

1 Department of Public Safety

2

3 Adopted Permanent Rules Relating to Drivers License Requirements
4 of Persons With Diabetes

5

6 Rules as Adopted

7 7410.2610 INSULIN-TREATED DIABETES MELLITUS.

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

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

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

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

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

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

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

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

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

32 A. after a diagnosis of insulin-treated diabetes:

33 (1) at the time of applying for a driver's
34 license; ~~or~~ and

35 (2) within 30 days after the diagnosis;

1 B. for a driving-related episode:

2 (1) within 30 days after the episode; and

3 (2) on a regularly scheduled physician's

4 statement as required in subpart 3a; and

5 C. for a non-driving-related episode, on a regularly

6 scheduled physician's statement as required in subpart 3a.

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

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

16 A. after the person:

17 (1) is diagnosed as having insulin-treated

18 diabetes; or

19 (2) has a driving-related episode under subpart

20 3; and

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

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

25 D. every four years; and additionally

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

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

34 If a person fails to return a physician's statement to the
35 department within 30 days from the date of mailing, the
36 commissioner shall cancel the person's driver's license until

1 the physician's statement is submitted to the department and
2 accepted.

3 The physician's statement must indicate, at least, the date
4 of each of the person's episodes since the previous physician's
5 statement, ~~the-cause-of-each-episode~~, whether the person is
6 cooperating in the treatment of the condition, the person's
7 prognosis for control of the person's diabetic condition, and
8 whether the person is medically qualified to exercise reasonable
9 and ordinary control over a motor vehicle on the public roads.

10 Subp. 4. [See repealer.]

11 Subp. 5. [See repealer.]

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

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

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

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

34 Subp. 5b. **Notice.** The commissioner shall notify a person
35 whose driver's license has been or is subject to cancellation,
36 suspension, or denial. The notification must be in writing and

1 be personally served or sent by first-class mail to the person's
2 last known address shown on department records. The notice must
3 contain:

4 A. the reason for the cancellation, suspension, or
5 denial;

6 B. the length of withdrawal;

7 C. a statement that a person has a right to an
8 administrative review; and

9 D. the requirements for reinstatement of the person's
10 driver's license.

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

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

17 A. the period of suspension, if any, has expired;

18 B. the person has paid the suspension reinstatement
19 fee as required by statute;

20 C. no withdrawal of the person's driver's license is
21 outstanding;

22 D. the requirements that resulted in suspension,
23 cancellation, or denial have been completed; and

24 E. the person submits a physician's statement, on a
25 form prescribed by the commissioner, indicating:

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

28 ~~(2) the cause of each episode;~~

29 ~~(3) the person is cooperating in the treatment of~~
30 the condition;

31 ~~(4) (3) a favorable prognosis for the control of~~
32 the person's diabetic condition; and

33 ~~(5) (4) the person is medically qualified to~~
34 exercise reasonable and ordinary control over a motor vehicle on
35 the public roads.

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- 1 REPEALER. Minnesota Rules, parts 7410.2600; and 7410.2610,
- 2 subparts 4 and 5, are repealed.