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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 365

01/24/2019 Authored by Davnie, Halverson, Winkler, Koegel, Elkins and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division
02/07/2019 By motion, recalled and re-referred to the Transportation Finance and Policy Division
03/14/2019 Adoption of Report: Re-referred to the Committee on Government Operations
05/12/2020 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to driver's licenses; repealing certain driver licensing requirements related
1.3 to diabetes mellitus; repealing Minnesota Rules, part 7410.2610, subparts 1, 2, 3,
1.4 3a, 5a, 5b, 6.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. RULEMAKING; DIABETES MELLITUS.

1.7 The commissioner of public safety must amend Minnesota Rules, part 7414.1490, as
1.8 necessary to conform with section 2. The commissioner may use the expedited rulemaking
1.9 process under Minnesota Statutes, section 14.389.

1.10 Sec. 2. REPEALER.

1.11 Minnesota Rules, part 7410.2610, subparts 1, 2, 3, 3a, 5a, 5b, and 6, are repealed.

7410.2610 INSULIN-TREATED DIABETES MELLITUS.

Subpart 1. **Scope.** This part applies to drivers and applicants for drivers' licenses who have diabetes and are treated with insulin.

Subp. 2. **Definitions.** The terms in this part have the meanings given them in this subpart.

A. "Applying" means the completion of a department initial application, renewal, or duplicate driver's license form.

B. "Commissioner" means the commissioner of the Department of Public Safety, acting directly or through authorized officers and agents.

C. "Department" means the Department of Public Safety.

D. "Driving-related episode" means an episode that occurs while a person is driving, operating, or in physical control of a motor vehicle.

E. "Episode" means loss of consciousness or voluntary control due to hypoglycemia or hyperglycemia.

F. "Loss of consciousness or voluntary control" means the inability to assume and retain an upright posture without support or the inability to overcome diabetic symptoms without the assistance of another.

Subp. 3. **Reporting diagnosis of insulin-treated diabetes or episode.** A person shall report a diagnosis of insulin-treated diabetes or an episode, in writing, to the department as follows:

A. after a diagnosis of insulin-treated diabetes:

- (1) at the time of applying for a driver's license; and
- (2) within 30 days after the diagnosis;

B. for a driving-related episode:

- (1) within 30 days after the episode; and
- (2) on a regularly scheduled physician's statement as required in subpart 3a;

and

C. for a non-driving-related episode, on a regularly scheduled physician's statement as required in subpart 3a.

If a person has reason to know the requirements of items A and B, and willfully fails to report or willfully makes a material misrepresentation to the department concerning the person's diabetic condition, the commissioner shall suspend the person's driver's license for six months. The six-month suspension period will begin within 30 days from the date the department discovers the failure to report or misrepresentation.

Subp. 3a. **Physician's statement required.** A physician's statement, on a form prescribed by the commissioner, is required:

A. after the person:

- (1) is diagnosed as having insulin-treated diabetes; or
- (2) has a driving-related episode under subpart 3; and

B. every six months until the person has been episode free for a year; and then

C. annually until the person has been episode free for four years; and then

D. every four years; and additionally

E. as recommended by the physician or by the department.

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The six-month, one-year, or four-year period will begin from the date the most recent physician's statement has been received and approved by the department. During a period of cancellation or suspension under this part, the department shall not require a physician's statement until the end of the cancellation or suspension period.

If a person fails to return a physician's statement to the department within 30 days from the date of mailing, the commissioner shall cancel the person's driver's license until the physician's statement is submitted to the department and accepted.

The physician's statement must indicate, at least, the date of each of the person's episodes since the previous physician's statement, whether the person is cooperating in the treatment of the condition, the person's prognosis for control of the person's diabetic condition, and whether the person is medically qualified to exercise reasonable and ordinary control over a motor vehicle on the public roads.

Subp. 5a. **Cancellation or denial.** After a review of a person's physician's statement, the commissioner shall cancel or deny a person's driver's license under the conditions and for the periods stated as follows:

A. If the commissioner receives a physician's statement that indicates that the person is not medically qualified to exercise reasonable and ordinary control over a motor vehicle, the period of cancellation or denial will be based on the recommendation of the physician and the department unless the cancellation period in item B or C applies. If the department and the treating physician do not agree on the cancellation period, the physician's statement and the person's medical history will be submitted to the Medical Review Board for its recommendation upon the request of the individual, the physician, or the department.

B. If a person has a driving-related episode, the person's driver's license will be canceled for a period of six months from the date of the episode.

C. If a person has a driving-related episode that resulted from the use of alcohol or a controlled substance, the person's driver's license will be canceled for a period of one year from the date of the episode.

Subp. 5b. **Notice.** The commissioner shall notify a person whose driver's license has been or is subject to cancellation, suspension, or denial. The notification must be in writing and be personally served or sent by first-class mail to the person's last known address shown on department records. The notice must contain:

- A. the reason for the cancellation, suspension, or denial;
- B. the length of withdrawal;
- C. a statement that a person has a right to an administrative review; and
- D. the requirements for reinstatement of the person's driver's license.

The notice is deemed received three days after mailing by the department to the last known address of the person shown on department records.

Subp. 6. **Reinstatement or issuance.** The commissioner shall reinstate or issue the driver's license of a person whose license has been suspended, canceled, or denied when:

- A. the period of suspension, if any, has expired;
- B. the person has paid the suspension reinstatement fee as required by statute;
- C. no withdrawal of the person's driver's license is outstanding;
- D. the requirements that resulted in suspension, cancellation, or denial have been completed; and
- E. the person submits a physician's statement, on a form prescribed by the commissioner, indicating:

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(1) the date of each of the person's episodes since the previous physician's statement;

(2) the person is cooperating in the treatment of the condition;

(3) a favorable prognosis for the control of the person's diabetic condition;
and

(4) the person is medically qualified to exercise reasonable and ordinary control over a motor vehicle on the public roads.