

Introduced: 4/14/76  
Referred: State Affairs  
and Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 912

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE -- SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a driver licensing medical advisory  
7 board."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 28.15 is amended by adding a new section to read:

10 Sec. 28.15.086. MEDICAL ADVISORY BOARD. (a) There is created, in  
11 the department, a medical advisory board of seven members, consisting of  
12 the commissioner or his designee and six members to be appointed by the  
13 governor and to be confirmed by the legislature sitting in joint ses-  
14 sion. The appointed members of the board shall include an ophthalmolo-  
15 gist or an otolaryngologist, a medical doctor or internist, a psychia-  
16 trist, and a pathologist to be selected from among recommendations made  
17 by the Alaska Medical Association, a professional in the field of  
18 alcohol and drug abuse, and a person who is licensed under this chapter.

19 (b) The term of a member of the board appointed under (a) of this  
20 section is for a period of five years. The terms of service of the  
21 members shall be staggered, and to effect these terms, of the original  
22 appointees, two appointees shall be appointed for an initial term of one  
23 year, one shall be appointed for an initial term of two years, one for  
24 an initial term of three years, one for an initial term of four years,  
25 and one for an initial term of five years. When a vacancy occurs, the  
26 vacant position shall be filled for the unexpired term in the manner  
27 prescribed for the initial appointment.

28 (c) The board shall advise the department of medical criteria and  
29 vision standards relating to the licensing of drivers under this

1 chapter.

2 (d) The department, having cause to believe that a licensed  
3 driver or applicant for license may not be physically or mentally  
4 qualified to be licensed, may obtain the advice of the medical advisory  
5 board, and may, based upon the recommendation of the board, take rea-  
6 sonable action to restrict, limit, suspend, or revoke the person's  
7 license or deny his application until the conditions necessitating such  
8 action by the department cease to exist as shown by sufficient evidence  
9 presented by the board. A licensee or applicant for license may appeal  
10 the department's action under this section, as provided in secs. 286 -  
11 288 of this chapter.

12 (e) The board may base its recommendation upon its records and  
13 reports, or may cause an examination and report to be made by one or  
14 more members of the board or any other qualified person it may desig-  
15 nate. The licensed driver or applicant for license may cause a written  
16 report to be forwarded to the department by a physician of his choice  
17 and the report shall be given due consideration by the board.

18 (f) Members of the board and other persons making medical exami-  
19 nations are not liable for their opinions and recommendations presented  
20 under (d) of this section.

21 (g) Reports received or made by the board or its members for the  
22 purpose of assisting the department in determining whether a person is  
23 qualified to be licensed, are confidential and are for the use of the  
24 board and the department, and may not be divulged to any person or used  
25 as evidence in any trial other than a cause of action brought by the  
26 examinee, except that the reports may be admitted in proceedings under  
27 sec. 286 of this chapter. Persons conducting examinations under (e) of  
28 this section may be compelled to testify in proceedings under secs.  
29 286 - 288 of this chapter.