S T A T E O F N E W Y O R K

5372

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ERRIGO, BURLING, FINCH, KOLB, TOBACCO, WALKER -- Multi-Sponsored by -- M. of A. CALHOUN, CROUCH, HAWLEY, MILLER, TEDISCO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing confidential reporting of persons who are potentially unfit drivers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 506 of the vehicle and traffic law, as added by chapter 780 of the laws of 1972, is amended to read as follows:

1. If the commissioner has reasonable grounds to believe that a person holding a license issued pursuant to this article is not qualified to drive a motor vehicle, the commissioner may require such person to submit to an examination to determine his qualifications.

FOR PURPOSES OF THIS SUBDIVISION, REASONABLE GROUNDS TO BELIEVE THAT A LICENSEE IS NOT QUALIFIED TO DRIVE A MOTOR VEHICLE SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, A REPORT SUBMITTED TO THE COMMISSIONER PURSUANT TO SECTION FIVE HUNDRED SIX-A OF THIS ARTICLE.

S 2. The vehicle and traffic law is amended by adding a new section 506-a to read as follows:

S 506-A. REPORTING OF LICENSEES FOR REEXAMINATION. 1. THE COMMISSIONER SHALL HAVE REASONABLE GROUNDS TO BELIEVE THAT A PERSON HOLDING A LICENSE ISSUED PURSUANT TO THIS ARTICLE IS NOT QUALIFIED TO DRIVE A MOTOR VEHICLE ON THE BASIS OF A REPORT BY:

(A) ANY POLICE OFFICER;

(B) ANY PHYSICIAN LICENSED UNDER ARTICLE ONE HUNDRED THIRTY-ONE OF THE EDUCATION LAW, ANY PHYSICIAN ASSISTANT OR SPECIALIST ASSISTANT LICENSED UNDER ARTICLE ONE HUNDRED THIRTY-ONE-B OF THE EDUCATION LAW, ANY CHIROPRACTOR LICENSED UNDER ARTICLE ONE HUNDRED THIRTY-TWO OF THE EDUCATION LAW, ANY PHYSICAL THERAPIST LICENSED UNDER ARTICLE ONE HUNDRED THIRTY-SIX OF THE EDUCATION LAW, ANY REGISTERED PROFESSIONAL NURSE OR LICENSED PRACTICAL NURSE LICENSED UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW, ANY PSYCHOLOGIST LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-THREE OF THE EDUCATION LAW, ANY CERTIFIED SOCIAL WORKER

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-FOUR OF THE EDUCATION LAW, ANY OCCUPATIONAL THERAPIST LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-SIX OF THE EDUCATION LAW; OR

(C) ANY MEMBER OF THE LICENSEE'S FAMILY WITHIN THREE DEGREES OF CONSANGUINITY, OR THE LICENSEE'S SPOUSE, WHO HAS REACHED THE AGE OF EIGHTEEN, EXCEPT THAT NO PERSON MAY REPORT THE SAME FAMILY MEMBER PURSUANT TO THIS SECTION MORE THAN ONE TIME DURING A TWELVE MONTH PERIOD.

2. REASONABLE GROUNDS BY THE COMMISSIONER TO BELIEVE THAT A PERSON HOLDING A LICENSE ISSUED PURSUANT TO THIS ARTICLE IS NOT QUALIFIED TO DRIVE A MOTOR VEHICLE SHALL NOT BE LIMITED BY THE REASONABLE GROUNDS BASED ON REPORTS PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

3. THE REPORT SHALL STATE THAT THE PERSON REASONABLY AND IN GOOD FAITH BELIEVES THE LICENSEE IS NOT QUALIFIED TO DRIVE A MOTOR VEHICLE AND SHALL BE BASED UPON PERSONAL OBSERVATION OR PHYSICAL EVIDENCE WHICH SHALL BE DESCRIBED IN THE REPORT, OR THE REPORT SHALL BE BASED UPON AN INVESTIGATION BY A POLICE OFFICER. THE REPORT SHALL BE ON A WRITTEN FORM PRESCRIBED BY THE COMMISSIONER AND SHALL CONTAIN THE NAME, ADDRESS, TELEPHONE NUMBER AND SIGNATURE OF THE PERSON FILING THE REPORT.

4. ANY PERSON WHO FILES A REPORT IN GOOD FAITH PURSUANT TO THIS SECTION SHALL BE IMMUNE FROM ANY CIVIL LIABILITY THAT OTHERWISE MIGHT RESULT FROM FILING THE REPORT. THE EXISTENCE OF A PHYSICIAN-PATIENT RELATIONSHIP SHALL NOT PREVENT THE FILING OF A REPORT BY SUCH HEALTH CARE PROFESSIONALS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL REPORTS FILED AND ALL MEDICAL RECORDS REVIEWED AND MAINTAINED BY THE COMMISSIONER UNDER THIS SECTION SHALL BE KEPT CONFIDENTIAL EXCEPT UPON THE ORDER OF A COURT OF COMPETENT JURISDICTION OR IN AN APPEAL FILED PURSUANT TO ARTICLE THREE-A OF THIS CHAPTER.

5. ANY PERSON WHO KNOWINGLY VIOLATES A CONFIDENTIALITY PROVISION OF THIS SECTION OR ENCOURAGES THE UNAUTHORIZED USE OF A REPORT OR REPORTING PERSON'S NAME IN VIOLATION OF THIS SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

6. ANY PERSON WHO INTENTIONALLY FILES A FALSE REPORT UNDER THIS SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

7. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

8. THE PROVISIONS OF THIS SECTION SHALL CEASE TO BE OF ANY FORCE OR EFFECT ON OR AFTER JULY FIRST, TWO THOUSAND THIRTEEN.

S 3. (1) The commissioner of motor vehicles shall examine and assess the effectiveness of the reporting program with such examination and assessment including, but not limited to, consideration of the:

(a) quantity of reports;

(b) number of reexaminations given to licensees as a result of the reports;

(c) number of licensees who fail the reexamination given as a result of the reports;

(d) the numerical proportion of such reexaminations as compared to the total number of reports; and

(e) compliance with confidentiality requirements for the reports.

(2) The commissioner of motor vehicles shall submit a report regarding the examination and assessment set forth in this section to the governor, temporary president of the senate, speaker of the assembly, minority leader of the assembly and the minority leader of the senate on or before January 1, 2013.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.