition was temporary could appeal to the secretary of state for reinstatement of his or her license, following the department's appeal process. The request would be in writing and accompanied by a statement from a health care professional with the same or similar license as the health care professional who made the initial report resulting in the limitation or loss of the driver license.

MCL 257.320d

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.