

2015 -- S 0564

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' AND CHAUFFEURS'
LICENSES

Introduced By: Senators McCaffrey, Lynch, and Walaska

Date Introduced: March 03, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-10-44 of the General Laws in Chapter 31-10 entitled "Operators'
2 and Chauffeurs' Licenses" is hereby amended to read as follows:

3 **31-10-44. Medical advisory board.** -- (a) There shall be established within the division
4 of motor vehicles a medical advisory board to function solely as an advisory panel to the
5 administrator of the division of motor vehicles on the subjects of physical and mental fitness
6 standards for licensure to operate a motor vehicle and eligibility standards for disability parking
7 privileges. When any person's eligibility or continuing eligibility for a license is questioned on the
8 grounds of physical or mental fitness, the administrator of the division of motor vehicles may
9 consult with relevant specialist members of the medical advisory board in determining that
10 person's qualifications to operate a motor vehicle. The administrator of the division of motor
11 vehicles may also consult with relevant specialist members of the medical advisory board in
12 making determinations of eligibility for disability parking privileges.

13 (b) In accordance with chapter 35 of title 42, the administrator of the division of motor
14 vehicles shall establish by regulations functional standards for determining physical and mental
15 fitness for motor vehicle licensure. The promulgated standards will be based on current medical
16 knowledge and objective data regarding fitness to safely operate motor vehicles, and will conform
17 to the requirements of the Americans With Disabilities Acts and chapter 87 of title 42. In
18 developing those functional standards the administrator of the division of motor vehicles shall

1 consult with knowledgeable health and rehabilitation professionals including the Medical Society
2 of Rhode Island and the medical advisory board.

3 (c) The medical board shall consist of a physician in general practice, a neurologist, a
4 psychiatrist, an optometrist, and an orthopedic physician who shall be appointed by the governor;
5 a physician from the Rhode Island department of health designated by the director of health who
6 shall serve ex officio; and two (2) members of the general public approved by the governor, one
7 of whom shall be representative of the elderly, and one of whom shall be representative of the
8 people who are disabled. These members shall be appointed for a period of three (3) years.

9 (d) Any physician or optometrist who diagnoses a physical or mental condition which in
10 the physician's or optometrist's judgment will significantly impair the person's ability to operate
11 safely a motor vehicle may voluntarily report the person's name and other information relevant to
12 the condition to the medical advisory board within the division of motor vehicles.

13 (e) Any physician or optometrist reporting in good faith and exercising due care shall
14 have immunity from any liability, civil or criminal, that otherwise might result by reason of his or
15 her actions pursuant to this section. ~~No cause of action may be brought against any physician or
16 optometrist for not making a report pursuant to this section.~~

17 (f) For the purposes of this section, a "physician" is any person practicing medicine
18 requiring a license pursuant to chapter 37 of title 5, and an "optometrist" is any person as defined
19 in § 5-35-1.

20 (g) Members of the medical board shall not be compensated for their services on the
21 board. They shall meet at the request of the administrator of the division of motor vehicles at a
22 time convenient to them.

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would abrogate the immunity of a physician or optometrist for failure to report a
2 physical or mental condition which would impair a person's ability to operate a motor vehicle to
3 the motor vehicle advisory board within the division of motor vehicles.

4 This act would take effect upon passage.

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