

**Representative Raymond P. Ward** proposes the following substitute bill:

**DRIVER LICENSE FORM AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: Brian Zehnder

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**LONG TITLE**

**General Description:**

This bill requires inclusion of certain information on forms related to health conditions required by the Driver License Division.

**Highlighted Provisions:**

This bill:

- ▶ requires the Driver License Division to include certain information on the form for health care professionals evaluating applicants for a driver license;
- ▶ restricts follow-up evaluations for certain health conditions;
- ▶ allows the health care professional to recommend the interval of follow-up evaluations;
- ▶ requires the form for health care professionals to contain certain information; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 [53-3-303](#), as last amended by Laws of Utah 2010, Chapter 286



27  
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53-3-303** is amended to read:

30 **53-3-303. Driver License Medical Advisory Board -- Membership -- Guidelines**  
31 **for licensing impaired persons -- Recommendations to division.**

32 (1) There is created within the division the Driver License Medical Advisory Board.

33 (2) (a) The board is comprised of three regular members appointed by the  
34 Commissioner of Public Safety to four-year terms.

35 (b) The board shall be assisted by expert panel members nominated by the board as  
36 necessary and as approved by the Commissioner of Public Safety.

37 (c) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,  
38 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
39 of board members are staggered so that approximately half of the board is appointed every two  
40 years.

41 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
42 appointed for the unexpired term.

43 (e) The expert panel members shall recommend medical standards in the areas of the  
44 panel members' special competence for determining the physical, mental, and emotional  
45 capabilities of applicants for licenses and licensees.

46 (3) In reviewing individual cases, a panel acting with the authority of the board consists  
47 of at least two members, of which at least one is a regular board member.

48 (4) The director of the division or his designee serves as secretary to the board and its  
49 panels.

50 (5) Members of the board and expert panel members nominated by them shall be health  
51 care professionals.

52 (6) A member may not receive compensation or benefits for the member's service, but  
53 may receive per diem and travel expenses in accordance with:

54 (a) Section [63A-3-106](#);

55 (b) Section [63A-3-107](#); and

56 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

57 63A-3-107.

58 (7) The board shall meet from time to time when called by the director of the division.

59 (8) (a) The board shall recommend guidelines and standards for determining the  
60 physical, mental, and emotional capabilities of applicants for licenses and for licensees.

61 (b) The guidelines and standards are applicable to all Utah licensees and for all  
62 individuals who hold learner permits and are participating in driving activities in all forms of  
63 driver education.

64 (c) The guidelines and standards shall be published by the division.

65 (9) If the division has reason to believe that an applicant or licensee is an impaired  
66 person, it may:

67 (a) act upon the matter based upon the published guidelines and standards; or

68 (b) convene a panel to consider the matter and submit findings and a recommendation;  
69 the division shall consider the recommendation along with other evidence in determining  
70 whether a license should be suspended, revoked, denied, disqualified, canceled, or restricted.

71 (10) (a) If the division has acted under Subsection (9) to suspend, revoke, deny,  
72 disqualify, cancel, or restrict the driving privilege without the convening of a panel, the  
73 affected applicant or licensee may within 10 days of receiving notice of the action request in a  
74 manner prescribed by the division a review of the division's action by a panel.

75 (b) The panel shall review the matters and make written findings and conclusions.

76 (c) The division shall affirm or modify its previous action.

77 (11) (a) Actions of the division are subject to judicial review as provided in this part.

78 (b) The guidelines, standards, findings, conclusions, and recommendations of the board  
79 or of a panel are admissible as evidence in any judicial review.

80 (12) Members of the board and its panels incur no liability for recommendations,  
81 findings, conclusions, or for other acts performed in good faith and incidental to membership  
82 on the board or a panel.

83 (13) (a) The division shall provide forms for the use of health care professionals in  
84 depicting the medical history of any physical, mental, or emotional impairment affecting the  
85 applicant's or licensee's ability to drive a motor vehicle.

86 (b) If a form described in Subsection (13)(a) requires a health care professional to  
87 choose between various options to indicate the level of severity of an individual's health

88 condition, the form shall include a key or a link to a website with a key that provides:

89 (i) a description of the severity of illness corresponding to each option on the form;

90 (ii) what follow up the division may require based on the option selected; and

91 (iii) the interval before the next time the division will require the health care

92 professional to complete the form for the applicant.

93 (c) A form described in Subsection (13)(a) shall:

94 (i) explicitly allow the health care professional the option to recommend a follow-up

95 interval for the next time the health care professional should complete a medical form for the

96 individual; and

97 (ii) include the option for the health care professional to recommend that an evaluation

98 and completion of the form is not needed until the individual next renews the individual's

99 driver license.

99a **Ĥ→ (d) If the division receives multiple forms described in this Subsection (13) from a health**  
 99b **care professional for an individual, the division** **Ŝ→** ~~may consider only~~ **shall consider** **←Ŝ** **the**  
 99b1 **most recently completed**  
 99c **form.** **←Ĥ**

100 (14) (a) (i) The division may require each individual applying for a driver license to  
 101 complete a form containing questions regarding physical, mental, or emotional conditions that  
 102 may impact the individual's ability to safely operate a motor vehicle.

103 (ii) The division may not require any medical follow up for the following medical  
 104 conditions based on responses to the form described in Subsection (14)(a)(i):

105 (A) hypertension; or

106 (B) non-insulin dependent diabetes.

107 (iii) Individuals who apply for or hold a license and have, or develop, or suspect that  
 108 they have developed a physical, mental, or emotional impairment that may affect driving safety  
 109 are responsible for reporting this to the division or its agent.

110 ~~[(ĥ)]~~ (iv) If there is uncertainty, the individual is expected to seek competent medical  
 111 evaluation and advice as to the significance of the impairment as it relates to driving safety, and  
 112 to refrain from driving until a clarification is made.

113 (b) Health care professionals who care for patients with physical, mental, or emotional  
 114 impairments that may affect their driving safety, whether defined by published guidelines and  
 115 standards or not, are responsible for making available to their patients without reservation their  
 116 recommendations and appropriate information related to driving safety and responsibilities.

117 (c) A health care professional or other person who becomes aware of a physical,

118 mental, or emotional impairment that appears to present an imminent threat to driving safety

119 and reports this information to the division in good faith has immunity from any damages  
120 claimed as a result of making the report.