

HOUSE BILL 621

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Thomas A. Anderson

AN ACT

RELATING TO MOTOR VEHICLES; ENACTING A NEW SECTION OF THE MOTOR VEHICLE CODE; REQUIRING THE TAXATION AND REVENUE DEPARTMENT TO ADOPT RULES FOR THE REPORTING OF PERSONS HAVING COGNITIVE OR FUNCTIONAL IMPAIRMENTS THAT ARE LIKELY TO AFFECT THEIR ABILITY TO SAFELY OPERATE A MOTOR VEHICLE; GRANTING IMMUNITY TO A HEALTH CARE PROVIDER WHO REPORTS IN GOOD FAITH, OR WHO FAILS TO REPORT, A PERSON HAVING A COGNITIVE OR FUNCTIONAL IMPAIRMENT THAT IS LIKELY TO AFFECT THE ABILITY TO SAFELY OPERATE A MOTOR VEHICLE; LIMITING THE USE OF THE REPORT BY THE TAXATION AND REVENUE DEPARTMENT TO DETERMINATIONS OF WHETHER THE PERSON IS ELIGIBLE FOR A DRIVER'S LICENSE OR PERMIT, OR WHETHER GOOD CAUSE EXISTS TO REQUEST THE LICENSEE TO SUBMIT TO AN EXAMINATION; MAKING REPORTS CONFIDENTIAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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1 SECTION 1. A new section of the Motor Vehicle Code is
2 enacted to read:

3 "[NEW MATERIAL] RULES FOR THE REPORTING OF COGNITIVE AND
4 FUNCTIONAL IMPAIRMENTS THAT ARE LIKELY TO AFFECT A PERSON'S
5 ABILITY TO SAFELY OPERATE A MOTOR VEHICLE.--

6 A. In consultation with medical experts and experts
7 on cognitive or functional impairment, the department shall
8 adopt rules:

9 (1) designating health care providers that are
10 required to report to the department a person whose cognitive
11 or functional impairment affects that person's ability to
12 safely operate a motor vehicle;

13 (2) giving immunity from civil liability to a
14 designated health care provider who, in good faith, reports to
15 the department a person whose cognitive or functional
16 impairment affects that person's ability to safely operate a
17 motor vehicle;

18 (3) giving immunity from civil liability to a
19 designated health care provider who does not report to the
20 department a person whose cognitive or functional impairment
21 affects that person's ability to safely operate a motor
22 vehicle; and

23 (4) designating the cognitive or functional
24 impairments that are likely to affect a person's ability to
25 safely operate a motor vehicle.

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1 B. Determinations regarding a person's ability to
2 safely operate a motor vehicle shall not be based solely upon
3 the diagnosis of a medical condition or cognitive or functional
4 impairment but must be based upon the actual effect of that
5 condition or impairment on the person's ability to safely
6 operate a motor vehicle.

7 C. Reports required by the department under this
8 section shall be upon forms prescribed or provided by the
9 department that shall require the following information about
10 the person that is the subject of the report:

- 11 (1) name;
- 12 (2) address;
- 13 (3) date of birth;
- 14 (4) gender; and
- 15 (5) a description of how the person's current
16 medical status affects the person's ability to safely operate a
17 motor vehicle.

18 D. The department shall consider the information in
19 the report to determine:

- 20 (1) the person's eligibility for a driver's
21 license or driver's permit; and
- 22 (2) whether good cause exists to request the
23 licensee to submit to an examination pursuant to Section
24 66-5-31 NMSA 1978.

25 E. The reports required by the department pursuant

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to this section:

(1) are confidential and solely for the use of the department in its determination of whether a person's cognitive or functional impairment affects that person's ability to safely operate a motor vehicle; and

(2) except as otherwise provided in this section, shall not be used as evidence in any trial, civil or criminal, arising out of an accident."