

# STATE OF NEW YORK

10094

## IN ASSEMBLY

March 14, 2018

Introduced by M. of A. CARROLL -- read once and referred to the Committee on Transportation

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 § 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  
24 restrictions should be placed upon such person's driver's license,  
25 whether his or her license should be suspended, revoked or denied, or  
26 whether such license should be continued without restriction.

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

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1     3. The reports and all contents thereof required to be disclosed  
2 pursuant to this section shall be confidential, shall be used solely for  
3 purposes of conducting investigations into the condition and ability to  
4 operate a motor vehicle of the subjects of such reports, and shall not  
5 be entered or received at any civil, criminal or administrative trial,  
6 hearing or proceeding, except as otherwise provided for in this section.

7     4. No licensed physician, physician assistant or nurse practitioner  
8 shall be held civilly or criminally liable in any action or proceeding  
9 on account of any report or disclosure of information in accordance with  
10 the provisions of this section.

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

13     6. In addition to any existing provision of law or regulation, any  
14 person holding a license pursuant to this chapter who knows he or she  
15 has been diagnosed with any chronic condition which causes or may cause  
16 him or her to suffer unconsciousness or unawareness, including, but not  
17 limited to a convulsive disorder, epilepsy, fainting, dizzy spells or  
18 coronary ailments, shall report such condition and facts relating there-  
19 to to the commissioner within fifteen days after such diagnosis, unless  
20 otherwise impracticable. The commissioner shall forward such report for  
21 investigation pursuant to subdivision two of section two hundred  
22 sixteen-b of this chapter, and shall take such reasonable action as may  
23 be proper under the provisions of this chapter.

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