

# House Bill 3185

Sponsored by Representative BERGER; Representatives MATTHEWS, OLSON

## 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**.

Modifies provisions for physicians and health care providers required to report person whose cognitive or functional impairment may affect person's ability to safely operate motor vehicle.

Directs Department of Transportation to develop and use assessment to make certain determinations.

Modifies basis for determining whether person with cognitive or functional impairment is able to drive safely.

## A BILL FOR AN ACT

1  
2 Relating to driving privileges; creating new provisions; and amending ORS 807.710.

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

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of the Oregon Vehicle**  
5 **Code.**

6 **SECTION 2. (1) The Department of Transportation shall, by rule, develop and use a**  
7 **science-based assessment for each person about whom the department receives a report**  
8 **under ORS 807.710.**

9 **(2) After receiving a report from a physician or health care provider under ORS 807.710,**  
10 **the department shall use the report and the assessment developed under subsection (1) of**  
11 **this section to determine the eligibility of the person who is the subject of the report for a**  
12 **driver license or driver permit. In making the determination, the department shall consider**  
13 **the person's driving competence and the actual effect that the person's impairment has on**  
14 **the person's ability to safely operate a motor vehicle.**

15 **SECTION 3. ORS 807.710 is amended to read:**

16 807.710. (1) For the purposes of this section:

17 (a) "Physician" means a person who holds a degree of Doctor of Medicine or Doctor of  
18 Osteopathy and is licensed under ORS chapter 677 and a person who holds a degree of Doctor of  
19 Naturopathic Medicine and is licensed under ORS chapter 685.

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

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

24 (a) Designating physicians and health care providers required to report to the department a  
25 person whose **persistent or episodic** cognitive or functional impairment [*affects that*] **may affect**  
26 **the person's ability to safely operate a motor vehicle.** If a designated physician or health care pro-  
27 **vider makes a report to the department in good faith, [*that person*] the physician or health care**  
28 **provider shall be immune from civil liability that might otherwise result from making the report.**  
29 **If a designated physician or health care provider does not make a report, [*that person*] the physi-**

**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 **cian or health care provider** shall be immune from civil liability that might otherwise result from  
2 not making the report.

3 (b) Designating the **persistent or episodic** cognitive or functional impairments that [*are likely*  
4 *to*] **may** affect a person's ability to safely operate a motor vehicle.

5 [(3) *Determinations regarding a person's ability to safely operate a motor vehicle may not be based*  
6 *solely on the diagnosis of a medical condition or cognitive or functional impairment, but must be based*  
7 *on the actual effect of that condition or impairment on the person's ability to safely operate a motor*  
8 *vehicle.*]

9 [(4) (3) Reports required by the department under this section shall be upon forms prescribed  
10 or provided by the department. Each report shall include the person's name, address, date of birth,  
11 sex and a description of how the person's current medical status affects the person's ability to safely  
12 operate a motor vehicle. [*The department shall consider this information in determining the person's*  
13 *eligibility for a driver license or driver permit.*]

14 [(5) (4) Except as provided in ORS 802.240, the reports required by the department under this  
15 section are confidential and shall be used by the department only to determine the qualifications  
16 of persons to operate motor vehicles upon the highways.

17 **SECTION 4. Section 2 of this 2011 Act and the amendments to ORS 807.710 by section 3**  
18 **of this 2011 Act apply to reports submitted to the Department of Transportation on or after**  
19 **the effective date of this 2011 Act.**

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