

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 619 (Delegate Mandel. *et al.*)

Commerce and Government Matters

Vehicle Laws - Medical Advisory Board - Safe Operation of Motor Vehicles

This bill adds specified professionals to the list of those authorized to report to the Medical Advisory Board (MAB) on an individual who has a disorder or condition that would impair the individual's ability to operate a motor vehicle safely. The bill allows the Motor Vehicle Administration (MVA) to conduct an investigation of such a report to determine if the report has an underlying basis in fact. The MVA may dismiss the reports with no underlying basis in fact. If an individual fails an examination to determine fitness to drive, the bill requires the MVA to either: (1) suspend, revoke, or refuse to issue or renew the driver's license; or (2) issue to the driver a license subject to specified restrictions. The bill allows a driver to petition the MVA for a full or partial reinstatement of a suspended or revoked license.

If acting in good faith, a person who submits a report or a member of the board is immune from any civil or criminal liability arising from making a report or arising from any opinions or decisions made as a board member (respectively). Offenders of the reporting or confidentiality provisions governing the MAB are subject to counsel fees, litigation costs, and a criminal fine of up to \$1,000. Further, the bill requires the MVA to keep specified records and to distribute information about the MAB reporting requirements to health care professionals and law enforcement officials.

Fiscal Summary

State Effect: The MVA could handle the bill's requirements with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Only a physician or other person authorized to diagnose, detect, or treat disorders that may impair a person's ability to drive are authorized to issue reports to the MAB. Upon receipt of a report, the MVA, as soon as practical, should arrange for an examination of the individual. If the driver fails an examination, the MVA must cancel the driver's license.

A civil or criminal action may not be brought against any person who makes a report and who does not violate any confidential or privileged relationship conferred by law.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation (Motor Vehicle Administration), Department of Health and Mental Hygiene, Office of Administrative Hearings, Department of Legislative Services

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mld/jr

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