

HB 515 - AS INTRODUCED

2021 SESSION

21-0762

11/08

HOUSE BILL **515**

AN ACT relative to confidentiality for reporting possibly medically unfit drivers.

SPONSORS: Rep. Gay, Rock. 8; Rep. Read, Rock. 17; Rep. Love, Rock. 6; Rep. Wolf, Merr. 5; Rep. Levesque, Straf. 4; Rep. W. MacDonald, Rock. 5; Rep. Elliott, Rock. 8; Rep. Prudhomme-O'Brien, Rock. 6; Rep. Pitre, Straf. 2

COMMITTEE: Transportation

ANALYSIS

This bill provides that the identity of a person reporting that a driver may not be fit to drive shall remain confidential unless the division of motor vehicles deems such report malicious.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~in brackets and struckthrough~~.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to confidentiality for reporting possibly medically unfit drivers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Drivers' Licenses; Reporting Possibly Medically Unfit Driver. Amend RSA 263:6-d to read as
2 follows:

3 263:6-d Reporting Medically Unfit Person; Immunity.

4 ***I.*** Any licensed health care provider who reasonably and in good faith believes a person
5 cannot safely operate a motor vehicle based on clinical evaluation appropriate to his or her practice
6 and who reports such to the division of motor vehicles shall be immune from any civil or criminal
7 liability that might otherwise result from making the report. All reports made and medical records
8 reviewed and maintained by the division of motor vehicles pursuant to this section shall be
9 considered motor vehicle records under RSA 260:14.

10 ***II.*** *To protect family, friend, and professional relationships and except pursuant to*
11 *the provisions of paragraph III, the identity of a person who reports in a signed written*
12 *statement to the division his or her observations of a driver who does not appear to be*
13 *capable of driving safely shall be kept confidential. The division may research the driving*
14 *ability of the reported driver, including, but not limited to, accident reports, police records,*
15 *and retesting interviews. The division maintains it authority to determine the competence*
16 *of the reported driver and any subsequent actions. The reported driver maintains the*
17 *confidentiality guaranteed to all citizens' division records.*

18 ***III.*** *The reporting person's identity shall not remain confidential in any instance*
19 *where the division deems the complaint malicious. In such cases the reported driver has*
20 *the right to know the identity of the reporting person.*

21 2 Effective Date. This act shall take effect 60 days after its passage.