

MAINE STATE LEGISLATURE

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MS.

L.D. 487

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MINORITY
TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 367, L.D. 487, Bill, "An Act to Implement the Recommendations of the Task Force to Study the Safe Mobility of Maine's Aging Population"

Amend the bill by striking out all of section 1 (page 1, lines 3 to 9 in L.D.)

Further amend the bill in section 2 in that part designated "~~§1259.~~" by striking out all of subsections 1 and 2 (page 1, lines 15 to 30 in L.D.) and inserting in their place the following:

1. Reasonable cause to suspect. When, while acting in a professional capacity, a medical or osteopathic physician, a physician's assistant, an ophthalmologist or an optometrist knows or has reasonable cause to suspect that a person who operates a motor vehicle has an uncorrected visual impairment resulting in vision that does not meet the standards for peripheral vision, double vision or visual acuity adopted by the Secretary of State in accordance with section 153 and section 1258, subsection 2, the medical professional shall immediately report or cause a report to be made to the Secretary of State.

2. Contents of report. The Secretary of State shall develop forms for reporting visual impairments and make the forms available with return-addressed envelopes to medical professionals required to report under subsection 1. The forms must be designed to provide for reporting the following information:

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- A. The name and address of the person with an uncorrected visual impairment;
- B. The name and address of the reporting medical professional;
- C. The medical professional's credentials; and
- D. An assessment of the person's visual impairment.'

Further amend the bill in section 2 in that part designated "§1259." by inserting at the end the following:

'5. Duties of the Secretary of State. The Secretary of State shall develop and distribute materials to medical professionals to inform them of the reporting requirement and the immunity and confidentiality provisions of this section.'

Further amend the bill by striking out all of sections 4, 5 and 6 (page 2, lines 13 to 48 and page 3, lines 1 and 2 in L.D.) and inserting in their place the following:

'Sec. 4. 29-A MRSA §1354 is enacted to read:

§1354. Driver improvement course for problem operators

1. Definition. For the purposes of this section, a "problem operator" means an operator whose driving record indicates 3 occurrences within a 5-year period of one or any combination of the following:

- A. Contributing to the cause of a motor vehicle accident;
- B. Conviction or adjudication of a moving violation; or
- C. Having been reported to the Secretary of State for unsafe driving behavior. The Secretary of State shall verify the reliability of reports of unsafe driving behavior.

2. Development of course; referral to courses. The Secretary of State shall develop a driver improvement course for problem operators. The course must include behind-the-wheel training. The Secretary of State may refer problem operators to existing defensive driving and driver education programs.

3. Requirement. The Secretary of State may require a problem operator to complete a driver improvement course and may require a problem operator to obtain behind-the-wheel training. The Secretary of State may suspend the license of a problem operator required to complete a driver improvement course or

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behind-the-wheel training if that operator refuses to take or fails to complete the course or training.'

Further amend the bill in section 10 by inserting at the end the following: 'On or before January 30, 1997, the department shall report the survey results and findings on unmet transportation needs to the joint standing committee of the Legislature having jurisdiction over transportation matters.'

Further amend the bill by striking out all of section 11 (page 4, lines 9 to 27 in L.D.) and inserting in its place the following:

'Sec. 11. Volunteer driver program and transportation information center. The Department of Transportation, in consultation with the area agencies on aging and with designated regional providers, shall develop a plan for a centrally coordinated transportation information center or centers and a volunteer driver program or programs. The purpose of the information center and volunteer driver program is to increase the use of existing public and private transportation services through the coordination of consumer information and the development of new volunteer driver services.

The plan must provide for bringing together in either one easily accessible statewide resource or up to 8 easily accessible regional resources all available information on alternative transportation, whether publicly or privately funded, fixed-route or demand-responsive. The plan must include recommendations for implementing the plan and recommend the appropriate agency or agencies to implement the plan. The plan must include an estimate of costs for establishing and operating the recommended center or centers and an estimate for maintaining a toll-free number providing schedule, route and fare information on all transportation services in the State.

