

HOUSE No. 2241

The Commonwealth of Massachusetts

PRESENTED BY:
Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act relative to impaired drivers.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------|---------------------------|
| Kay Khan | 11th Middlesex |
| John W. Scibak | 2nd Hampshire |
| William N. Brownsberger | 24th Middlesex |
| Denise Provost | 27th Middlesex |
| Patricia D. Jehlen | Second Middlesex |
| Bruce E. Tarr | First Essex and Middlesex |
| Barbara A. L'Italien | 18th Essex |
| Kathi-Anne Reinstein | 16th Suffolk |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2332 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT RELATIVE TO IMPAIRED DRIVERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 90 of the General Laws as appearing in the 2004 Official Edition shall be amended by inserting after Section 8C the following section:--

Section 8C½. (a) For the purposes of this section the following words shall, unless the context clearly requires otherwise, have the following meanings:—

“Physician” means a doctor of medicine or osteopathy licensed to practice medicine by the Board of Registration in Medicine for the Commonwealth of Massachusetts.

“Health care provider” means a person licensed, certified or otherwise authorized or permitted by the laws of this state to administer health care.

(b) Every physician and health care provider may report to the registrar of motor vehicles in writing every patient at least 16 years of age or older whom the physician or health care provider has diagnosed with a cognitive or functional impairment that affects that person’s ability to safely operate a motor vehicle□

(c) The commissioner of public health in consultation with the registrar of motor vehicles, medical experts and experts on cognitive or functional impairments, and the medical advisory board of the registry of motor vehicles shall promulgate regulations designating the cognitive or functional impairments that are likely to affect a person’s ability to safely operate a motor vehicle□ Determinations regarding a person’s ability to safely operate a motor vehicle may not be based solely on the diagnosis of a medical condition or cognitive or functional impairment, but must be based on the actual effect of that condition or impairment on the person’s ability to safely operate a motor vehicle.

(d) Reports required by the registrar under this section shall be upon forms prescribed or provided by the registrar. Each report shall include the person’s name, address, date of birth, sex and a description of how the person’s current medical status affects the person’s ability to safely operate a motor vehicle□ The registrar of motor vehicles shall consider this information in determining whether to issue or suspend a license to operate motor vehicles.

(e) If a physician or health care provider makes a report, pursuant to this section, to the department in good faith, that person shall be immune from civil liability that might otherwise result from making the report. If a physician or health care provider does not

make a report, that person shall be immune from civil liability that might otherwise result from not making the report.

(f) The reports required by the registry under this section are confidential and shall be used by the registrar only to determine the qualifications of persons to operate motor vehicles.