

HOUSE HEALTH, GOVERNMENT AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 621

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO MOTOR VEHICLES; ENACTING A NEW SECTION OF THE MOTOR
VEHICLE CODE; REQUIRING THE TAXATION AND REVENUE DEPARTMENT TO
ADOPT RULES FOR THE REPORTING OF PERSONS HAVING COGNITIVE OR
FUNCTIONAL IMPAIRMENTS THAT ARE LIKELY TO AFFECT THEIR ABILITY
TO SAFELY OPERATE A MOTOR VEHICLE; GRANTING IMMUNITY TO A
HEALTH CARE PROVIDER WHO REPORTS IN GOOD FAITH, OR WHO FAILS TO
REPORT, A PERSON HAVING A COGNITIVE OR FUNCTIONAL IMPAIRMENT
THAT IS LIKELY TO AFFECT THE ABILITY TO SAFELY OPERATE A MOTOR
VEHICLE; LIMITING THE USE OF THE REPORT BY THE TAXATION AND
REVENUE DEPARTMENT TO DETERMINATIONS OF WHETHER THE PERSON IS
ELIGIBLE FOR A DRIVER'S LICENSE OR PERMIT, OR WHETHER GOOD
CAUSE EXISTS TO REQUEST THE LICENSEE TO SUBMIT TO AN
EXAMINATION; MAKING REPORTS CONFIDENTIAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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1 SECTION 1. A new section of the Motor Vehicle Code is
2 enacted to read:

3 "[NEW MATERIAL] RULES FOR THE REPORTING OF COGNITIVE AND
4 FUNCTIONAL IMPAIRMENTS THAT ARE LIKELY TO AFFECT A PERSON'S
5 ABILITY TO SAFELY OPERATE A MOTOR VEHICLE.--

6 A. In consultation with medical experts and experts
7 on cognitive or functional impairment, the department shall
8 adopt rules:

9 (1) designating health care providers that are
10 required to report to the department a person whose cognitive
11 or functional impairment affects that person's ability to
12 safely operate a motor vehicle; and

13 (2) designating the cognitive or functional
14 impairments that are likely to affect a person's ability to
15 safely operate a motor vehicle.

16 B. Determinations regarding a person's ability to
17 safely operate a motor vehicle shall not be based solely upon
18 the diagnosis of a medical condition or cognitive or functional
19 impairment but must be based upon the actual effect of that
20 condition or impairment on the person's ability to safely
21 operate a motor vehicle.

22 C. Reports required by the department under this
23 section shall be upon forms prescribed or provided by the
24 department that shall require the following information about
25 the person that is the subject of the report:

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- 1 (1) name;
2 (2) address;
3 (3) date of birth;
4 (4) gender; and
5 (5) a description of how the person's current
6 medical status affects the person's ability to safely operate a
7 motor vehicle.

8 D. The department shall consider the information in
9 the report to determine:

10 (1) the person's eligibility for a driver's
11 license or driver's permit; and

12 (2) whether good cause exists to request the
13 licensee to submit to an examination pursuant to Section
14 66-5-31 NMSA 1978.

15 E. The reports required by the department pursuant
16 to this section:

17 (1) are confidential and solely for the use of
18 the department in its determination of whether a person's
19 cognitive or functional impairment affects that person's
20 ability to safely operate a motor vehicle; and

21 (2) shall not be used as evidence in any
22 trial, civil or criminal, arising out of an accident.

23 F. A designated health care provider who in good
24 faith reports, or who fails to report, a person whose cognitive
25 or functional impairment affects that person's ability to

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1 safely operate a motor vehicle to the department shall not be
2 liable in any civil action."

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