

Legislative Analysis



REPORTS BY PHYSICIANS AND OPTOMETRISTS TO SECRETARY OF STATE ON DRIVERS

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Senate Bills 402 and 403 (Substitutes S-1)

Sponsor: Sen. Tonya Schuitmaker

House Committee: Transportation

Senate Committee: Transportation

Complete to 9-18-12

A SUMMARY OF SENATE BILLS 402 AND 403 AS PASSED BY THE SENATE 6-14-12

Senate Bill 402 would amend the Public Health Code to allow, but not require, a physician or optometrist to report to the secretary of state or warn third parties about a patient's mental and physical qualifications to operate a motor vehicle so as not to jeopardize the safety of persons or property due to "an episode."

The bill would define "episode" to mean (1) an experience derived from a condition that causes or contributes to loss of consciousness, blackout, seizure, a fainting spell, syncope, or any other impairment of the level of consciousness; (2) an experience derived from a condition that causes an impairment of an individual's driving judgment; or (3) an experience derived from an impairment of an individual's vision.

Under the bill, a physician or optometrist could submit a report to the secretary of state for the purpose of initiating or contributing to an examination of a driver's physical and mental qualifications to operate a motor vehicle safely. In making such a report, the physician or optometrist must recommend a period of license suspension. The recommended suspension period would have to be at least six months in the case of a patient holding an operator's license, and at least 12 months in the case of a patient holding a commercial license.

The bill would provide immunity from criminal or civil liability for a physician or optometrist who reported to the secretary of state or a third party or chose not to report to the secretary of state or warn a third party. Under the bill, a physician or optometrist making a report, acting in good faith and exercising due care by documenting his or her file or medical record regarding an episode would be immune from civil or criminal liability resulting from the report to a patient or third party that may have been injured by the patient's actions.

Senate Bill 403 would amend the Michigan Vehicle Code to authorize the secretary of state to consider a written report and recommendation submitted by a personal physician or optometrist under Senate Bill 402 in an examination regarding the license applicant's physical and mental qualifications to operate a motor vehicle. The report would be confidential.

The bills are tie-barred to each other, meaning both must be enacted for either to take effect.

FISCAL IMPACT:

The Department of State indicated they would anticipate an increase, by an indeterminate amount, in the number of driver's license re-examinations under the provisions of the bills. However, any cost increases associated with the provisions of the bills would be absorbed by current appropriation levels.

Any driver's license that was suspended and subsequently eligible for reinstatement would require a driver reinstatement fee of \$125. The breakdown of the deposit of the revenue from the fee is as follows: \$50 to the Michigan Department of State; \$35 to the Michigan Department of Transportation – Economic Development Fund; \$10 to the Drunk Driving Prevention Equipment and Training Fund; and \$30 to the Drunk Driving Case Flow Assistance Fund.

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