

Sixty-second  
Legislative Assembly  
of North Dakota

**ENGROSSED 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 - Definition.**

- 7 1. The director is authorized to seek professional medical advice from ~~any physician or~~  
8 ~~optometrist authorized to practice in this state~~ licensed medical care provider and to  
9 use that advice in decisions made by the director in regard to the issuance, renewal,  
10 suspension, revocation, or cancellation of driver's licenses ~~pursuant to~~ under this  
11 chapter. The advice may be received in any manner deemed advisable by the director  
12 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 or optometrist~~ licensed medical care provider. Any examination and  
16 report requested by the applicant or driver or required to be taken and provided by the  
17 director ~~pursuant to~~ under this chapter must be at the expense of the applicant or  
18 driver.
- 19 3. Any ~~physician or optometrist~~ licensed medical care provider providing advice to the  
20 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.
- 8        6.   As used in this section, "licensed medical care provider" means doctor of medicine,  
9           doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced  
10          practice registered nurse, or physician assistant, who is licensed, certified, or  
11          registered in accordance with laws and regulations in this or another state.