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

6016

2015-2016 Regular Sessions

I N S E N A T E

July 15, 2015

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to requiring disclosure to the department of motor vehicles of any condition which may cause a person licensed to operate a motor vehicle to lose consciousness or have impaired cognition

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

Section 1. The vehicle and traffic law is amended by adding a new section 216-b to read as follows:

S 216-B. REPORTS OF HEALTH CONDITIONS THAT MAY IMPAIR THE ABILITY TO OPERATE A MOTOR VEHICLE. 1. IN ADDITION TO ANY OTHER PROVISION OF LAW OR REGULATION RELATING TO THE FITNESS OF AN APPLICANT TO OPERATE A MOTOR VEHICLE, WHEN A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT OR NURSE PRACTITIONER PROVIDING TREATMENT TO ANY PERSON SIXTEEN YEARS OF AGE OR OLDER DETERMINES OR DIAGNOSES, THAT SUCH PERSON HAS ANY CHRONIC CONDITION WHICH CAUSES OR MAY CAUSE HIM OR HER TO SUFFER UNCONSCIOUSNESS OR UNAWARENESS, INCLUDING BUT NOT LIMITED TO A CONVULSIVE DISORDER, EPILEPSY, FAINTING, DIZZY SPELLS OR CORONARY AILMENTS, SUCH MEDICAL PROFESSIONAL SHALL BE REQUIRED TO REPORT, AS SOON AS PRACTICABLE, BUT IN NO EVENT MORE THAN FIFTEEN DAYS AFTER SUCH DIAGNOSIS DETERMINATION, TO THE DEPARTMENT, IN SUCH FORM AND WITH SUCH CONTENT AS SHALL BE DETERMINED BY THE COMMISSIONER, THE FACTS RELATED TO SUCH PERSON'S CONDITION AND ABILITY TO OPERATE A MOTOR VEHICLE.

2. UPON RECEIPT OF A REPORT PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE DEPARTMENT SHALL CAUSE AN INVESTIGATION TO BE CONDUCTED INTO THE CONDITION AND ABILITY TO OPERATE A MOTOR VEHICLE OF THE SUBJECT OF SUCH REPORT. SUCH INVESTIGATION SHALL BE CONDUCTED BY THE MEDICAL REVIEW UNIT OF THE DEPARTMENT, WHICH SHALL, UPON COMPLETION OF ITS INVESTIGATION, MAKE RECOMMENDATIONS TO THE COMMISSIONER AS TO THE APPLICANT'S FITNESS TO OPERATE A MOTOR VEHICLE, INCLUDING WHETHER ANY

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

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RESTRICTIONS SHOULD BE PLACED UPON SUCH PERSON'S DRIVER'S LICENSE, WHETHER HIS OR HER LICENSE SHOULD BE SUSPENDED, REVOKED OR DENIED, OR WHETHER SUCH LICENSE SHOULD BE CONTINUED WITHOUT RESTRICTION.

3. THE REPORTS AND ALL CONTENTS THEREOF REQUIRED TO BE DISCLOSED PURSUANT TO THIS SECTION SHALL BE CONFIDENTIAL, SHALL BE USED SOLELY FOR PURPOSES OF CONDUCTING INVESTIGATIONS INTO THE CONDITION AND ABILITY TO OPERATE A MOTOR VEHICLE OF THE SUBJECTS OF SUCH REPORTS, AND SHALL NOT BE ENTERED OR RECEIVED AT ANY CIVIL, CRIMINAL OR ADMINISTRATIVE TRIAL, HEARING OR PROCEEDING, EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SECTION.

4. NO LICENSED PHYSICIAN, PHYSICIAN ASSISTANT OR NURSE PRACTITIONER SHALL BE HELD CIVILLY OR CRIMINALLY LIABLE IN ANY ACTION OR PROCEEDING ON ACCOUNT OF ANY REPORT OR DISCLOSURE OF INFORMATION IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

S 2. Section 506 of the vehicle and traffic law is amended by adding a new subdivision 6 to read as follows:

6. IN ADDITION TO ANY EXISTING PROVISION OF LAW OR REGULATION, ANY PERSON HOLDING A LICENSE PURSUANT TO THIS CHAPTER WHO KNOWS HE OR SHE HAS BEEN DIAGNOSED WITH ANY CHRONIC CONDITION WHICH CAUSES OR MAY CAUSE HIM OR HER TO SUFFER UNCONSCIOUSNESS OR UNAWARENESS, INCLUDING, BUT NOT LIMITED TO A CONVULSIVE DISORDER, EPILEPSY, FAINTING, DIZZY SPELLS OR CORONARY AILMENTS, SHALL REPORT SUCH CONDITION AND FACTS RELATING THERETO TO THE COMMISSIONER WITHIN FIFTEEN DAYS AFTER SUCH DIAGNOSIS, UNLESS OTHERWISE IMPRACTICABLE. THE COMMISSIONER SHALL FORWARD SUCH REPORT FOR INVESTIGATION PURSUANT TO SUBDIVISION TWO OF SECTION TWO HUNDRED SIXTEEN-B OF THIS CHAPTER, AND SHALL TAKE SUCH REASONABLE ACTION AS MAY BE PROPER UNDER THE PROVISIONS OF THIS CHAPTER.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.