

# HOUSE BILL NO. 6216

June 09, 2022, Introduced by Rep. O'Malley and referred to the Committee on Transportation.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 5139 (MCL 333.5139), as added by 2012 PA 354.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5139. (1) A physician or an optometrist has no  
2 affirmative obligation to but may voluntarily report to the  
3 secretary of state or warn third parties regarding a patient's  
4 mental and physical qualifications to operate a motor vehicle in a  
5 manner as not to jeopardize the safety of persons and property due

1 to an episode. A physician or an optometrist who chooses not to  
2 make a report to the secretary of state or warn third parties as  
3 provided for under this subsection is immune from any criminal or  
4 civil liability to the patient or third party that may have been  
5 injured by the patient's actions.

6 (2) A physician or an optometrist may make a report under this  
7 section and submit that report to the secretary of state for the  
8 purpose of initiating or contributing to an examination of an  
9 applicant's physical and mental qualifications to operate a motor  
10 vehicle in a manner as not to jeopardize the safety of persons and  
11 property ~~pursuant to section~~ **under sections 309 and 309a** of the  
12 Michigan vehicle code, 1949 PA 300, MCL 257.309 **and 257.309a**. In  
13 making that report, the physician or optometrist shall recommend a  
14 period of suspension as determined appropriate by the physician or  
15 optometrist as follows:

16 (a) ~~In~~ **Except as otherwise provided in this subdivision, in**  
17 the case of a patient holding an operator's license, that the  
18 suspension be for at least 6 months or longer. **Beginning on the**  
19 **effective date of the amendatory act that added this sentence, if a**  
20 **patient has experienced an epileptic seizure, a physician may**  
21 **submit a report recommending a period of suspension as described in**  
22 **section 309a(2) or (3) of the Michigan vehicle code, 1949 PA 300,**  
23 **MCL 257.309a.**

24 (b) In the case of a patient holding a commercial license,  
25 that the suspension be for at least 12 months or longer.

26 (3) A physician or an optometrist making a report under  
27 subsection (2), acting in good faith and exercising due care as  
28 evidenced by documenting his or her file or medical record  
29 regarding an episode, is immune from any civil or criminal

1 liability resulting from the report to the patient or a third party  
2 that may have been injured by the patient's actions.

3 (4) As used in this section:

4 (a) "Episode" means any of the following:

5 (i) An experience derived from a condition that causes or  
6 contributes to loss of consciousness, blackout, seizure, a fainting  
7 spell, syncope, or any other impairment of the level of  
8 consciousness.

9 (ii) An experience derived from a condition that causes an  
10 impairment of an individual's driving judgment.

11 (iii) An experience derived from an impairment of an  
12 individual's vision.

13 (b) "Optometrist" means that term as defined ~~under part 174.~~**in**  
14 **section 17401.**

15 (c) "Physician" means that term as defined ~~under part 170 or~~  
16 ~~175.~~**in section 17001 or 17501.**

17 Enacting section 1. This amendatory act does not take effect  
18 unless Senate Bill No. \_\_\_\_ or House Bill No. 6217 (request no.  
19 03967'21 \*) of the 101st Legislature is enacted into law.