

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2598 Session of  
2004

INTRODUCED BY BEBKO-JONES, BELFANTI, GOOD, CRUZ, LEACH, HORSEY,  
HENNESSEY, WALKO, TANGRETTI, SCHRODER, FRANKEL, PISTELLA,  
PALLONE, THOMAS, STERN, MARKOSEK, YOUNGBLOOD AND WASHINGTON,  
MAY 3, 2004

REFERRED TO COMMITTEE ON JUDICIARY, MAY 3, 2004

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75  
2 (Vehicles) of the Pennsylvania Consolidated Statutes,  
3 providing for family reporting of drivers with disabilities.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 7104. Family reporting of disabled drivers.

9 (a) General rule.--Except as set forth in subsection (b), an  
10 action arising out of the use of a motor vehicle by an  
11 individual other than the defendant shall be barred if the  
12 defendant has, prior to the use of the motor vehicle which gave  
13 rise to the action, filed a report under 75 Pa.C.S. § 1518(c.1)  
14 (relating to reports on mental or physical disabilities or  
15 disorders).

16 (b) Exception.--Subsection (a) shall not apply to a  
17 defendant who was a passenger in the motor vehicle at the time

1 of the use of the motor vehicle which gave rise to the action.

2 Section 2. Section 1508(a) of Title 75 is amended by adding  
3 a paragraph to read:

4 § 1508. Examination of applicant for driver's license.

5 (a) General rule.--Every applicant for a driver's license  
6 shall be examined for the type or class of vehicles that the  
7 applicant desires to drive. The examination shall include a  
8 physical examination, a screening test of the applicant's  
9 eyesight and a test of the applicant's ability to read and  
10 understand official traffic-control devices, knowledge of safe  
11 driving practices and the traffic laws of this Commonwealth, and  
12 shall include an actual demonstration of ability to exercise  
13 ordinary and reasonable control in the operation of a motor  
14 vehicle of the type or class of vehicles for which the applicant  
15 desires a license to drive. If the department finds it necessary  
16 to further determine an applicant's fitness to operate a motor  
17 vehicle safely upon the highways the department may require one  
18 or more of the following types of examinations:

19 \* \* \*

20 (4) A test to determine if an applicant is subject to  
21 fatigue, periods of dementia or memory loss, which may result  
22 in the inability to safely operate a motor vehicle.

23 \* \* \*

24 Section 3. Section 1518(d) and (e) of Title 75 are amended  
25 and the section is amended by adding a subsection to read:

26 § 1518. Reports on mental or physical disabilities or  
27 disorders.

28 \* \* \*

29 (c.1.) Reports by family members.--

30 (1) A relative of an individual with a driver's license

1 may file a report with the department on the possible  
2 disability of the licensee.

3 (2) A report under paragraph (1) must state all of the  
4 following:

5 (i) The name of the licensee.

6 (ii) The fact that the licensee has a valid driver's  
7 license.

8 (iii) The name and address of the reporter.

9 (iv) That the reporter reasonably and in good faith  
10 believes that the driver cannot safely operate a motor  
11 vehicle.

12 (v) That the belief under subparagraph (iv) is based  
13 upon:

14 (A) personal observation;

15 (B) demonstrative medical evidence; or

16 (C) documentary evidence about the driver's  
17 traffic citation history.

18 (3) The age of the driver, alone, does not justify  
19 filing a report under this subsection.

20 (4) The department is not required to accept for filing  
21 more than one report in a 12-month period.

22 (5) A report under this subsection is subject to 18  
23 Pa.C.S. § 4904 (relating to unsworn falsification to  
24 authorities).

25 (6) As used in this subsection, the term "relative"  
26 means a spouse or a sibling, lineal ancestor or lineal  
27 descendant, by consanguinity, affinity or adoption.

28 (d) Confidentiality of reports.--

29 (1) The reports required by this section shall be  
30 confidential and, except as set forth in subsection (e),

1 shall be used solely for the purpose of determining the  
2 qualifications of any person to drive a motor vehicle on the  
3 highways of this Commonwealth.

4 (2) Except as set forth in subsection (e), the identity  
5 of the individual filing a report under subsection (c.1)  
6 shall remain confidential.

7 (e) Use of report as evidence.--No report forwarded under  
8 the provisions of this section shall be used as evidence in any  
9 civil or criminal trial except in any proceeding under:

10 (1) 18 Pa.C.S. § 4904; or

11 (2) section 1519(c) (relating to determination of  
12 incompetency).

13 \* \* \*

14 Section 4. This act shall take effect in 60 days.