

SECOND REGULAR SESSION

# HOUSE BILL NO. 1538

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DUSENBERG.

4226L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 302.291, RSMo, and to enact in lieu thereof one new section relating to driver's license qualifications.

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

Section A. Section 302.291, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.291, to read as follows:

302.291. 1. The director, having good cause to believe that an operator is incompetent or unqualified to retain his or her license, after giving ten days' notice in writing by certified mail directed to such person's present known address, may require the person to submit to an examination as prescribed by the director. Upon conclusion of the examination, the director may allow the person to retain his or her license, may suspend, deny or revoke the person's license, or may issue the person a license subject to restrictions as provided in section 302.301. If an examination indicates a condition that potentially impairs safe driving, the director, in addition to action with respect to the license, may require the person to submit to further periodic examinations. The refusal or neglect of the person to submit to an examination within thirty days after the date of such notice shall be grounds for suspension, denial or revocation of the person's license by the director, an associate circuit or circuit court. Notice of any suspension, denial, revocation or other restriction shall be provided by certified mail. As used in this section, the term "denial" means the act of not licensing a person who is currently suspended, revoked or otherwise not licensed to operate a motor vehicle. Denial may also include the act of withdrawing a previously issued license.

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.

16           2. The examination provided for in subsection 1 of this section may include, but is not  
17 limited to, a written test and tests of driving skills, vision, highway sign recognition and, if  
18 appropriate, a physical and/or mental examination as provided in section 302.173.

19           3. The director shall have good cause to believe that an operator is incompetent or  
20 unqualified to retain such person's license on the basis of, but not limited to, a report by:

21           (1) Any certified peace officer;

22           (2) Any physician, physical therapist or occupational therapist licensed pursuant to  
23 chapter 334, RSMo; any chiropractic physician licensed pursuant to chapter 331, RSMo; any  
24 registered nurse licensed pursuant to chapter 335, RSMo; any psychologist or social worker  
25 licensed pursuant to chapter 337, RSMo; any optometrist licensed pursuant to chapter 336,  
26 RSMo; **any emergency medical technician licensed pursuant to chapter 190; or**

27           (3) Any member of the operator's family within three degrees of consanguinity, or the  
28 operator's spouse, who has reached the age of eighteen, except that no person may report the  
29 same family member pursuant to this section more than one time during a twelve-month period.  
30 The report must state that the person reasonably and in good faith believes the driver cannot  
31 safely operate a motor vehicle and must be based upon personal observation or physical evidence  
32 which shall be described in the report, or the report shall be based upon an investigation by a law  
33 enforcement officer. The report shall be a written declaration in the form prescribed by the  
34 department of revenue and shall contain the name, address, telephone number, and signature of  
35 the person making the report.

36           4. Any physician, physical therapist or occupational therapist licensed pursuant to  
37 chapter 334, RSMo, any chiropractor licensed pursuant to chapter 331, RSMo, any registered  
38 nurse licensed pursuant to chapter 335, RSMo, any psychologist or social worker licensed  
39 pursuant to chapter 337, RSMo, [or] any optometrist licensed pursuant to chapter 336, RSMo,  
40 **or any emergency medical technician licensed pursuant to chapter 190** may report to the  
41 department any patient diagnosed or assessed as having a disorder or condition that may prevent  
42 such person from safely operating a motor vehicle. Such report shall state the diagnosis or  
43 assessment and whether the condition is permanent or temporary. The existence of a  
44 physician-patient relationship shall not prevent the making of a report by such medical  
45 professionals.

46           5. Any person who makes a report in good faith pursuant to this section shall be immune  
47 from any civil liability that otherwise might result from making the report. Notwithstanding the  
48 provisions of chapter 610, RSMo, to the contrary, all reports made and all medical records  
49 reviewed and maintained by the department of revenue pursuant to this section shall be kept  
50 confidential except upon order of a court of competent jurisdiction or in a review of the director's  
51 action pursuant to section 302.311.

52           6. The department of revenue shall keep records and statistics of reports made and  
53 actions taken against driver's licenses pursuant to this section.

54           7. The department of revenue shall, in consultation with the medical advisory board  
55 established by section 302.292, develop a standardized form and provide guidelines for the  
56 reporting of cases and for the examination of drivers pursuant to this section. The guidelines  
57 shall be published and adopted as required for rules and regulations pursuant to chapter 536,  
58 RSMo. The department of revenue shall also adopt rules and regulations as necessary to carry  
59 out the other provisions of this section. The director of revenue shall provide health care  
60 professionals and law enforcement officers with information about the procedures authorized in  
61 this section. The guidelines and regulations implementing this section shall be in compliance  
62 with the federal Americans with Disabilities Act of 1990.

63           8. Any person who knowingly violates a confidentiality provision of this section or who  
64 knowingly permits or encourages the unauthorized use of a report or reporting person's name in  
65 violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages  
66 which proximately result.

67           9. Any person who intentionally files a false report pursuant to this section shall be guilty  
68 of a class A misdemeanor and shall be liable for damages which proximately result.

69           10. All appeals of license revocations, suspensions, denials and restrictions shall be made  
70 as required pursuant to section 302.311 within thirty days after the receipt of the notice of  
71 revocation, suspension, denial or restriction.

72           11. Any individual whose condition is temporary in nature as reported pursuant to the  
73 provisions of subsection 4 of this section shall have the right to petition the director of the  
74 department of revenue for total or partial reinstatement of his or her license. Such request shall  
75 be made on a form prescribed by the department of revenue and accompanied by a statement  
76 from a health care provider with the same or similar license as the health care provider who made  
77 the initial report resulting in the limitation or loss of the driver's license. Such petition shall be  
78 decided by the director of the department of revenue within thirty days of receipt of the petition.  
79 Such decision by the director is appealable pursuant to subsection 10 of this section.

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