

SENATE BILL No. 1414

June 25, 2008, Introduced by Senators OLSHOVE, GEORGE and SCOTT and referred to the Committee on Transportation.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 5124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5124. (1) A PHYSICIAN HAS NO AFFIRMATIVE OBLIGATION TO
2 REPORT TO THE SECRETARY OF STATE OR WARN THIRD PARTIES REGARDING
3 ANY KNOWLEDGE CONCERNING A PERSON'S MENTAL AND PHYSICAL
4 QUALIFICATIONS TO OPERATE A MOTOR VEHICLE IN A MANNER AS NOT TO
5 JEOPARDIZE THE SAFETY OF PERSONS AND PROPERTY DUE TO AN EPISODE,
6 BUT MAY VOLUNTARILY DO SO. A PHYSICIAN CHOOSING NOT TO MAKE A
7 REPORT TO THE SECRETARY OF STATE OR WARN THIRD PARTIES AS PROVIDED
8 FOR UNDER THIS SUBSECTION IS IMMUNE FROM ANY CRIMINAL OR CIVIL
9 LIABILITY TO THE PATIENT OR THIRD PARTY THAT MAY HAVE BEEN INJURED

1 BY THE PATIENT'S ACTIONS.

2 (2) A PHYSICIAN MAY MAKE A REPORT UNDER THIS SECTION AND
3 SUBMIT THAT REPORT TO THE SECRETARY OF STATE FOR THE PURPOSE OF
4 INITIATING OR CONTRIBUTING TO AN EXAMINATION OF AN APPLICANT'S
5 PHYSICAL AND MENTAL QUALIFICATIONS TO OPERATE A MOTOR VEHICLE IN A
6 MANNER AS NOT TO JEOPARDIZE THE SAFETY OF PERSONS AND PROPERTY
7 PURSUANT TO SECTION 309 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
8 MCL 257.309. IN MAKING THAT REPORT, THE PHYSICIAN SHALL RECOMMEND
9 THAT THE SUSPENSION BE FOR AT LEAST 6 MONTHS OR LONGER AS
10 DETERMINED APPROPRIATE BY THE PHYSICIAN WITH REGARD TO A ROUTINE
11 OPERATOR'S PERMIT, AND IN THE CASE OF A PATIENT HOLDING A
12 COMMERCIAL LICENSE, THE PERIOD OF RECOMMENDED SUSPENSION SHALL BE
13 AT LEAST 12 MONTHS OR LONGER AS DETERMINED APPROPRIATE BY THE
14 PHYSICIAN.

15 (3) A PHYSICIAN MAKING A REPORT UNDER SUBSECTION (2), ACTING
16 IN GOOD FAITH AND EXERCISING DUE CARE AS EVIDENCED BY DOCUMENTING
17 HIS OR HER FILE OR MEDICAL RECORD REGARDING AN EPISODE, IS IMMUNE
18 FROM ANY CIVIL OR CRIMINAL LIABILITY, RESULTING FROM THE REPORT, TO
19 THE PATIENT OR A THIRD PARTY THAT MAY HAVE BEEN INJURED BY THE
20 PATIENT'S ACTIONS.

21 (4) AS USED IN THIS SECTION:

22 (A) "EPISODE" MEANS EITHER OR BOTH OF THE FOLLOWING:

23 (i) AN EXPERIENCE DERIVED FROM A CONDITION THAT CAUSES OR
24 CONTRIBUTES TO LOSS OF CONSCIOUSNESS, BLACKOUT, SEIZURE, A FAINTING
25 SPELL, SYNCOPE, OR ANY OTHER IMPAIRMENT OF THE LEVEL OF
26 CONSCIOUSNESS.

27 (ii) AN EXPERIENCE DERIVED FROM A CONDITION THAT CAUSES AN

1 IMPAIRMENT OF AN INDIVIDUAL'S DRIVING JUDGMENT.

2 (B) "PHYSICIAN" MEANS THAT TERM AS DEFINED UNDER PART 170 OR
3 175.

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No. 1415

6 of the 94th Legislature is enacted into law.