Article 37-03

DRIVER'S LICENSING AND FINANCIAL RESPONSIBILITY

Chapter
37-03-01 General Requirements of Licensing
37-03-02 Inimical Operators
37-03-03 Suspension, Revocation, and Restoration of Driver's Licenses
37-03-04 Types of Operator's Licenses, Qualifications
37-03-05 Financial Responsibility

* * *

CHAPTER 37-03-01
GENERAL REQUIREMENTS OF LICENSING

Section
37-03-01-01 Definitions
37-03-01-02 Disclosure of Mental or Medical Information
37-03-01-03 Proof of Birth (Repealed)
37-03-01-04 Licensee to Report Physical Impairment
37-03-01-05 Operator's Not to Be Licensed – Exceptions and Requirements

* * *

37-03-01-05. Operator's Not to Be Licensed – Exceptions and Requirements.

1. The privilege of holding a motor vehicle operator's license shall be denied to any person who has experienced convulsions, seizures, blackouts or fainting spells. ~~due to a cardiovascular condition, epilepsy, or by metabolic diseases, including diabetes mellitus, in which loss of consciousness occurred~~. The denial shall occur at the time of application, pursuant to North Dakota Century Code section 39-06-03, or through license suspension, pursuant to North Dakota Century Code sections 39-06-24, 39-06-32, and 39-06-34.

2. A person who has experienced the episodes described in subsection 1 may be issued a restricted operator's license or permit pursuant to North Dakota Century Code sections 39-06-06 and 39-06-17, if:

   a. The person has been free of the episodes for at least three

consecutive months and submits a statement to that effect to the director; and

b. The person submits to the director a written certification from the person's treating physician indicating that:

(1) The condition causing the episodes is adequately controlled;

(2) The person has been free of episodes for at least three months; and

(3) Operation of a motor vehicle by the person will not be inimical to public safety or welfare.

Every permit or license issued under this subsection may be periodically reviewed by the director until the person has been free of episodes for at least six months.

3. A person who has been free of the episodes described in subsection 1 for at least six consecutive months will be granted an operator's license if:

a. The person submits a statement to the director indicating that the person has been free of episodes for at least six consecutive months; and

b. The person submits to the director a written certification from the person's treating physician indicating that, based upon an examination of the person, the items required in paragraphs 1 and 3 of subdivision b of subsection 2 have been met by the person, the person has been free of episodes for at least six consecutive months, and that the physician is of the opinion that the person is able and willing to cooperate in the treatment of the conditions causing the episodes.

4. Any person issued an operator's license or permit pursuant to subsection 2 or 3 shall submit to the director a periodic reevaluation form available from the director. The reevaluation form shall be submitted to the director every twelve months, or more often if required by the director, after issuance of a license or permit under subsection 2 or 3. The form shall contain the information prescribed by the director, and the person shall be required to furnish all information requested. The form shall include provision for the opinion of the person's treating physician that the person's condition continues to be controlled and that the operation of a motor vehicle by the person will not be inimical to public safety or welfare.

5. A person having had the episodes described in subsection 1 will not be required to submit further periodic reevaluation forms if the person:

   a. Submits to the director a statement that the person has not taken any medication to control episodes for three consecutive years, and has had no episodes for three consecutive years; and

   b. Submits to the director a written certification from the person's treating physician or physicians that, for three consecutive years, the person has not had any episodes. The total of the treatment periods, if more than one physician has treated the person, must equal three consecutive years without episodes.

6. A single episode of the type described in subsection 1 shall be treated as only an isolated occurrence if the opinion of the treating physician establishes that it was an isolated incident and not likely to recur. The director shall consider the opinion of the treating physician in determining whether, upon all the evidence, it is safe to permit or license the person for the operation of a motor vehicle without the three-month waiting period.

7. The director shall use the reports required to be filed under this section to make determinations on licensure. Episodes medically induced shall not be considered in determining whether to license a person under this section. When the records of the director show lack of compliance with the requirements of this section by any person, the director may suspend forthwith the license of that person pursuant to North Dakota Century Code sections 39-06-32 and 39-06-34.

8. Except as provided in North Dakota Century Code section 39-08-21, the driver of a commercial class A, B, or C motor vehicle shall comply with the federal motor carrier regulations in 49 CFR sections 391.41(a) and 391.41(b) paragraphs (3) through (9) and (11) through (13).

History: Effective January 1, 1979; amended effective July 1, 1981; May 1, 1994; July 1, 2015.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-06-03, 39-06-34