

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

680P0614

HOUSE BILL NO. 1264

Introduced by: Representatives Jerke, Elliott, Faehn, Howie, Kirkeby, Lust, Miles, Moore, Olson (Betty), and Sigdestad and Senators Napoli, Albers, Garnos, Hauge, McCracken, and Sutton

1 FOR AN ACT ENTITLED, An Act to permit certain persons with insulin-dependent diabetes
2 mellitus to get an endorsement on a commercial driver license to drive a school bus.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-12A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 Any person with insulin-dependent diabetes mellitus, who is otherwise medically qualified
7 under the physical examination standards of the federal motor carrier safety regulations, as
8 provided by § 32-12A-24, may request a waiver for this condition from the department. If an
9 applicant for an intrastate school bus endorsement meets the requirements as specified in
10 subdivisions (1) to (7), inclusive, of this section, the department shall grant a waiver. The
11 department shall notify each applicant and each affected school district or private contractor of
12 its determination of eligibility for each application for a waiver. An applicant shall:

13 (1) Document that the applicant has no other disqualifying conditions including diabetes-
14 related complications;



- 1 (2) Document that the applicant has had no recurrent diabetic reactions resulting in a loss
2 of consciousness or diabetic reaction within the past five years. A period of one year
3 of demonstrated stability is required following the first episode of hypoglycemia;
- 4 (3) Document that the applicant has had no recurrent diabetic reactions requiring the
5 assistance of another person within the past five years. A period of one year of
6 demonstrated stability is required following the first episode of hypoglycemia;
- 7 (4) Document that the applicant has had no recurrent diabetic reactions resulting in
8 impaired cognitive functioning that occurred without warning symptoms within the
9 past five years. A period of one year of demonstrated stability is required following
10 the first episode of hypoglycemia;
- 11 (5) Document that the applicant has been examined by a board-certified or board-eligible
12 physician who has conducted a complete medical examination. The complete medical
13 examination shall consist of a comprehensive evaluation of the applicant's medical
14 history and current status with a report including the following information:
 - 15 (a) The date insulin use began;
 - 16 (b) Diabetes diagnosis and disease history;
 - 17 (c) Hospitalization records, if any;
 - 18 (d) Consultation notes for diagnostic examinations;
 - 19 (e) Special studies pertaining to the diabetes;
 - 20 (f) Follow-up reports;
 - 21 (g) Reports of any diabetic reactions within the last five years;
 - 22 (h) Two measures of glycosylated hemoglobin, the first ninety days before the last
23 and current measure;
 - 24 (i) Insulin dosages and types, diet utilized for control and any significant factors

1 such as smoking, alcohol use, and any other medications or drugs taken; and

2 (j) Examinations to detect any peripheral neuropathy or circulatory insufficiency
3 of the extremities;

4 (6) Submit a signed statement from an examining physician indicating the following
5 medical determinations:

6 (a) The physician is familiar with the applicant's medical history for the past five
7 years, either through actual treatment over that time or through consultation
8 with a physician who has treated the applicant through that time;

9 (b) The applicant has been educated in diabetes and its management, thoroughly
10 informed of and understands the procedures that must be followed to monitor
11 and manage the applicant's diabetes and the procedures to be followed if
12 complications arise; and

13 (c) The applicants has the ability and has demonstrated the willingness to properly
14 monitor and manage the applicant's diabetes; and

15 (7) Submit a separate signed statement from an ophthalmologist or optometrist that the
16 applicant has been examined and does not have diabetic retinopathy and meets the
17 vision standards in 49 CFR 391.41 (b)(10), as amended through January 1, 2007, or
18 has been issued a valid medical exemption. If the applicant has any evidence of
19 diabetic retinopathy, the applicant shall be examined by an ophthalmologist and
20 submit a signed statement from the ophthalmologist that the applicant does not have
21 unstable advancing disease of blood vessels in the retina, known as unstable
22 proliferative diabetic retinopathy.

23 Each school bus driver that is granted a waiver for insulin-dependent diabetes mellitus
24 issued by the department shall maintain the waiver in the driver's possession at all times.

1 The department shall promulgate rules, pursuant to chapter 1-26, necessary for the
2 determination of eligibility and issuance of a waiver to persons with insulin-dependent diabetes
3 mellitus in accordance with the provisions of this section.