

Enrolled
House Bill 2195

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Transportation and Economic Development for At Risk Driver Work Group)

CHAPTER

AN ACT

Relating to impaired drivers; amending ORS 807.710.

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

SECTION 1. ORS 807.710 is amended to read:

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

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

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

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

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

(b) Designating the cognitive or functional impairments that are likely to affect a person's ability to safely operate a motor vehicle.

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

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

(5) A designated physician or health care provider may at any time report to the department a person whose cognitive or functional impairment affects that person's ability to safely operate a motor vehicle, without regard to whether that report is required by rules of the department adopted under subsection (2) of this section. If the report is made in good faith, the physician or health care provider is immune from civil liability that might other-

wise result from making the report. A designated physician or health care provider is immune from civil liability for failure to make a report under this section, without regard to whether that report is required by rules of the department adopted under subsection (2) of this section.

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

Passed by House April 3, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate April 30, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State