

Chapter Trans 110

SCHOOL BUS OPERATOR LICENSE

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Trans 110.01 Purpose and scope. (1) As authorized by ss. 110.06, 227.014, 343.12 and 343.16, Stats., the purpose of this chapter is to establish the department of transportation's administrative interpretation of ss. 343.12 and 343.16, Stats., relating to issuance of a school bus operator's license.

(2) This chapter applies to any person applying for or holding a Wisconsin school bus operator's license.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.02 Definitions. In this chapter:

(1) "Assessment" means an examination of the person's use of chemicals and development of a driver safety plan for the person by an approved public treatment facility as defined in s. 51.45 (2) (c), Stats.

(2) "Assessor" means a person approved by the department of health and social services to conduct assessments under s. 51.42, Stats.

(3) "Denied licensing" means a license shall not be issued at original application or renewal application and shall be cancelled at any other time.

(4) "Department" means the Wisconsin department of transportation.

(5) "Chemical abuse" means the use of alcohol or other drugs, prescription or non-prescription, which may adversely affect driving ability.

(6) "Chemical dependency" means dependence on alcohol or addiction to the use of a controlled substance that has attained such a degree that it interferes with a person's physical or mental health or social or economic functioning.

(7) "Licensing action" means any action by the department involving the denial, cancellation or issuance of a school bus operator's license.

(8) "Medical condition" means any physical or mental condition affecting a person's health, for which a person is receiving medical treatment or for which medical treatment is usually prescribed, including but not limited to conditions identified in this chapter.

(9) "Review board" means a review board established under ss. 343.09 (4) or 343.16 (2), Stats.

(10) "Vision specialist" means a licensed optometrist or licensed physician.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.03 Driver requirements. (1) Persons who do not meet all of the requirements of s. 343.12 (2), Stats., shall be denied licensing.

(2) Offenses against public morals under s. 343.12 (2) (e), Stats., within the past 5 years, for which a person shall be denied licensing include any of the following convictions under the laws of this state or similar laws of another jurisdiction:

(a) Crimes against sexual morality (ch. 944, Stats.);

(b) Fourth degree sexual assault (s. 940.225 (3m), Stats.);

(3) Felonies under s. 343.12 (2) (e), Stats., within the past 5 years, for which a person shall be denied licensing include, but are not limited to, any of the following convictions under the laws of this state or similar laws of another jurisdiction for which the penalty is a felony:

(a) Offense against life or bodily security (ch. 940, Stats.);

(b) Obstructing a highway, tampering with traffic signals and related intentional acts creating unreasonable risks and high probability of causing death or great bodily harm (s. 941.03, Stats.);

(c) Reckless use of weapons (s. 941.20, Stats.);

(d) Endangering safety by conduct regardless of life (s. 941.30, Stats.);

(e) Possession of explosives for unlawful purposes (s. 941.31, Stats.);

(f) Administering a dangerous or stupefying drug (s. 941.32, Stats.);

(g) Placing foreign objects in edibles (s. 941.325, Stats.);

(h) Criminal damage to property (s. 943.01, Stats.);

(i) Arson (ss. 943.02 to 943.05, Stats.);

(j) Possessing, manufacturing, selling, or transferring Molotov cocktails (s. 943.06, Stats.);

(k) Robbery (s. 943.32, Stats.);

(l) Violation of the uniform controlled substances act (ch. 161, Stats.);

(m) Any other felony not specified that has an element of the use of threat of use of force or the causing or the threat of causing injury to the life or bodily security of another person.

(n) An attempt or being a party to any offense enumerated in this subsection.

(4) Felonies which do not affect the activity of school bus operation, such as forged checks, shall not be reason for license denial.

(5) Successful completion of an examination on knowledge of traffic laws, rules of the road, vehicle equipment and driving practices, and a driving ability examination shall be required at original application and at each renewal as required by s. 343.12 (2) (h) and (3), Stats.

