



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bills 1414 and 1415 (as introduced 6-25-08)
Sponsor: Senator Dennis Olshove
Committee: Transportation

Date Completed: 9-9-08

CONTENT

Senate Bills 1414 and 1415 would amend the Public Health Code and the Michigan Vehicle Code, respectively, to do the following:

- Allow a physician to report to the Secretary of State (SOS) or warn third parties about a person's mental or physical qualifications to operate a motor vehicle, but provide that a physician would have no affirmative obligation to do so.**
- Require a physician making a report to recommend a suspension of at least six months for an operator's license, and at least 12 months for a commercial license.**
- Immunize a physician from civil and criminal liability to the patient or a third party who could have been injured by the patient's actions, if the physician made or did not make a report.**
- Allow the SOS to consider a written medical opinion and recommendation from the personal physician of an applicant for a driver license in examining the applicant's physical and mental qualifications to operate a motor vehicle.**

The bills are tie-barred to each other and described in detail below.

Senate Bill 1414

Under the bill, a physician would have no affirmative obligation to report to the SOS or warn third parties regarding any knowledge concerning a person's mental and physical qualifications to operate a motor vehicle in a manner as not to jeopardize the safety of people and property due to an episode, but could voluntarily do so. A physician who chose not to make a report to the SOS or warn third parties would be immune from any criminal or civil liability to the patient or third party who could have been injured by the patient's actions.

A physician could make a report under the bill and submit that report to the SOS for the purpose of initiating or contributing to an examination of an applicant's physical and mental qualifications to operate a motor vehicle in a manner as not to jeopardize the safety of people and property pursuant to Section 309 of the Michigan Vehicle Code (the section that Senate Bill 1415 would amend). In making that report, the physician would have to recommend that the suspension be for at least six months or longer as the physician determined appropriate regarding a routine operator's permit. In the case of a patient holding a commercial license, the period of recommend suspension would have to be at least 12 months or longer as determined appropriate by the physician.

A physician making a report, acting in good faith and exercising due care as evidenced by documenting his or her file or medical record regarding an episode, would be immune from any civil or criminal liability, resulting from the report, to the patient or a third party who could have been injured by the patient's actions.

The bill would define "episode" as either or both of the following:

- 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.
- An experience derived from a condition that causes an impairment of an individual's driving judgment.

Senate Bill 1415

Under Section 309 of the Michigan Vehicle Code, the SOS must examine each applicant for an operator's or chauffeur's license who at the time of the application does not hold a valid, unrevoked operator's or chauffeur's license under a law of this State providing for the licensing of drivers. The SOS must promulgate rules for the examination of the applicant's physical and mental qualifications to operate a motor vehicle in a manner as not to jeopardize the safety of people or property, and must ascertain whether there are facts that would bar the issuance of an operator's or chauffeur's license.

Under the bill, the SOS could consider written medical opinion and recommendation received from the personal physician of an applicant submitted under Section 5124 of the Public Health Code (proposed by Senate Bill 1414) in making the examination regarding the applicant's physical and mental qualifications to operate a motor vehicle under Section 309 and R 257.851-257.855 of the Michigan Administrative Code. (Those rules prescribe physical and mental standards for drivers.) A report received by the SOS from a physician under the bill would be confidential.

Proposed MCL 333.25124 (S.B. 1414)
MCL 257.309 (S.B. 1415)

Legislative Analyst: Craig Laurie

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

S0708\1414sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.