

SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A  
LEGACY FOR USERS

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Public Law 109-59  
109th Congress

An Act

To authorize funds for Federal-aid highways, highway safety programs,  
and transit programs, and for other purposes. <<NOTE: Aug. 10,  
2005 - [H.R. 3]>>

Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress <<NOTE: Safe, Accountable,  
Flexible, Efficient Transportation Equity Act: A Legacy for  
Users. Inter- governmental relations. 23 USC 101 note.>> assembled,

SEC. 4129. OPERATION OF COMMERCIAL MOTOR VEHICLES BY INDIVIDUALS WHO USE  
INSULIN TO TREAT DIABETES MELLITUS.

(a) <<NOTE: Deadline.>> Revision of Final Rule.--Not later than 90  
days after the date of the enactment of this Act, the Secretary shall  
begin revising the final rule published in the Federal Register on  
September 3, 2003, relating to persons with diabetes, to allow  
individuals who use insulin to treat their diabetes to operate  
commercial motor vehicles in interstate commerce. The revised final rule  
shall provide for the individual assessment of applicants who use  
insulin to treat their diabetes and who are, except for their use of  
insulin, otherwise qualified under the Federal motor carrier safety  
regulations. <<NOTE: Applicability.>> The revised final rule shall be  
consistent with the criteria described in section 4018 of the  
Transportation Equity Act for the 21st Century (49 U.S.C. 31305 note)  
and shall conclude the rulemaking process in the Federal Motor Carrier  
Safety Administration docket relating to qualifications of drivers with  
diabetes.

(b) No Period of Commercial Driving While Using Insulin Required for  
Qualification.--After the earlier of the date of issuance of the revised  
final rule under subsection (a) or the 90th day following the date of  
enactment of this Act, the Secretary may not require individuals with  
insulin-treated diabetes mellitus who are applying for an exemption from  
the physical qualification standards to have experience operating  
commercial motor vehicles while using insulin in order to be exempted  
from the physical qualification standards to operate a commercial motor  
vehicle in interstate commerce.

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(c) Minimum Period of Insulin Use.--Subject to subsection (b), the  
Secretary shall require individuals with insulin-treated diabetes  
mellitus to have a minimum period of insulin use to demonstrate stable  
control of diabetes before operating a commercial motor vehicle in  
interstate commerce. Such demonstration shall be consistent with the

findings reported in July 2000, by the expert medical panel established by the Secretary, in ``A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate Commercial Motor Vehicles in Interstate Commerce as Directed by the Transportation Equity Act for the 21st Century''. For individuals who have been newly diagnosed with type 1 diabetes, the minimum period of insulin use may not exceed 2 months, unless directed by the treating physician. For individuals who have type 2 diabetes and are converting to insulin use, the minimum period of insulin use may not exceed 1 month, unless directed by the treating physician.

(d) Limitations.--Insulin-treated individuals may not be held by the Secretary to a higher standard of physical qualification in order to operate a commercial motor vehicle in interstate commerce than other individuals applying to operate, or operating, a commercial motor vehicle in interstate commerce; except to the extent that limited operating, monitoring, and medical requirements are deemed medically necessary under regulations issued by the Secretary.