

HOUSE AMENDMENT NO.\_\_\_\_  
TO  
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Offered By

AMEND House Amendment No.\_\_\_\_ to House Committee Substitute for Senate Substitute for Senate Bill No. 252 Page 1, Line 9, by inserting after all of said line the following:

"Further amend said bill, Page 16, Section 302.189, Line 23, by inserting after all of said section and line the following:

"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.

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

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

(1) Any certified peace officer;

(2) Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse licensed pursuant to chapter 335; any psychologist, social worker or professional counselor licensed pursuant to chapter 337; any optometrist licensed pursuant to chapter 336; any emergency medical technician licensed pursuant to chapter 190; or

(3) Any member of the operator's family within three degrees of consanguinity, or the operator's spouse, who has reached the age of eighteen, except that no person may report the same

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1 family member pursuant to this section more than one time during a twelve-month period. The  
2 report must state that the person reasonably and in good faith believes the driver cannot safely  
3 operate a motor vehicle and must be based upon personal observation or physical evidence which  
4 shall be described in the report, or the report shall be based upon an investigation by a law  
5 enforcement officer. The report shall be a written declaration in the form prescribed by the  
6 department of revenue and shall contain the name, address, telephone number, and signature of the  
7 person making the report.

8 4. Any physician, physical therapist or occupational therapist licensed pursuant to chapter  
9 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed pursuant to  
10 chapter 335, any psychologist, social worker or professional counselor licensed pursuant to chapter  
11 337, or any optometrist licensed pursuant to chapter 336, or any emergency medical technician  
12 licensed pursuant to chapter 190 may report to the department any patient diagnosed or assessed as  
13 having a disorder or condition that may prevent such person from safely operating a motor vehicle.  
14 Such report shall state the diagnosis or assessment and whether the condition is permanent or  
15 temporary. The existence of a physician-patient relationship shall not prevent the making of a report  
16 by such medical professionals.

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

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

25 7. The department of revenue shall, in consultation with the medical advisory board  
26 established by section 302.292, develop a standardized form and provide guidelines for the reporting  
27 of cases and for the examination of drivers pursuant to this section. The guidelines shall be  
28 published and adopted as required for rules and regulations pursuant to chapter 536. The department  
29 of revenue shall also adopt rules and regulations as necessary to carry out the other provisions of this  
30 section. The director of revenue shall provide health care professionals and law enforcement officers  
31 with information about the procedures authorized in this section. The guidelines and regulations  
32 implementing this section shall be in compliance with the federal Americans with Disabilities Act of  
33 1990.

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

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

40 10. All appeals of license revocations, suspensions, denials and restrictions shall be made as  
41 required pursuant to section 302.311 within thirty days after the receipt of the notice of revocation,

1 suspension, denial or restriction.

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

10  
11 Further amend said bill by amending the title, enacting clause, and intersectional references  
12 accordingly.