

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 432

Short Title: Physician's Reports to DMV.

(Public)

Sponsors: Senator Staton.

Referred to: Transportation.

March 15, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW PHYSICIANS TO REPORT PHYSICALLY IMPAIRED DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of Chapter 20 is amended by adding a new section to read:

"§ 20-17.4. Revocation for physical or mental disability.

Notwithstanding G.S. 8-53 or any other law relating to confidentiality of communications between a physician and his patient, any physician licensed to practice medicine in North Carolina may give the Commissioner information concerning any person who has a mental or physical disability which that physician believes may affect that person's ability to safely operate a motor vehicle. The information given by the physician shall be restricted to name, address, and diagnosis. Upon receipt of the information, the Commissioner shall determine whether the person is competent to operate a motor vehicle. Unless the Commissioner is satisfied that the person is competent to safely operate a motor vehicle he shall refer the information concerning the alleged disability to the Division. Subject to the hearing and review requirements provided in G.S. 20-9(g), the Division shall determine whether the person's driving privilege should be revoked. Information furnished to the Division under this section shall be confidential and shall be used solely for the purpose of determining the qualifications of a person to operate a motor vehicle. No criminal or civil action may be brought by reason of such disclosure against any physician who in good faith provides the Commissioner or his authorized agents the information described in this section.

- 1 Nothing in this section shall be deemed to require any physician to make a report to the
2 Division or impose any criminal or civil liability for his failure to make a report."
3 Sec. 2. This act is effective upon ratification.