

**Administrative Rules Committee  
June 10, 2015**

**North Dakota Department of Transportation  
Glenn Jackson – Driver's License Division Director**

**N.D. ADMIN. Code Chapter 37-03-01, General Requirements of Licensing**

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Good morning Mr. Chairman and Administrative Rules Committee. Through the administrative rules process the North Dakota Department of Transportation (NDDOT) made the following changes regarding general requirements of licensing, specifically medical conditions related to licensing. The changes more clearly define medical conditions related to the privilege of holding a motor vehicle operator's license.

Specifically, the following changes were made:

- I. AMEND Chapter 37-03-01 on the recommendation of the NDDOT Medical Advisory Board.
  - a. Removes specific reference to cardiovascular condition, epilepsy, metabolic diseases, including diabetes mellitus, in which loss of consciousness occurred. 37-03-01-05 Page 31.
  - b. More clearly defines medical conditions as convulsions, seizures, blackouts, or fainting spells. 37-03-01-05 Page 31.

In response to the May 29, 2015 letter from N.D. Legislative Council, the North Dakota Department of Transportation states:

1. The proposed amendment to N.D. Admin. Code Chapter 37-03-01 was not a result of statutory changes made by the Legislative Assembly.
2. The proposed amendment to N.D. Admin. Code Chapter 37-03-01 was not related to any federal statute or regulation.

3. The proposed amendment to N.D. Admin. Code Chapter 37-03-01 was made on the recommendation of the North Dakota Department of Transportation Medical Advisory Board.
4. The Department of Transportation published notice in all county newspapers advising generally of the content of the rulemaking, where copies of the proposed rules may be obtained for review, and stating the location, date, and time of the public hearing. The rules were also published on the NDDOT website.

The department conducts public hearings on all substantive rulemaking. Oral comments are recorded. Oral comments, as well as any written comments that are received, are summarized and presented to the Department's executive director, together with any response to the comments that may seem appropriate and a re-drafted rule incorporating any change occasioned by the comments.
5. No oral comments were received at the public hearing held in Bismarck on January 27<sup>th</sup>, 2015. No written comments were received by 5:00 p.m. on February 6<sup>th</sup>, 2015.
6. The approximate cost of giving public notice, holding the hearing, and the cost (not including staff time) of developing and adopting the rules was \$1,772.30.
7. The rules were amended on the recommendation of the North Dakota Department of Transportation Medical Advisory Board. The rules in chapter 37-03-01 were amended to more clearly define medical conditions related to the privilege of holding a motor vehicle operator's license.

The following specific changes to N.D. Admin. Code Chapter 37-03-01 were made:

  - Section 37-03-01-05, Removed "due to a cardiovascular condition, epilepsy, or by metabolic diseases, including

diabetes mellitus, in which loss of consciousness occurred”  
from Paragraph 1.

8. A regulatory analysis was not issued nor requested. The rule amendment is not expected to have an impact on the regulated community in excess of \$50,000. The rule amendment applies only to individual drivers.
9. A small entity regulatory analysis and economic impact statement were not prepared because the rule amendment does not affect any entities as defined in N.D.C.C. 28-32-08.
10. The rules do not have a fiscal effect on state revenues and expenditures. The rule amendment applies only to individual drivers.
11. A constitutional takings assessment was not prepared. The rule amendment will not result in the taking or limit the use of private real property.
12. These rules were not adopted as emergency (interim final) rules.

Thank you for the opportunity to present these changes to you today.