

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 302 Session of  
1993

INTRODUCED BY LESCOVITZ, DALEY, PESCI, COLAIZZO, GIGLIOTTI,  
PRESTON AND VEON, FEBRUARY 8, 1993

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 8, 1993

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for ineligibility for licensing,  
3 for reports on mental or physical disabilities and for  
4 determination of incompetency.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Sections 1503(a), 1518 and 1519(a) of Title 75 of  
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 1503. Persons ineligible for licensing.

10 (a) General rule.--The department shall not issue any  
11 driver's license to, or renew the driver's license of, any  
12 person:

13 (1) Whose operating privilege is suspended or revoked in  
14 this or any other state except as otherwise provided in this  
15 title.

16 (2) Whose operating privilege is suspended or revoked in  
17 any other state upon grounds which would authorize the  
18 suspension or revocation of the operating privilege under

1       this title.

2           (3) Who is a user of alcohol or any controlled substance  
3       to a degree rendering the user incapable of safely driving a  
4       motor vehicle. This paragraph does not apply to any person  
5       who is enrolled or otherwise participating in a methadone or  
6       other controlled substance treatment program approved by the  
7       Governor's Council on Drug and Alcohol Abuse provided that  
8       the person is certified to be competent to drive by a  
9       physician designated by the Governor's Council on Drug and  
10      Alcohol Abuse.

11          (4) Who has been adjudged to be afflicted with or  
12      suffering from any mental disability or disease and who has  
13      not at the time of application been restored to competency by  
14      the methods provided by law.

15          [(5) Whose name has been submitted under the provisions  
16      of section 1518 (relating to reports on mental or physical  
17      disabilities or disorders)].

18          (6)] (5) Who is required by the department to take an  
19      examination until the person has successfully passed the  
20      examination.

21          [(7)] (6) Who is under 18 years of age except in  
22      accordance with subsections (b) and (c).

23          [(8)] (7) Who has repeatedly violated any of the  
24      provisions of this chapter. The department shall provide an  
25      opportunity for a hearing upon invoking this paragraph.

26      \* \* \*

27   § 1518. Reports on mental or physical disabilities or  
28           disorders.

29      (a) Definition of disorders and disabilities.--The Medical  
30      Advisory Board shall define disorders characterized by lapses of

1 consciousness or other mental or physical disabilities affecting  
2 the ability of a person to drive safely for the purpose of the  
3 reports required by this section.

4 (b) [Reports by medical personnel.--All physicians and other  
5 persons authorized to diagnose or treat disorders and  
6 disabilities defined by the Medical Advisory Board shall report  
7 to the department, in writing, the full name, date of birth and  
8 address of every person over 15 years of age diagnosed as having  
9 any specified disorder or disability within ten days.] Reports  
10 of disorders and disabilities.--Medical personnel, which for the  
11 purposes of this section shall mean physicians and other persons  
12 authorized to diagnose or treat disorders and disabilities  
13 described in subsection (a), shall inform any patient 15 years  
14 of age or older on whom the diagnosis has been made by the  
15 medical personnel of the obligation to report the initial  
16 diagnosis to the department within 15 days. Medical personnel  
17 shall prepare, sign and mail to the department a report which  
18 shall be signed by the patient on a form prescribed by the  
19 department. The patient's signature shall constitute consent to  
20 the release of information contained in the report. If the  
21 patient refuses to sign the report, the medical personnel shall  
22 be under no obligation to initiate a report to the department,  
23 but, in the exercise of sound medical judgment based on the  
24 likelihood of the patient's potential inability to drive safely,  
25 may initiate or refrain from initiating a report to the  
26 department.

27 (c) [Responsibility of institution heads.--The person in  
28 charge of every mental hospital, institution or clinic, or any  
29 alcohol or drug treatment facility, shall be responsible to  
30 assure that reports are filed in accordance with subsection

1 (b).] Medical confirmation of reports.--The department upon  
2 receipt of a report required by subsection (b) may require from  
3 the reporter or other medical personnel additional information  
4 confirming onset of the condition, the diagnosis, any medication  
5 which may have been prescribed for the condition and the  
6 prognosis. The medical personnel shall forward the information  
7 to the department. The department may prescribe a form for  
8 obtaining additional medical information.

9 (d) Confidentiality of reports.--The reports required by  
10 this section shall be confidential and shall be used solely for  
11 the purpose of determining the qualifications of any person to  
12 drive a motor vehicle on the highways of this Commonwealth.

13 (e) Use of report or information as evidence.--No report or  
14 information forwarded under the provisions of this section shall  
15 be used as evidence in any civil or criminal trial except in any  
16 proceeding under section 1519(c) (relating to determination of  
17 incompetency).

18 (f) Immunity from civil and criminal liability.--No civil or  
19 criminal action may be brought against any person or agency  
20 [for]:

21 (1) For providing the information required or permitted  
22 to be reported under this system.

23 (2) For not providing the information permitted but not  
24 required to be reported under this system.

25 § 1519. Determination of incompetency.

26 (a) General rule.--The department, having cause, including  
27 reports submitted under section 1518 (relating to reports on  
28 mental or physical disabilities or disorders), to believe that a  
29 licensed driver or applicant may not be physically or mentally  
30 qualified to be licensed, may obtain the advice of a physician

1 who shall cause an examination to be made or who shall designate  
2 any other qualified physician. The licensed driver or applicant  
3 may cause a written report to be forwarded to the department by  
4 a physician of the driver's or applicant's choice. Vision  
5 qualifications shall be determined by an optometrist or  
6 ophthalmologist. The department shall appoint one or more  
7 qualified persons who shall consider all medical reports and  
8 testimony and determine the competency of the driver or the  
9 applicant to drive.

10 \* \* \*

11 Section 2. This act shall take effect in 60 days.