

2017 -- S 0409

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

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

Introduced By: Senators Nesselbush, and Archambault

Date Introduced: March 02, 2017

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.**

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

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

1 developing those functional standards the administrator of the division of motor vehicles shall
2 consult with knowledgeable health and rehabilitation professionals including the Medical Society
3 of Rhode Island and the medical advisory board.

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

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

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

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

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

24 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 eliminate the bar against a cause of action being brought against a
2 physician or optometrist for not making a report to the division of motor vehicle's medical
3 advisory board.

4 This act would take effect upon passage.

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