

House Bill 2526

Sponsored by Representative HUNT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Transportation to immediately notify person if physician, health care provider or superintendent of hospital for mentally ill or mentally retarded informs department that person should not drive because of physical or mental condition or impairment.

A BILL FOR AN ACT

1
2 Relating to suspension of driving privileges; amending ORS 807.700 and 807.710.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 807.700 is amended to read:

5 807.700. (1) It shall be the duty of the superintendent of the hospital for the mentally ill or
6 mentally retarded to notify the Department of Transportation as to released licensed operators who,
7 in the opinion of the superintendent, should not drive because of their mental condition.

8 (2) Upon receipt of information submitted under this section, the department:

9 (a) Is subject to the provisions relating to this section under ORS 809.419; **and**

10 (b) **Shall immediately notify the person who is the subject of the notice of the informa-**
11 **tion contained in the notice.**

12 **SECTION 2.** ORS 807.710 is amended to read:

13 807.710. (1) For the purposes of this section:

14 (a) "Physician" means a doctor of medicine or osteopathy licensed to practice medicine by the
15 Board of Medical Examiners for the State of Oregon.

16 (b) "Health care provider" means a person licensed, certified or otherwise authorized or per-
17 mitted by the laws of this state to administer health care.

18 (2) In consultation with medical experts and experts on cognitive or functional impairments, the
19 Department of Transportation shall adopt rules requiring reporting and:

20 (a) Designating physicians and health care providers required to report to the department a
21 person whose cognitive or functional impairment affects that person's ability to safely operate a
22 motor vehicle. If a designated physician or health care provider makes a report to the department
23 in good faith, that person shall be immune from civil liability that might otherwise result from
24 making the report. If a designated physician or health care provider does not make a report, that
25 person shall be immune from civil liability that might otherwise result from not making the report.

26 (b) Designating the cognitive or functional impairments that are likely to affect a person's abil-
27 ity to safely operate a motor vehicle.

28 (3) Determinations regarding a person's ability to safely operate a motor vehicle may not be
29 based solely on the diagnosis of a medical condition or cognitive or functional impairment, but must
30 be based on the actual effect of that condition or impairment on the person's ability to safely oper-
31 ate a motor vehicle.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) Reports required by the department under this section shall be upon forms prescribed or
2 provided by the department. Each report shall include the person's name, address, date of birth, sex
3 and a description of how the person's current medical status affects the person's ability to safely
4 operate a motor vehicle. The State Health Officer shall consider this information in determining
5 whether to issue a certificate of eligibility under ORS 807.090.

6 (5) Except as provided in ORS 802.240 **and subsection (6) of this section**, the reports required
7 by the department under this section are confidential and shall be used by the department only to
8 determine the qualifications of persons to operate motor vehicles upon the highways.

9 **(6) Upon receipt of a report filed by a physician or health care provider under this sec-**
10 **tion, the department shall immediately notify the person who is the subject of the report of**
11 **the information contained in the report.**

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