(a) A person who takes the driving ability examination in a vehicle of less than 10,000 pounds gross vehicle weight shall be restricted to operation of buses under 10,000 pounds gross vehicle weight.

(b) A person who takes the driving ability examination in a vehicle not painted school bus colors shall be restricted to operation of vehicles not painted school bus colors.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.04 Medical information and assessments. (1) Whenever a person applies for an original or renewal a school bus operator license, a medical report shall be required under the provisions of s. 343.12 (2) (g) and (3) Stats.

(2) The medical report forms shall be furnished to the applicant or the examining physician free of charge and shall provide for:

(a) A health history statement to be completed by the applicant,

(b) A questionnaire to be completed by the examining physician regarding the medical conditions specified in this chapter,

(c) A certification of examination by the examining physician relating to evidence of a disease or disorder or use of intoxicants.

(3) If the department determines the information contained in the medical report is not adequate to make the licensing decision, the person may be required to obtain additional medical information, appear before a review board, obtain an alcohol or other drug assessment, or interview with a department representative.

(4) When it appears from information submitted that the person has a continuing medical condition, additional medical reports or assessments may be required periodically.

(5) The department may require the person to file medical reports or obtain assessments at other times when there is reason to believe the information on file with the department is not current or complete.

(6) All medical reports shall be completed and signed by a physician, and shall be based on an examination conducted by the physician within the past 3 months, except that proof of freedom from communicable tuberculosis may have been determined within the past 12 months.

(7) All assessment reports shall be based on an assessment within the past 3 months based on the requirements of s. 51.45 (8), Stats., and shall be completed and signed by an assessor approved under s. 51.42, Stats.

(8) A person who has been treated in an institution due to chemical abuse or dependence or due to mental illness or deficiency may be requested to provide the certificate of the attending physician or superintendent, or authorized representative, of the institution to show recovery and release.

(9) Medical reports or assessments shall be submitted within 30 days from department request, unless an extension has been granted by the department.

(10) School bus operators shall report to the department any physical, mental or emotional condition identified in this chapter that is new or has changed significantly since previously reported.

(11) Persons who fail to comply with any of the following, except for good cause, shall be denied licensing under s. 343.25 (7), Stats.:

(a) Appear for interview with a representative of the department required by s. 343.32 (2), Stats.

(b) Provide requested medical information or assessment required by ss. 343.12 (2) (g), (3) and 343.16 (2), Stats.

Note: Forms MVD 3030B, 3030(B1), 3030G, 3030D, 3030M, 3030V, 3113, 3257, 3289, DCS 750, 751, 756 and 757.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.05 Information to be considered. The review boards when making recommendations, and the department when taking licensing action, shall consider any or all of the following information.

(1) Information on any medical condition, including:

(a) History of illness,

(b) Degree of severity,

(c) Degree of recovery,

(d) Hospitalization,

(e) Physician care,

(f) Medication, for example, types, dosage, effect, person's knowledge and use of medications,

(g) Physician medical report,

(h) Physician recommendation,

(i) Review board recommendations,

(2) Reports of driver condition or behavior.

Note: Form MVD 3141.

(3) Examinations by the department.

(a) Knowledge of traffic laws, road signs, rules of the road, vehicle equipment and safe driving practices,

(b) Vision,

(c) Hearing,

(d) Driving ability.

(4) Group dynamics or traffic safety school report.

Note: Forms MVD 3294 and 3304.

(5) Driving record:

(a) Reckless driving.

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(b) Operating under the influence of an intoxicant or controlled substance or a combination of an intoxicant and a controlled substance or with a blood alcohol concentration of 0.1% or more by weight of alcohol in the blood or 0.1 grams or more of alcohol in 210 liters of breath.

(c) Homicide or great bodily harm resulting from the operation of a motor vehicle.

(d) A felony in the commission of which a motor vehicle is used.

