

SECOND REGULAR SESSION

# HOUSE BILL NO. 1254

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHAAF (Sponsor), PHILLIPS, BIVINS, BAKER (25),  
THRELKELD, CUNNINGHAM (86), WRIGHT (159), DUSENBERG, MOORE, FISHER, YAEGER,  
EMERY, KUESSNER, WILDBERGER AND LEMBKE (Co-sponsors).

Read 1st time January 5, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3997L.02I

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### AN ACT

To amend chapter 577, RSMo, by adding thereto one new section relating to intoxication-related traffic offenses.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 577, RSMo, is amended by adding thereto one new section, to be  
2 known as section 577.035, to read as follows:

**577.035. 1. If a person who is examined or treated at a medical facility leaves such  
2 facility and in the judgment of the licensed health care provider, the person is under the  
3 influence of alcohol, a controlled substance, or drug, or any combination thereof to an  
4 extent that it would prevent such person from safely operating a motor vehicle and the  
5 licensed health care provider reasonably suspects that the person may attempt to operate  
6 a motor vehicle in such condition, then such licensed health care provider shall notify a law  
7 enforcement agency. Such notification shall include, to the extent known by the licensed  
8 health care provider, the person's name, physical description, vehicle identifying  
9 information, location and destination, and other information requested by the law  
10 enforcement agency pertinent to identifying and locating the person and to assessing the  
11 person's ability to safely operate a motor vehicle.**

12 **2. Any person who makes a notification in good faith under this section, as well as**  
13 **any hospital or other entity that employs such person or with which such person is**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 otherwise associated, shall be immune from any civil liability that otherwise might result  
15 by reason of such action.

16         **3. This section shall not be interpreted or held to establish any duty or other basis**  
17 **for civil liability to anyone on the part of a licensed health care provider or any hospital**  
18 **or other entity that employs a licensed health care provider or with which a licensed health**  
19 **care provider is otherwise associated.**

20         **4. Any other provision of law notwithstanding, no agency, including but not limited**  
21 **to the department of public safety, the department of revenue, and each licensing board**  
22 **or commission, shall have authority to promulgate rules to implement this section or to**  
23 **take action to enforce this section against a licensed health care provider or any hospital**  
24 **or other entity that employs a licensed health care provider or with which a licensed health**  
25 **care provider is otherwise associated.**

26         **5. As used in this section "licensed health care provider" means any physician,**  
27 **dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic**  
28 **personnel that are engaged in the examination, care, treatment or research of persons, and**  
29 **any other health practitioner, psychologist, or mental health professional.**

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