

SENATE BILL NO. 2143

Introduced by

Senators J. Lee, Uglem, Warner

Representatives Delmore, Kreidt, Trottier

1 A BILL for an Act to amend and reenact section 39-06-07.2 of the North Dakota Century Code,
2 relating to use of medical advice by the director of the department of transportation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 39-06-07.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-06-07.2. Medical advice - Use by director.**

- 7 1. The director is authorized to seek professional medical advice from any physician,
8 advanced practice registered nurse, or optometrist authorized to practice in this state
9 and to use that advice in decisions made by the director in regard to the issuance,
10 renewal, suspension, revocation, or cancellation of driver's licenses ~~pursuant to~~under
11 this chapter. The advice may be received in any manner deemed advisable by the
12 director or the director's authorized agent.
- 13 2. In addition to advice sought and received ~~pursuant to~~under subsection 1, the director
14 may consider information and advice received from an individual applicant's or driver's
15 personal physician, advanced practice registered nurse, or optometrist. Any
16 examination and report requested by the applicant or driver or required to be taken
17 and provided by the director ~~pursuant to~~under this chapter must be at the expense of
18 the applicant or driver.
- 19 3. Any physician, advanced practice registered nurse, or optometrist providing advice to
20 the director or director's authorized agent ~~pursuant to~~under subsection 1 ~~shall incur~~
21 ~~no~~does not incur any liability for any opinion, recommendation, or advice provided.
- 22 4. Advice and information received by the director or director's authorized agent ~~pursuant~~
23 ~~to~~under subsection 1 which relates to an individual applicant or driver is for the
24 confidential use of the director or director's authorized agent in making decisions on

- 1 the individual's qualifications as a driver, and the information may not be divulged to
2 any person or used in evidence in any trial or proceeding except in matters concerning
3 the individual's qualifications to receive or retain a driver's license.
- 4 5. General advice and information received by the director or director's authorized agent
5 pursuant to under this section, in addition to other sources of information, may be used
6 by the director in the adoption of administrative rules concerning medical criteria for
7 driver licensing.