(e) Failure to stop and render aid as required in the event of a motor vehicle accident resulting in death of or bodily injury to another or serious property damage.

(f) Perjury or the making of a false affidavit or the making of a false statement or certification relating to the ownership or operation of motor vehicles.

(g) Operating a motor vehicle while operating privileges are suspended or revoked.

(h) Operating a motor vehicle without having furnished proof of financial responsibility.

(i) Violation of a restriction or serious traffic violation while holding an occupational license.

(j) Fleeing or attempting to elude a traffic officer.

(k) Injury by the negligent operation of a vehicle while under the influence of an intoxicant or a controlled substance or a combination of an intoxicant and a controlled substance or with a blood alcohol concentration of 0.1% or more by weight of alcohol in the blood or 0.1 grams or more of alcohol in 210 liters of breath.

(l) Traffic accidents that have been caused by a medical condition specified in this chapter.

(6) Vision specialist report.

(7) Psychologist or assessor report on alcohol or other drugs.

(8) Driver improvement interview.

Note: Forms MVD 3030B, 3030(B1), 3030, 3030D, 3030M, 3030V, 3113, 3141, 3304, DCS 750 and 751.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.06 Alcohol or other drugs. (1) The review boards when making recommendations, and the department when taking licensing action shall consider information on the degree of chemical use.

(2) Persons shall be denied licensing if the medical report, assessment, or driving record shows:

(a) Any operating while intoxicated conviction within the past 2 years, as provided by s. 343.12 (2) (d), Stats.

(b) Two operating while intoxicated convictions within the past 3 years.

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(c) Three or more operating while intoxicated convictions within the past 5 years.

(d) Chemical abuse or dependency within the past 2 years except if well controlled by treatment and no chemical abuse within the past year.

Note: Forms MVD 3030B, 3141, 3218, 3257, 3289, 3304, 3323, DCS 750, 751, 756 and 757.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.07 Cardiovascular, cerebrovascular and circulatory conditions.

(1) The review boards when making recommendations, and the department when taking licensing action, shall consider cardiovascular, cerebrovascular and circulatory diseases or disorders, including but not limited to:

- (a) Cardiac arrhythmias.
- (b) Heart failure.
- (c) Heart inflammations.
- (d) Heart structural defects.
- (e) Ischemic heart disease.

(2) Persons who have had or presently have the following, except as provided in sub. (3), shall be denied licensing:

- (a) Cardiac pacemakers.
- (b) Replacement heart valves of any type.
- (c) Cor pulmonale.
- (d) Cardiomyopathy.
- (e) Syncope or presyncopal sensations (lightheadedness) related to a cardiac condition in the past 5 years.
- (f) Symptomatic coronary artery disease (angina pectoris).
- (g) Recurrent pulmonary emboli in the past 5 years.
- (h) Cerebral infarction.
- (i) Transient cerebral ischemia (TIA).
- (j) Amaurosis fugax (transient blindness).
- (k) Menieres syndrome or other recurring vertigo.
- (l) Intracerebral or subarachnoid hemorrhage.
- (m) Symptomatic orthostatic hypotension.
- (n) Myocardial infarction.
- (o) Coronary artery bypass surgery.
- (p) Pulmonary embolism.
- (q) Symptomatic hypertension.
- (r) Congenital heart conditions.

(s) Symptomatic valvular heart disease.

(t) Symptomatic conduction difficulties. Second and third degree AV blocks.

(u) Systolic pressures repeatedly over 180 and diastolic pressures repeatedly over 105, whether or not the person is under treatment. Three readings over a minimum of 2 weeks.

(v) Cardiac drugs:

1. Rhythm control drugs [example: quinidine, procainamide (propranolol), propranolol (inderal)].

2. Antianginal agents [example: nitroglycerin, isosorbide (isordil), pentaerythritol (peritrate), propranolol (inderal)].

