

FEB 12 2004
TRANSPORTATION

HOUSE FILE 2233
BY CARROLL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to physical and medical qualifications for
2 certain commercial vehicle operators.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2233

1 Section 1. Section 321.449, subsection 5, Code Supplement
2 2003, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. (1) Notwithstanding any provision of
4 this section or rules adopted under this section concerning
5 physical and medical qualifications for drivers, an insulin-
6 dependent diabetic may qualify for purposes of operating a
7 commercial vehicle engaged in intrastate commerce under this
8 section if a person identified by federal or state law as
9 authorized to perform physical examinations annually provides
10 a signed statement indicating that based upon an annual
11 physical examination the individual is physically able to
12 perform the required functions despite insulin dependency.
13 The insulin-dependent diabetic shall not qualify to operate a
14 commercial vehicle if, at minimum, the individual results of a
15 glycosylated hemoglobin test indicate values less than 6.0
16 percent or greater than 9.5 percent on other than an
17 incidental basis and not as a result of failure to control
18 glucose levels. The statement shall also indicate that within
19 the past three years the insulin-dependent diabetic has
20 completed instruction to address diabetes management and
21 driving safety, signs and symptoms of hypoglycemia and
22 hyperglycemia, and what procedures must be followed if
23 complications arise.

24 (2) A person that employs or otherwise secures the
25 services of a commercial vehicle driver who is an insulin-
26 dependent diabetic shall monitor the driver to determine that
27 the driver is in compliance with all of the following:

28 (a) Self-monitoring blood glucose and demonstrating
29 conformance with requirements, more than one hundred
30 milligrams per deciliter and less than three hundred
31 milligrams per deciliter, within one hour before operating a
32 commercial vehicle and approximately every four hours while on
33 duty using a United States food and drug administration-
34 approved device.

35 (b) Reporting immediately to the employer or person who

1 secures the services of the driver any failure to comply with
2 specific glucose level requirements as listed in subparagraph
3 subdivision (a) or loss of consciousness or control.

4 (c) Carrying a source of readily absorbable, fast-acting
5 glucose while on duty.

6 (d) Maintaining a daily log of all glucose test results
7 for the previous six-month period and providing copies to the
8 employer or person who secures the services of the driver, the
9 examining physician, and the department upon request.

10 (e) Submitting all required department forms within the
11 prescribed timelines.

12 EXPLANATION

13 This bill amends Code section 321.449, which provides for
14 the regulation of motor carriers by the state department of
15 transportation consistent with federal motor carrier safety
16 regulations. Under federal regulations, a person who has an
17 established medical history or clinical diagnosis of diabetes
18 mellitus currently requiring insulin for control is
19 disqualified from operating a commercial motor vehicle. Iowa
20 law makes an exception for drivers engaged in intrastate
21 commerce whose medical condition existed prior to July 29,
22 1996.

23 The bill establishes a monitoring system which allows
24 certain insulin-dependent diabetic drivers who are not covered
25 by the existing exception to continue to qualify to operate a
26 commercial vehicle intrastate. The new system mirrors the
27 system that currently applies to insulin-dependent school bus
28 drivers in Iowa. Under the new system, a commercial vehicle
29 driver is required to undergo an annual physical examination
30 to certify that the driver is physically able to perform the
31 required functions despite insulin dependency. If results of
32 a glycosylated hemoglobin test indicate values less than 6.0
33 percent or greater than 9.5 percent on other than an
34 incidental basis and not as a result of failure to control
35 glucose levels, the individual shall not qualify to operate a

1 commercial vehicle. The driver must also indicate by a signed
2 statement that the driver has completed a course of
3 instruction within the last three years to address diabetes
4 management and driving safety, including signs and symptoms of
5 hypoglycemia and hyperglycemia and procedures to follow if
6 complications arise.

7 The driver is required to perform self-monitoring of blood
8 glucose and demonstrate conformance with required levels of
9 more than 100 milligrams and less than 300 milligrams per
10 deciliter within one hour before operating a commercial
11 vehicle and every four hours while on duty. The driver must
12 report immediately to the employer or person securing the
13 driver's services any loss of consciousness or failure to
14 comply with glucose level requirements. The driver is
15 required to carry a source of readily absorbable, fast-acting
16 glucose while on duty and maintain a daily log of all glucose
17 test results for the previous six-month period. Copies of the
18 log must be provided to the employer, examining physician, and
19 the department of transportation upon request. Finally, the
20 driver must make timely submission of all forms required by
21 the department. A person who employs or otherwise secures the
22 services of an insulin-dependent commercial vehicle driver is
23 responsible for monitoring the driver to determine that the
24 driver is in compliance with the self-monitoring and self-
25 reporting requirements.

26 A violation of Code section 321.449 is a simple misdemeanor
27 punishable by a scheduled fine of \$25.

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