

HOUSE BILL NO. 149

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES FAIRCLOUGH, Olson

Introduced: 2/9/11

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to drivers' licenses and to immunity for persons who report persons**
2 **who have a medical or other condition that may impair the ability to operate a motor**
3 **vehicle."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 08.64.326 is amended by adding a new subsection to read:

6 (c) A licensee making a good faith report to the Department of Administration
7 under AS 28.15.156 is not subject to discipline under this chapter for that report.

8 *** Sec. 2.** AS 28.15 is amended by adding a new section to read:

9 **Sec. 28.15.156. Duty to disclose certain medical conditions; reports to**
10 **department by physicians and other persons regarding persons with certain**
11 **medical conditions.** (a) A person licensed or applying for a license under this chapter
12 shall disclose if the person has been diagnosed as having a disorder characterized by
13 lapses of consciousness or any other condition that may impair a person's ability to
14 operate a motor vehicle.

1 (b) A physician may report to the department that a person who is licensed
2 under this chapter, who is an applicant for a license under this chapter, or who may, in
3 the future, seek a license under this chapter has been diagnosed as having a disorder
4 characterized by lapses of consciousness or any other condition that may impair a
5 person's ability to operate a motor vehicle.

6 (c) A person may report to the department that a person who is licensed under
7 this chapter, who is an applicant for a license under this chapter, or who may, in the
8 future, seek a license under this chapter has a medical or other condition that may
9 impair a person's ability to operate a motor vehicle.

10 (d) Reports received under this section are confidential and exempt from
11 disclosure under AS 40.25.

12 (e) A person who makes a report in good faith under this section is not liable
13 for civil damages for making that report.

14 (f) A person who recklessly fails to make a disclosure required under (a) of
15 this section is guilty of a class A misdemeanor and may be punished as provided in
16 AS 12.55. In this paragraph, "recklessly" has the meaning given in AS 11.81.900.