

**53-3-303 Driver License Medical Advisory Board -- Membership -- Guidelines for licensing impaired persons -- Recommendations to division.**

- (1) There is created within the division the Driver License Medical Advisory Board.
- (2)
  - (a) The board is comprised of three regular members appointed by the Commissioner of Public Safety to four-year terms.
  - (b) The board shall be assisted by expert panel members nominated by the board as necessary and as approved by the Commissioner of Public Safety.
  - (c) Notwithstanding the requirements of Subsection (2)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
  - (d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
  - (e) The expert panel members shall recommend medical standards in the areas of the panel members' special competence for determining the physical, mental, and emotional capabilities of applicants for licenses and licensees.
- (3) In reviewing individual cases, a panel acting with the authority of the board consists of at least two members, of which at least one is a regular board member.
- (4) The director of the division or his designee serves as secretary to the board and its panels.
- (5) Members of the board and expert panel members nominated by them shall be health care professionals.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) The board shall meet from time to time when called by the director of the division.
- (8)
  - (a) The board shall recommend guidelines and standards for determining the physical, mental, and emotional capabilities of applicants for licenses and for licensees.
  - (b) The guidelines and standards are applicable to all Utah licensees and for all individuals who hold learner permits and are participating in driving activities in all forms of driver education.
  - (c) The guidelines and standards shall be published by the division.
- (9) If the division has reason to believe that an applicant or licensee is an impaired person, it may:
  - (a) act upon the matter based upon the published guidelines and standards; or
  - (b) convene a panel to consider the matter and submit findings and a recommendation; the division shall consider the recommendation along with other evidence in determining whether a license should be suspended, revoked, denied, disqualified, canceled, or restricted.
- (10)
  - (a) If the division has acted under Subsection (9) to suspend, revoke, deny, disqualify, cancel, or restrict the driving privilege without the convening of a panel, the affected applicant or licensee may within 10 days of receiving notice of the action request in a manner prescribed by the division a review of the division's action by a panel.
  - (b) The panel shall review the matters and make written findings and conclusions.
  - (c) The division shall affirm or modify its previous action.
- (11)
  - (a) Actions of the division are subject to judicial review as provided in this part.

- (b) The guidelines, standards, findings, conclusions, and recommendations of the board or of a panel are admissible as evidence in any judicial review.
- (12) Members of the board and its panels incur no liability for recommendations, findings, conclusions, or for other acts performed in good faith and incidental to membership on the board or a panel.
- (13) The division shall provide forms for the use of health care professionals in depicting the medical history of any physical, mental, or emotional impairment affecting the applicant's or licensee's ability to drive a motor vehicle.
- (14)
  - (a)
    - (i) Individuals who apply for or hold a license and have, or develop, or suspect that they have developed a physical, mental, or emotional impairment that may affect driving safety are responsible for reporting this to the division or its agent.
    - (ii) If there is uncertainty, the individual is expected to seek competent medical evaluation and advice as to the significance of the impairment as it relates to driving safety, and to refrain from driving until a clarification is made.
  - (b) Health care professionals who care for patients with physical, mental, or emotional impairments that may affect their driving safety, whether defined by published guidelines and standards or not, are responsible for making available to their patients without reservation their recommendations and appropriate information related to driving safety and responsibilities.
  - (c) A health care professional or other person who becomes aware of a physical, mental, or emotional impairment that appears to present an imminent threat to driving safety and reports this information to the division in good faith has immunity from any damages claimed as a result of making the report.

Amended by Chapter 286, 2010 General Session