3. Digitalis glycosides [example: digoxin, digitoxin, digitalis leaf].

4. Side effects from medications such as impaired alertness, visual problems, irritability or nervousness.

(3) Persons shall be considered for licensing if the cardiovascular disease or disorder involves:

(a) Cardiomyopathy: When asymptomatic with normal resting and submaximal stress electrocardiogram.

(b) Myocardial infarction: May be considered after one year and must be asymptomatic and have normal resting and submaximal stress electrocardiograms and satisfactory coronary angiography or normal thallium exercise scan. Six month medical report required during first 2 year period, yearly medical reports thereafter.

(c) Coronary artery bypass surgery: May be considered after one year and must be asymptomatic and have normal resting and submaximal stress electrocardiograms and satisfactory coronary angiography or normal thallium exercise scan. Six month medical report required during first 2 year period, yearly medical reports thereafter.

(d) Pulmonary embolism: After 6 months, if full recovery is documented by the physician, and the person has not been on anticoagulant therapy for at least 6 months.

(e) Symptomatic hypertension: If recovery demonstrated and documented, including control of blood pressure by use of anti-hypertensive drugs, for example, aldomet, thiazides, reserpine, propranolol (inderal).

(f) Patent foramen ovale, patent ductus and small ventricular septal defect (congenital heart diseases) if surgically corrected and full recovery is documented by a physician.

(g) Symptomatic valvular heart disease and congenital heart conditions:

1. If asymptomatic.

2. Normal chest X-ray.

3. Normal resting and submaximal stress electrocardiogram.

4. Estimated as "mild" by clinical exam.

5. Yearly examination for following 5 years showing no significant progression.

(h) Conduction system disturbances: If asymptomatic, will be considered individually and the applicant must demonstrate functional competency.

(i) Cardiac drugs:

1. Rhythm control drugs: If the person furnishes acceptable evidence that the underlying cardiac condition (diagnosis) is benign with absence of electrocardiogram evidence of myocardial injury and with no history of, or reasonable anticipation of, syncope or presyncopal light headedness associated.

2. Digitalis glycosides: If the person furnishes acceptable evidence of a normal (except for "digitalis effect") resting and submaximal stress electrocardiogram, no residual cardiac complications and no physical limitations (syncope, angina, dyspnea).

Note: Forms MVD 3030B and 3030(B1).

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.08 Mental or emotional conditions. (1) The review boards when making recommendations, and the department when taking licensing action, shall consider mental or emotional diseases or disorders, including but not limited to:

- (a) Mental retardation.
- (b) Attention deficit disorder.
- (c) Conduct disorder.
- (d) Stereotyped movement disorder.
- (e) Dementias arising in the senium and presenium.
- (f) Substance-induced dementia and delirium.
- (g) Organic brain syndrome.
- (h) Substance use disorder.
- (i) Schizophrenic disorder.
- (j) Paranoid disorder.
- (k) Schizophreniform disorder.
- (l) Schizoaffective disorder.
- (m) Atypical psychosis.
- (n) Affective disorder.
- (o) Anxiety disorder.
- (p) Dissociative disorder.
- (r) Psychosexual disorder.
- (s) Factitious disorder.

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- (t) Disorder of impulse control.
- (u) Adjustment disorder.
- (v) Psychological factors affecting physical condition.
- (w) Personality disorder.

Note: The above classifications are listed in the *Diagnostic and Statistical Manual of Mental Disorders* (Third Edition), American Psychiatric Association.

(2) Persons who have or experience any of the following, except as provided in sub. (3), shall be denied licensing:

- (a) Impairment of cognitive ability including judgment, orientation, memory or concentration.
- (b) Impairment of impulse control including aggressiveness, assaultiveness, homicidal behavior, emotional lability or instability, suicidal impulses or attempts, sexual deviation involving minors.
- (c) Problem with impairment of reality testing or contact with reality including delusions, or auditory or visual hallucinations.
- (d) Problems of affect or mood including depression or mania.
- (e) Anxiety attacks, uncontrolled or uncontrollable.
- (f) Alterations in level of consciousness.
- (g) Treatment with any drugs that may cause, directly or as a side effect, alteration in consciousness, alteration of concentration, tremor or uncontrolled movements, mental confusion or disorientation, nervousness, irritability, dizziness, faintness or muscular weakness.

