

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2867

1 AN ACT TO AMEND SECTION 63-1-79, MISSISSIPPI CODE OF 1972, TO  
2 REVISE AND CLARIFY THE CONDITIONS PERTAINING TO DIABETICS WHO ARE  
3 ENTITLED TO A COMMERCIAL DRIVER'S LICENSE; AND FOR RELATED  
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 63-1-79, Mississippi Code of 1972, is  
7 amended as follows:

8 63-1-79. (1) Except as otherwise provided in this article,  
9 no person shall be issued a commercial driver's license under this  
10 article unless that person is a resident of this state, is  
11 twenty-one (21) years of age or older, has passed a knowledge and  
12 skills test for driving a commercial motor vehicle which complies  
13 with minimum standards established by applicable federal  
14 regulations, and has satisfied all other requirements of the CMVSA  
15 in addition to other requirements imposed by state law or federal  
16 regulation. The tests shall be prescribed and conducted by the  
17 Commissioner of Public Safety. Notwithstanding the minimum age  
18 requirements for issuance of a commercial driver's license under  
19 this article, any person seventeen (17) years of age or older who  
20 otherwise meets all requirements for issuance of a commercial  
21 driver's license may be issued a commercial driver's license with  
22 an endorsement thereon which authorizes the licensee to drive a  
23 commercial motor vehicle within the geographic boundaries of this  
24 state only.

25 (2) Notwithstanding the provisions of subsection (1) of this  
26 section, the Commissioner of Public Safety may authorize another  
27 person, including an agency, department, institution, political  
28 subdivision or instrumentality of this or another state, an

29 employer, a private driver training facility or other private  
30 institution, to administer the skills test specified by this  
31 section, provided:

32 (a) The test is the same which would otherwise be  
33 administered by the Commissioner of Public Safety; and

34 (b) Such person has entered into an agreement with this  
35 state which complies with requirements of applicable federal  
36 regulations.

37 (3) Notwithstanding the provisions of subsection (1) of this  
38 section, the Commissioner of Public Safety shall waive the  
39 knowledge test and/or skills test specified in this section for a  
40 commercial driver's license applicant who meets any waiver  
41 requirements of applicable federal regulations.

42 (4) A commercial driver's license or commercial driver  
43 instruction permit shall not be issued to a person while the  
44 person is subject to a disqualification from driving a commercial  
45 motor vehicle or while the person's driver's license is suspended,  
46 revoked or cancelled in any state; nor may a commercial driver's  
47 license be issued to a person who has a commercial driver's  
48 license issued by any other state unless the person first  
49 surrenders all such licenses, which must be returned to the  
50 issuing state or states for cancellation.

51 (5) (a) A commercial driver instruction permit may be  
52 issued to an individual who has passed the vision and written  
53 tests required for the class of commercial driver's license  
54 applied for under this article.

55 (b) Unless the Commissioner of Public Safety waives the  
56 skills test for a commercial driver's license applicant as  
57 provided under this article, any person applying for a commercial  
58 driver's license under this article shall be required to obtain a  
59 commercial driver instruction permit before applying for or  
60 obtaining such commercial driver's license.

61 (c) A commercial driver instruction permit shall not be  
62 issued for a period to exceed six (6) months. Only three (3)  
63 renewals shall be granted within a three-year period. The holder  
64 of a commercial driver instruction permit may, unless otherwise  
65 disqualified, drive a commercial motor vehicle only when  
66 accompanied by the holder of a commercial driver's license valid  
67 for the type of vehicle driven who occupies a seat beside the  
68 individual for the purpose of giving instruction in driving the  
69 commercial motor vehicle.

70 (6) Notwithstanding any requirement imposed by state law or  
71 state or federal regulations restricting the issuance of a  
72 commercial driver's license to a person with insulin-treated  
73 diabetes mellitus, a person with insulin-treated diabetes mellitus  
74 may be issued a commercial driver's license if the person  
75 otherwise meets all qualifications for issuance provided:

76 (a) The driver is physically examined every year \* \* \*  
77 by a board-certified/eligible endocrinologist attesting to the  
78 fact that the driver \* \* \*:

79 (i) 1. a. Has had no recurrent hypoglycemic  
80 reactions resulting in a loss of consciousness or seizure within  
81 the past five (5) years;

82 b. Has had no recurrent hypoglycemic  
83 reactions requiring the assistance of another person within the  
84 past five (5) years;

85 c. Has had no recurrent hypoglycemic  
86 reactions resulting in impaired cognitive function which occurred  
87 without warning symptoms within the past five (5) years;

88 2. "Recurrent hypoglycemic reaction" means  
89 two or more in any twelve-month period; a period of one (1) year  
90 of demonstrated stability following an episode of hypoglycemia is  
91 required for two (2) successive hypoglycemic reactions not to be  
92 considered recurrent;

93                   (ii) Is able to and has demonstrated willingness  
94 to properly monitor and manage the person's diabetes; and

95                   (iii) Is not likely to suffer any diminution in  
96 driving ability due to the person's diabetic condition.

97                   (b) The driver is physically examined every year by an  
98 ophthalmologist or optometrist to ensure that the driver has no  
99 proliferative diabetic retinopathy or other clinically significant  
100 eye disease;

101                   (c) The driver agrees to and complies with the  
102 following conditions:

103                   (i) A source of rapidly absorbable glucose shall  
104 be carried at all times while driving;

105                   (ii) Blood glucose levels shall be self-monitored  
106 one (1) hour prior to driving and at least once every four (4)  
107 hours while driving or on duty prior to driving using a portable  
108 glucose monitoring device equipped with a computerized memory. If  
109 glucose is equal to or greater than 100mg/dl, glucose or food  
110 shall be taken, with glucose rechecked in thirty (30) minutes.  
111 This process must be repeated until glucose is less than 100  
112 mg/dl. The person shall not drive until glucose is less than 100  
113 mg/dl;

114                   (iii) Submit blood glucose logs to the  
115 endocrinologist or medical examiner at the annual examination or  
116 when otherwise directed by the Department of Public Safety;

117                   (iv) Provide a copy of the endocrinologist's  
118 report to the medical examiner at the time of the annual medical  
119 examination; and

120                   (v) Provide a copy of the annual medical  
121 certification to the person's employer for retention in the  
122 driver's qualification file and retain a copy of the certification  
123 on his person while driving for presentation to a duly authorized  
124 federal, state or local enforcement official.

125            (d) The commercial license issued under this subsection  
126 (6) will bear an endorsement restricting commercial driving on the  
127 license to driving only within the boundaries of Mississippi.

128            **SECTION 2.** This act shall take effect and be in force from  
129 and after July 1, 2005.