

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2143
(Senators J. Lee, Uglem, Warner)
(Representatives Delmore, Kreidt, Trottier)

AN ACT to amend and reenact section 39-06-07.2 of the North Dakota Century Code, relating to use of medical advice by the director of the department of transportation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

39-06-07.2. Medical advice - Use by director - Definition.

1. The director is authorized to seek professional medical advice from ~~any physician or optometrist authorized to practice in this state~~ a licensed medical care provider and to use that advice in decisions made by the director in regard to the issuance, renewal, suspension, revocation, or cancellation of driver's licenses ~~pursuant to~~ under this chapter. The advice may be received in any manner deemed advisable by the director or the director's authorized agent.
2. In addition to advice sought and received ~~pursuant to~~ under subsection 1, the director may consider information and advice received from an individual applicant's or driver's ~~personal physician or optometrist~~ licensed medical care provider. Any examination and report requested by the applicant or driver or required to be taken and provided by the director ~~pursuant to~~ under this chapter must be at the expense of the applicant or driver.
3. Any ~~physician or optometrist~~ licensed medical care provider providing advice to the director or director's authorized agent ~~pursuant to~~ under subsection 1 ~~shall incur no~~ does not incur any liability for any opinion, recommendation, or advice provided.
4. Advice and information received by the director or director's authorized agent ~~pursuant to~~ under subsection 1 which relates to an individual applicant or driver is for the confidential use of the director or director's authorized agent in making decisions on the individual's qualifications as a driver, and the information may not be divulged to any person or used in evidence in any trial or proceeding except in matters concerning the individual's qualifications to receive or retain a driver's license.
5. General advice and information received by the director or director's authorized agent ~~pursuant to~~ under this section, in addition to other sources of information, may be used by the director in the adoption of administrative rules concerning medical criteria for driver licensing.
6. As used in this section, "licensed medical care provider" means doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse, or physician assistant, who is licensed, certified, or registered in accordance with laws and regulations in this or another state.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2143.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 94 Nays 0 Absent 0

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State