

SENATE BILL NO. 12

INTRODUCED BY JACOBSON

IN THE SENATE

January 3, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
January 18, 1983	Committee recommend bill do pass as amended. Report adopted.
January 19, 1983	Bill printed and placed on members' desks.
January 20, 1983	Second reading, do pass.
January 21, 1983	Correctly engrossed.
January 22, 1983	Third reading, passed. Ayes, 34; Noes, 13. Transmitted to House.

IN THE HOUSE

January 24, 1983	Introduced and referred to Committee on Human Services.
March 7, 1983	Committee recommend bill be concurred in. Report adopted.
March 8, 1983	Second reading, concurred in.
March 9, 1983	Third reading, concurred in.

IN THE SENATE

March 10, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
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1 SENATE BILL NO. 12
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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PHYSICIANS TO
5 REPORT TO THE DIVISION OF MOTOR VEHICLES PATIENTS WITH
6 CONDITIONS THAT IMPAIR THEIR ABILITY TO SAFELY OPERATE A
7 MOTOR VEHICLE; AND PROVIDING LIMITED IMMUNITY FOR SUCH
8 PHYSICIANS."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Report to division by physician. (1) Any
12 physician who diagnoses a physical or mental condition that,
13 in the physician's judgment, will significantly impair the
14 person's ability to safely operate a motor vehicle may
15 voluntarily report the person's name and other information
16 relevant to his condition to the division of motor vehicles.
17 The division, upon receiving the report, shall require the
18 person so reported to be examined in the manner provided for
19 in 61-5-110 and 61-5-207.

20 (2) Subsection (1) is subject to the provisions of
21 26-1-803, and the physician's report may not be introduced
22 as evidence in any proceeding involving the granting,
23 suspension, or revocation of the person's driver's license
24 before the division or a court.

25 Section 2. Physician's immunity from liability. Any

1 physician reporting in good faith is immune from any
2 liability, civil or criminal, that otherwise might result by
3 reason of his actions pursuant to [section 1] except for
4 damages occasioned by gross negligence. No action may be
5 brought against a physician for not making a report pursuant
6 to [section 1].

-End-

INTRODUCED BILL

-2-

SB12

Approved by Committee
on Public Health, Welfare
& Safety

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INTRODUCED BY JACOBSON

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(2) ~~Subsection (1) is subject to the provisions of 26-1-805, and the~~ (A) THE physician's report may not be introduced as evidence in any proceeding involving the granting, suspension, or revocation of the person's driver's license before the division or a court.

(B) THE PHYSICIAN'S REPORT MAY NOT BE UTILIZED IN A

~~CRIMINAL PROCEEDING, OR IN A CIVIL PROCEEDING OTHER THAN AS PROVIDED IN THIS SUBSECTION, WITHOUT THE CONSENT OF THE PATIENT.~~

Section 2. Physician's immunity from liability. Any physician reporting in good faith is immune from any liability, civil or criminal, that otherwise might result by reason of his actions pursuant to [section 1] except for damages occasioned by gross negligence. No action may be brought against a physician for not making a report pursuant to [section 1].

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