

HOUSE BILL No. 5856

April 9, 2002, Introduced by Rep. DeWeese and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 320d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 320D. (1) THE SECRETARY OF STATE HAS GOOD CAUSE TO
2 BELIEVE THAT A PERSON IS INCOMPETENT TO DRIVE A MOTOR VEHICLE
3 UNDER SECTION 320 ON THE BASIS OF, BUT NOT LIMITED TO, A REPORT
4 BY:

5 (A) A POLICE OFFICER.

6 (B) A MEMBER OF A HEALTH PROFESSION AS DEFINED UNDER SECTION
7 16105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16105.

8 (C) A MEMBER OF THE PERSON'S FAMILY WITHIN 3 DEGREES OF CON-
9 SANGUINITY, OR THE PERSON'S SPOUSE, WHO IS 18 YEARS OF AGE OR
10 OLDER, EXCEPT THAT A PERSON SHALL NOT REPORT THE SAME FAMILY

1 MEMBER PURSUANT TO THIS SECTION MORE THAN ONCE DURING A 12-MONTH
2 PERIOD.

3 (2) A REPORT SHALL STATE THAT THE PERSON REASONABLY AND IN
4 GOOD FAITH BELIEVES THE PERSON CANNOT SAFELY OPERATE A MOTOR
5 VEHICLE AND MUST BE BASED UPON EITHER PERSONAL OBSERVATION OR
6 PHYSICAL EVIDENCE DESCRIBED IN THE REPORT, OR UPON AN INVESTIGA-
7 TION BY A POLICE OFFICER. THE REPORT SHALL BE A WRITTEN DECLARA-
8 TION IN THE FORM PRESCRIBED BY THE SECRETARY OF STATE AND SHALL
9 CONTAIN THE NAME, ADDRESS, TELEPHONE NUMBER, AND SIGNATURE OF THE
10 PERSON MAKING THE REPORT.

11 (3) A MEMBER OF A HEALTH PROFESSION MAY REPORT TO THE SECRE-
12 TARY OF STATE ANY PATIENT DIAGNOSED OR ASSESSED AS HAVING A DIS-
13 ORDER OR CONDITION THAT MAY PREVENT THAT PERSON FROM SAFELY OPER-
14 ATING A MOTOR VEHICLE. THE REPORT SHALL STATE THE DIAGNOSIS OR
15 ASSESSMENT AND WHETHER THE CONDITION IS PERMANENT OR TEMPORARY.
16 THE EXISTENCE OF A PHYSICIAN-PATIENT RELATIONSHIP DOES NOT PRE-
17 VENT THE MAKING OF A REPORT UNDER THIS SUBSECTION BY A MEDICAL
18 PROFESSIONAL.

19 (4) A PERSON WHO MAKES A REPORT IN GOOD FAITH UNDER THIS
20 SECTION IS IMMUNE FROM ANY CIVIL LIABILITY THAT OTHERWISE MIGHT
21 RESULT FROM MAKING THE REPORT. NOTWITHSTANDING SECTION 208A, THE
22 REPORTS MADE AND MEDICAL RECORDS REVIEWED AND MAINTAINED BY THE
23 SECRETARY OF STATE UNDER THIS SECTION ARE CONFIDENTIAL EXCEPT
24 UPON ORDER OF A COURT OF COMPETENT JURISDICTION.

25 (5) THE SECRETARY OF STATE SHALL KEEP RECORDS AND STATISTICS
26 OF REPORTS MADE AND ACTIONS TAKEN AGAINST DRIVER LICENSES UNDER
27 THIS SECTION.

1 (6) THE SECRETARY OF STATE SHALL DEVELOP A STANDARDIZED FORM
2 AND PROVIDE GUIDELINES FOR THE REPORTING OF CASES. THE SECRETARY
3 OF STATE SHALL PROVIDE HEALTH CARE PROFESSIONALS AND LAW ENFORCE-
4 MENT OFFICERS WITH INFORMATION ABOUT THE PROCEDURES AUTHORIZED IN
5 THIS SECTION.

6 (7) ANY PERSON WHO KNOWINGLY VIOLATES A CONFIDENTIALITY PRO-
7 VISION OF THIS SECTION OR WHO KNOWINGLY PERMITS OR ENCOURAGES THE
8 UNAUTHORIZED USE OF A REPORT OR REPORTING PERSON'S NAME IN VIOLA-
9 TION OF THIS SECTION IS GUILTY OF A MISDEMEANOR.

10 (8) A PERSON WHO INTENTIONALLY FILES A FALSE REPORT UNDER
11 THIS SECTION IS GUILTY OF A MISDEMEANOR.

12 (9) A PERSON WHOSE CONDITION IS TEMPORARY IN NATURE AS
13 REPORTED UNDER SUBSECTION (3) MAY APPEAL TO THE SECRETARY OF
14 STATE FOR REINSTATEMENT OF HIS OR HER LICENSE. THE REQUEST SHALL
15 BE IN WRITING AND ACCOMPANIED BY A STATEMENT FROM A HEALTH CARE
16 PROFESSIONAL WITH THE SAME OR SIMILAR LICENSE AS THE HEALTH CARE
17 PROFESSIONAL WHO MADE THE INITIAL REPORT RESULTING IN THE LIMITA-
18 TION OR LOSS OF THE DRIVER LICENSE. APPEALS UNDER THIS SECTION
19 SHALL FOLLOW THE APPEAL PROCEDURES IN SECTION 322.