



2024 South Dakota Legislature

Senate Bill 60

Introduced by: The Chair of the Committee on Transportation at the request of the Department of Public Safety

1 **An Act to update references to certain regulations regarding medical qualifications**
 2 **for certain commercial drivers.**

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

4 **Section 1. That § 32-12A-24 be AMENDED:**

5 **32-12A-24.** No person under the age of eighteen may receive an endorsement on
 6 a commercial driver license to drive a school bus. Any school bus endorsed driver
 7 operating with an intrastate restriction shall meet all ~~requirements of physical~~
 8 qualifications as required under 49 C.F.R. Part 391, Subpart E, as of January 1, 2015, in
 9 the area of physical qualifications 2024.

10 **Section 2. That § 32-12A-24.1 be REPEALED:**

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

19 ~~(1) Provide evidence, signed by a physician, physician assistant, or certified nurse~~
 20 ~~practitioner that the applicant has no other disqualifying conditions including~~
 21 ~~diabetes related complications;~~

22 ~~(2) Provide evidence, signed by a physician, physician assistant, or certified nurse~~
 23 ~~practitioner that the applicant has had no recurrent severe hypoglycemic episodes~~
 24 ~~resulting in a loss of consciousness or any severe hypoglycemic episode within the~~
 25 ~~past five years;~~

- 1 ~~(3) Provide evidence, signed by a physician, physician assistant, or certified nurse~~
2 ~~practitioner that the applicant has had no recurrent severe hypoglycemic episodes~~
3 ~~requiring the assistance of another person within the past five years;~~
- 4 ~~(4) Provide evidence, signed by a physician, physician assistant, or certified nurse~~
5 ~~practitioner that the applicant has had no recurrent severe hypoglycemic episodes~~
6 ~~resulting in impaired cognitive functioning that occurred without warning~~
7 ~~symptoms within the past five years;~~
- 8 ~~(5) Document that the applicant has been examined by a board-certified or board-~~
9 ~~eligible physician, a physician assistant, or a certified nurse practitioner who has~~
10 ~~conducted a complete medical examination. The complete medical examination~~
11 ~~shall consist of a comprehensive evaluation of the applicant's medical history and~~
12 ~~current status with a report including the following information:~~
- 13 ~~(a) The date insulin use began;~~
- 14 ~~(b) Diabetes diagnosis and disease history;~~
- 15 ~~(c) Hospitalization records, if any;~~
- 16 ~~(d) Consultation notes for diagnostic examinations;~~
- 17 ~~(e) Special studies pertaining to the diabetes;~~
- 18 ~~(f) Follow-up reports;~~
- 19 ~~(g) Reports of any severe hypoglycemic episode within the last five years;~~
- 20 ~~(h) Two measures of glycosylated hemoglobin, the first ninety days before the~~
21 ~~last and current measure;~~
- 22 ~~(i) Insulin dosages and types, diet utilized for control and any significant~~
23 ~~factors such as smoking, alcohol use, and any other medications or drugs~~
24 ~~taken; and~~
- 25 ~~(j) Examinations to detect any peripheral neuropathy or circulatory~~
26 ~~insufficiency of the extremities;~~
- 27 ~~(6) Submit a signed statement from an endocrinologist indicating the following medical~~
28 ~~determinations:~~
- 29 ~~(a) The endocrinologist is familiar with the applicant's medical history for the~~
30 ~~past five years, either through actual treatment over that time or through~~
31 ~~consultation with a physician who has treated the applicant through that~~
32 ~~time;~~
- 33 ~~(b) The applicant has been educated in diabetes and its management,~~
34 ~~thoroughly informed of and understands the procedures that must be~~

1 followed to monitor and manage the applicant's diabetes and the
2 procedures to be followed if complications arise; and

3 (c) The applicant has the ability and has demonstrated the willingness to
4 properly monitor and manage the applicant's diabetes; and

5 (7) Submit a separate signed statement from an ophthalmologist or optometrist that
6 the applicant has been examined and does not have diabetic retinopathy and meets
7 the vision standards in 49 C.F.R. 391.41 (b)(10), as of January 1, 2015, or has
8 been issued a valid medical exemption. If the applicant has any evidence of diabetic
9 retinopathy, the applicant shall be examined by an ophthalmologist and submit a
10 signed statement from the ophthalmologist that the applicant does not have
11 unstable advancing disease of blood vessels in the retina, known as unstable
12 proliferative diabetic retinopathy.

13 Each school bus driver that is granted a waiver for insulin treated diabetes mellitus
14 issued by the department shall maintain the waiver in the driver's possession at all times.
15 Any school bus driver that is granted the waiver and has a severe hypoglycemic episode
16 forfeits the waiver and may not reapply for five years.

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

20 A waiver granted under this section may be issued for a maximum of two years.
21 The driver may reapply for renewal of the waiver every two years.

22 **Section 3. That § 32-12A-24.2 be REPEALED:**

23 Any person who holds a waiver pursuant to § 32-12A-24.1 shall, after one year of
24 holding the waiver, undergo a physical examination and submit to the employer a signed
25 statement from a physician, physician assistant, or certified nurse practitioner that the
26 person has completed a physical examination.

27 **Section 4. That § 32-12A-24.3 be REPEALED:**

28 No person who holds a waiver pursuant to § 32-12A-24.1 may operate a school
29 bus with students present unless the person checks his or her blood glucose level no more
30 than thirty minutes before operating the bus. If the person operates a bus for a continuous
31 duration that exceeds eighty nine minutes, the person shall check his or her blood glucose
32 level each hour and record the information. The person shall submit the information to
33 the employer each day.