The plan for a volunteer driver program or programs must include recommendations for integrating volunteer driver services into traditional transportation services. The plan must include recommendations for implementing a statewide volunteer driver program or regional programs and recommend the appropriate agency or agencies to coordinate the program or programs. The plan must include an estimate of costs for establishing and operating the recommended program or programs. On or before January 30, 1997, the department shall report its recommendations for a transportation information center and for a volunteer driver program to the joint standing committee of the Legislature having jurisdiction over transportation matters.'

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2 Further amend the bill in section 12 by inserting at the end
the following: 'On or before January 30, 1997, the department
shall report to the joint standing committee of the Legislature
4 having jurisdiction over transportation matters on the program
developed and on the department's outreach efforts.'

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Further amend the bill by striking out all of section 14
8 (page 5, lines 9 to 22 in L.D.) and inserting in its place the
following:

10 **'Sec. 14. Reporting of dementia.** The Secretary of State shall
12 work with the Maine Medical Association and other organizations
whose members are primarily medical professionals to inform the
14 medical community of the immunity provisions found in the Maine
Revised Statutes, Title 29-A, section 1258, subsection 6 and of
16 the standards for dementia developed by the Secretary of State
and used to determine functional ability. On or before January
18 30, 1997, the Secretary of State shall present to the joint
standing committee of the Legislature having jurisdiction over
20 transportation matters a summary of the number of cases of
dementia reported. The summary should include a comparison of
22 the number of cases reported before and after efforts to inform
the medical community of immunity provisions and recommendations
24 for increasing reporting.'

26 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
28 consecutively.

30 Further amend the bill by inserting at the end before the
statement of fact the following:

34 **'FISCAL NOTE**

36 The Department of Transportation will incur additional costs
to study certain transportation needs and services provided to
38 our State's senior citizens as well as to develop a plan to
educate the State's citizens about alternative transportation.
40 These costs can be absorbed within the department's existing
budgeted resources.

42 The additional costs to develop a driver improvement course
44 for problem operators and to report on dementia can be absorbed
by the Bureau of Motor Vehicles within the Department of the
46 Secretary of State utilizing existing budgeted resources.

48 The Department of Transportation will incur additional costs
associated with developing a plan for a volunteer driver program

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and a statewide transportation information center. These costs can be absorbed within the Department of Transportation's existing budgeted resources.

The Bureau of Insurance will incur some minor additional costs to convene a study committee on volunteer driver liability. These costs can be absorbed within the bureau's existing budgeted resources.'

STATEMENT OF FACT

This amendment is the Minority Report of the Joint Standing Committee on Transportation. This amendment requires the Secretary of State to develop and distribute forms for reporting visual impairments and to develop and distribute materials to inform medical professionals of the reporting requirement and immunity and confidentiality provisions.

It revises the provisions in section 4 of the bill regarding problem operators. It specifies the occurrences must be within a 5-year time period. It changes the accident criteria used to define a "problem operator" to specify that the operator contributed to the cause of a traffic accident. It requires the Secretary of State to determine the reliability of reports of unsafe driving behavior. It gives the Secretary of State the authority to require a problem operator to complete a driver improvement course. It clarifies that the Secretary of State may refer a problem driver to an existing defensive driving course or driver education program.

It strikes the provision for a 2-year license for persons age 75 and older.

It amends section 11 of the bill to require the Department of Transportation to develop a plan for centrally coordinated information centers and volunteer driver programs rather than requiring implementation of a center and program. It specifies that the plan may recommend either a statewide center or regional centers and either a statewide or regional volunteer driver program or programs.

It adds a report date of January 30, 1997 to sections 10 and 12 of the bill. The Department of Transportation is required to report to the joint standing committee of the Legislature having jurisdiction over transportation matters on its study of transportation needs and its program to educate citizens about alternative transportation.

It amends section 14 of the bill to direct the Secretary of State to inform medical professionals of standards for dementia

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2 and to include in its report to the legislature recommendations
for increasing reporting of dementia.

4 This amendment also adds a fiscal note to the bill.