

**HOUSE . . . . . No. 2241**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Kay Khan**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to impaired drivers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	11th Middlesex
John W. Scibak	2nd Hampshire
William N. Brownsberger	24th Middlesex
Denise Provost	27th Middlesex
Patricia D. Jehlen	Second Middlesex
Bruce E. Tarr	First Essex and Middlesex
Barbara A. L'Italien	18th Essex
Kathi-Anne Reinstein	16th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2332 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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### AN ACT RELATIVE TO IMPAIRED DRIVERS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 90 of the General Laws as appearing in the 2004 Official Edition shall be  
2 amended by inserting after Section 8C the following section:--

3 Section 8C½. (a) For the purposes of this section the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:—

5 “Physician” means a doctor of medicine or osteopathy licensed to practice medicine by  
6 the Board of Registration in Medicine for the Commonwealth of Massachusetts.

7 “Health care provider” means a person licensed, certified or otherwise authorized or  
8 permitted by the laws of this state to administer health care.

9 (b) Every physician and health care provider may report to the registrar of motor  
10 vehicles in writing every patient at least 16 years of age or older whom the physician or  
11 health care provider has diagnosed with a cognitive or functional impairment that affects  
12 that person’s ability to safely operate a motor vehicle.

13 (c) The commissioner of public health in consultation with the registrar of motor  
14 vehicles, medical experts and experts on cognitive or functional impairments, and the  
15 medical advisory board of the registry of motor vehicles shall promulgate regulations  
16 designating the cognitive or functional impairments that are likely to affect a person’s  
17 ability to safely operate a motor vehicle. Determinations regarding a person’s ability to  
18 safely operate a motor vehicle may not be based solely on the diagnosis of a medical  
19 condition or cognitive or functional impairment, but must be based on the actual effect of  
20 that condition or impairment on the person’s ability to safely operate a motor vehicle.

21 (d) Reports required by the registrar under this section shall be upon forms prescribed or  
22 provided by the registrar. Each report shall include the person’s name, address, date of  
23 birth, sex and a description of how the person’s current medical status affects the  
24 person’s ability to safely operate a motor vehicle. The registrar of motor vehicles shall  
25 consider this information in determining whether to issue or suspend a license to operate  
26 motor vehicles.

27 (e) If a physician or health care provider makes a report, pursuant to this section, to the  
28 department in good faith, that person shall be immune from civil liability that might  
29 otherwise result from making the report. If a physician or health care provider does not  
30 make a report, that person shall be immune from civil liability that might otherwise result  
31 from not making the report.

32 (f) The reports required by the registry under this section are confidential and shall be  
33 used by the registrar only to determine the qualifications of persons to operate motor  
34 vehicles.