

SENATE No. 2505

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the requirement to disclose mental health issues to the registrar.

PETITION OF:

NAME:

Debra Puccio

DISTRICT/ADDRESS:

25A Perkins St, Gloucester, MA, 01930

SENATE No. 2505

By Mr. Tarr (by request), a petition (accompanied by bill, Senate, No. 2505) (subject to Joint Rule 12) of Debra Puccio for legislation relative to the requirement to disclose mental health issues to the registrar. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the requirement to disclose mental health issues to the registrar.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90, Sec. 22(I) is hereby amended by removing subsection (b) and inserting the
2 following:

3 (b) If a health care provider acting in his professional capacity or law enforcement officer
4 has reasonable cause to believe that an operator is not physically or medically capable of safely
5 operating a motor vehicle or has a cognitive or functional impairment that will affect that
6 person's ability to safely operate a motor vehicle, the health care provider or officer shall make a
7 report to the registrar, requesting medical evaluation of the operator's ability to safely operate a
8 motor vehicle; provided, however, that such report shall not be made solely on the basis of age.
9 The report shall state the health care provider's or officer's good faith belief that the operator
10 cannot safely operate a motor vehicle and shall disclose the medical information underlying his
11 good faith belief in his report to the registrar. The good faith belief shall be based upon personal
12 observation, physical evidence, or, in the case of a law enforcement officer, an investigation

13 which shall be described in the report. A report regarding an operator's ability to safely operate a
14 motor vehicle shall not be based solely on the diagnosis of a medical condition or cognitive or
15 functional impairment, but shall be based on observations or evidence of the actual effect of that
16 condition or impairment on the operator's ability to safely operate a motor vehicle.

17 A health care provider or law enforcement officer who reports, in good faith, pursuant to
18 this section shall be immune from civil liability that might otherwise result from making the
19 report. A health care provider or law enforcement officer who does not report shall be immune
20 from civil liability that might otherwise result from not making the report.