

HOUSE BILL No. 5197

October 18, 1989, Introduced by Reps. Stupak, Leland, Perry Bullard and Pitoniak and referred to the Committee on Transportation.

A bill to amend Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws, by adding section 303b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 300 of the Public Acts of 1949, as
2 amended, being sections 257.1 to 257.923 of the Michigan Compiled
3 Laws, is amended by adding section 303b to read as follows:

4 SEC. 303B. (1) A HEALTH ADVISORY CONSULTANT SERVICE IS
5 ESTABLISHED WITHIN THE DEPARTMENT. THE SECRETARY OF STATE MAY
6 DESIGNATE IN WRITING UP TO 15 PERSONS TO SERVE AS CONSULTANTS.

7 (2) IN DESIGNATING A CONSULTANT, THE SECRETARY OF STATE
8 SHALL CONSIDER PERSONS DEMONSTRATING EXPERTISE IN FAMILY PRACTICE
9 MEDICINE, INTERNAL MEDICINE, REHABILITATION MEDICINE, CARDIOLOGY,

1 PHYSICAL THERAPY, OCCUPATIONAL THERAPY, PSYCHIATRY, NEUROLOGY,
2 PSYCHOLOGY, OPHTHALMOLOGY, OPTOMETRY, AND OTHER DISCIPLINES UTI-
3 LIZED IN THE DIAGNOSIS, TREATMENT, OR REHABILITATION OF PHYSICAL
4 AND MENTAL DISABILITIES WHICH COULD AFFECT A PERSON'S ABILITY TO
5 OPERATE A MOTOR VEHICLE SAFELY. THE SECRETARY OF STATE MAY ALSO
6 CONSIDER DESIGNATING AS A CONSULTANT, A HANDICAPPER WHO IS KNOWL-
7 EDGEABLE IN FUNCTIONAL LIMITATIONS WHICH MAY AFFECT THE SAFE
8 OPERATION OF MOTOR VEHICLES, AND DRIVER EVALUATORS OR INSTRUCTORS
9 WHO SPECIALIZE IN DRIVER EDUCATION OF THE DISABLED AND ADAPTIVE
10 MOTOR VEHICLE EQUIPMENT INSTRUCTION.

11 (3) EACH CONSULTANT SHALL SERVE FOR A TERM OF 2 YEARS AFTER
12 THE DATE OF DESIGNATION. A CONSULTANT MAY BE REDESIGNATED 3
13 TIMES.

14 (4) A CONSULTANT, UPON REQUEST OF THE SECRETARY OF STATE,
15 SHALL PERFORM THE FOLLOWING DUTIES:

16 (A) REVIEW MEDICAL AND OTHER RECORDS CONTAINING INFORMATION
17 WHICH MAY BE RELEVANT TO THE ABILITY OF A PERSON TO OPERATE A
18 MOTOR VEHICLE SAFELY.

19 (B) PREPARE A WRITTEN ADVISORY OPINION OR REPORT CONCERNING
20 THE ABILITY OF A PERSON TO OPERATE A MOTOR VEHICLE SAFELY. THE
21 OPINION OR REPORT MAY INCLUDE A RECOMMENDATION WITH REGARD TO
22 SUBSEQUENT ADMINISTRATIVE ACTION OF THE DEPARTMENT.

23 (C) ATTEND ADMINISTRATIVE HEARINGS CONCERNING DRIVERS AND
24 MEETINGS CONCERNING THE HEALTH ASPECTS OF SAFE DRIVING.

25 (D) ADVISE THE SECRETARY OF STATE ON PHYSICAL, VISION, AND
26 MENTAL STANDARDS FOR DRIVER LICENSE APPLICANTS AND EXAMINATIONS.

1 (5) A REPORT OR OPINION PREPARED BY A CONSULTANT FOR THE
2 PURPOSE OF ASSISTING THE SECRETARY OF STATE TO DETERMINE WHETHER
3 A PERSON POSSESSES ABILITY TO OPERATE A MOTOR VEHICLE SAFELY
4 SHALL BE CONSIDERED CONFIDENTIAL. A REPORT OR OPINION PREPARED
5 BY A CONSULTANT MAY NOT BE DISCLOSED TO AN INDIVIDUAL WHO IS NOT
6 EMPLOYED BY THE DEPARTMENT, UNLESS THE PERSON UNDER REVIEW GIVES
7 HIS OR HER WRITTEN PERMISSION TO DO SO.

8 (6) A DUTY ASSIGNED TO A CONSULTANT SHALL BE PERFORMED
9 WITHIN A REASONABLE PERIOD OF TIME.

10 (7) A CONSULTANT SHALL BE REIMBURSED FOR TRAVEL AND OTHER
11 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER
12 DUTIES. THE SECRETARY OF STATE SHALL ESTABLISH AND PAY HOURLY
13 RATES FOR CONSULTANTS PERFORMING ASSIGNED TASKS, SUCH RATES TO
14 VARY AND BE COMMENSURATE WITH THE QUALIFICATIONS OF THE
15 CONSULTANT.