

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2336

By: Miller

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-207, which relates to cancellation of driver license for medical reasons; mandating that physicians forward certain information to Department of Public Safety; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-207, is amended to read as follows:

Section 6-207. Whenever the Department of Public Safety is furnished with information or, from the records on file in the Department, it is established that the holder of a ~~driver's~~ driver license is afflicted with a physical disease with a history of seizures, or mental disease, or momentary lapses of consciousness or any other ailment which may result in temporary loss of control or partial control of a motor vehicle, the Department may, in its discretion, execute an order of cancellation of any ~~driver's~~ driver license issued to such individual, or, should such information be available at the time of application for a ~~driver's~~ driver license, the Department may execute an order denying the issuance of said

license to any such individual and shall cause any such license that may have been issued to be picked up or to be delivered to the Department of Public Safety as specified for other such orders. Every physician or surgeon, including doctors of medicine and osteopathy, examining, attending or treating an individual for any illness or injury that would impair the ability of the individual in any manner as to affect the performance of the person to operate a motor vehicle, ~~may~~ shall make a written report of the diagnosis to the State Department of Public Safety. The Department may, in its discretion, suspend or cancel the license of such person for such period of time as in its judgment is justified.

In addition thereto, any person or physician or any medical personnel participating in good faith and without negligence or malicious intent in making of a report pursuant to this act shall have the immunity from civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

Provided further that, in any proceeding resulting from a report made pursuant to this act or in any proceeding where such a report or any contents thereof are sought to be introduced in evidence, such report or contents or any other fact or facts related thereto, or the condition of the individual who is the subject of the report shall only be admitted in evidence in actions regarding the revocation, suspension, cancellation or denial of the subject's ~~driver's~~ driver license and shall not be considered to be a public record provided that the report shall not be excluded on the ground that the matter is or may be the subject of a physician-patient privilege or similar privilege or rule against disclosure.

Any person whose license has been canceled or denied under the provisions of this section shall have the right of appeal from said order, as provided under Section 6-211 of this title.

SECTION 2. This act shall become effective November 1, 1998.

46-2-8173

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