

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:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 216-b to read as follows:
3 S 216-B. REPORTS OF HEALTH CONDITIONS THAT MAY IMPAIR THE ABILITY TO
4 OPERATE A MOTOR VEHICLE. 1. IN ADDITION TO ANY OTHER PROVISION OF LAW
5 OR REGULATION RELATING TO THE FITNESS OF AN APPLICANT TO OPERATE A MOTOR
6 VEHICLE, WHEN A LICENSED PHYSICIAN, PHYSICIAN ASSISTANT OR NURSE PRACTI-
7 TIONER PROVIDING TREATMENT TO ANY PERSON SIXTEEN YEARS OF AGE OR OLDER
8 DETERMINES OR DIAGNOSES, THAT SUCH PERSON HAS ANY CHRONIC CONDITION
9 WHICH CAUSES OR MAY CAUSE HIM OR HER TO SUFFER UNCONSCIOUSNESS OR
10 UNAWARENESS, INCLUDING BUT NOT LIMITED TO A CONVULSIVE DISORDER, EPILEP-
11 SY, FAINTING, DIZZY SPELLS OR CORONARY AILMENTS, SUCH MEDICAL PROFES-
12 SIONAL SHALL BE REQUIRED TO REPORT, AS SOON AS PRACTICABLE, BUT IN NO
13 EVENT MORE THAN FIFTEEN DAYS AFTER SUCH DIAGNOSIS DETERMINATION, TO THE
14 DEPARTMENT, IN SUCH FORM AND WITH SUCH CONTENT AS SHALL BE DETERMINED BY
15 THE COMMISSIONER, THE FACTS RELATED TO SUCH PERSON'S CONDITION AND ABIL-
16 ITY TO OPERATE A MOTOR VEHICLE.
17 2. UPON RECEIPT OF A REPORT PURSUANT TO SUBDIVISION ONE OF THIS
18 SECTION, THE DEPARTMENT SHALL CAUSE AN INVESTIGATION TO BE CONDUCTED
19 INTO THE CONDITION AND ABILITY TO OPERATE A MOTOR VEHICLE OF THE SUBJECT
20 OF SUCH REPORT. SUCH INVESTIGATION SHALL BE CONDUCTED BY THE MEDICAL
21 REVIEW UNIT OF THE DEPARTMENT, WHICH SHALL, UPON COMPLETION OF ITS
22 INVESTIGATION, MAKE RECOMMENDATIONS TO THE COMMISSIONER AS TO THE APPLI-
23 CANT'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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1 RESTRICTIONS SHOULD BE PLACED UPON SUCH PERSON'S DRIVER'S LICENSE,
2 WHETHER HIS OR HER LICENSE SHOULD BE SUSPENDED, REVOKED OR DENIED, OR
3 WHETHER SUCH LICENSE SHOULD BE CONTINUED WITHOUT RESTRICTION.

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

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

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

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

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