(3) Persons shall be considered for licensing if none of the conditions, in sub. (2) currently exist, and the medical report, assessment and driver's record shows:

- (a) No occurrence or recurrence within the past 2 years, except if well controlled by active treatment or therapy and no occurrence within the past 1 year.
- (b) No involuntary hospitalization or involuntary institutionalization for mental or emotional disease or disorder within the past 3 years.

Note: Forms MVD 3030B and 3030M.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.09 Metabolic conditions. (1) The review boards when making recommendations, and the department when taking licensing action, shall consider metabolic diseases or disorders including but not limited to:

- (a) Diabetes mellitus.
- (b) Hyperinsulin states.
- (c) Thyroid disease.
- (d) Hyperparathyroidism and hypoparathyroidism.
- (e) Posterior or anterior pituitary insufficiency.

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- (f) Acromegaly.
- (g) Adrenal cortical hyperfunction.
- (h) Adrenal cortical hypofunction.
- (i) Hyperfunction of adrenal medulla.

(2) Persons who have or experience any of the following, except as provided in sub. (3), shall be denied licensing:

- (a) Visual disturbances - diplopia or blurring of vision.
- (b) Paralysis or demonstrable weakness of any of the extremities or lack of coordination.
- (c) Loss or altered consciousness, syncope or lightheadedness.
- (d) Symptomatic hypoglycemia or hyperglycemia.
- (e) Vertigo.
- (f) Any use of hypoglycemic agent, including oral use and injection.
- (g) Incapacitating headaches.
- (h) Side effects from medications such as impaired alertness, visual problems, irritability or nervousness.

(3) Persons shall be considered for licensing if none of the conditions in sub. (2) currently exist and the medical report shows control of diabetes by diet alone.

Note: Forms MVD 3030B, 3030D and 3030G.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.10 Musculoskeletal or vascular conditions. (1) The review boards, when making recommendations, and the department when taking licensing action, shall consider rheumatic, arthritic, orthopedic, muscular, neuromuscular and vascular diseases or disorders including, but not limited to:

- (a) Cerebral palsy.
- (b) Muscular dystrophy.
- (c) Poliomyelitis.
- (d) Multiple sclerosis.
- (e) Parkinson's disease.
- (f) Myasthenia gravis.
- (g) Hemophilia.
- (h) Stroke.
- (i) Thrombophlebitis.
- (j) Thromboangitis obliterans.
- (k) Arteriosclerosis obliterans.

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(l) Peripheral aneurysms.

(m) Arthritis.

(n) Rheumatism.

(2) Persons who experience any of the following, except as provided in sub. (3), shall be denied licensing:

(a) Visual disturbance - diplopia or blurring of vision.

(b) Major paralysis of an extremity.

(c) Muscular dysfunction.

(d) Impairment of the thought process, or loss of memory or confusion.

(e) Loss of motor control.

(f) Disabling pain.

(g) Side effects from medication such as drowsiness, light headedness, visual problems, mental confusion, slowing of reaction time, inattentiveness, impaired motor reaction time, serious bleeding problems, dizziness, faintness, irritability, or mood changes.

(3) Persons shall be considered for licensing, if none of the conditions in sub. (2) currently exist, and the medical report or driver's record shows:

(a) Arthritis or rheumatism controlled by medication that does not have harmful side effects.

(b) Surgical correction for relief of symptoms.

Note: Forms MVD 3030B and 3030G.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.11 Respiratory conditions. (1) The review boards when making recommendations, and the department when taking licensing action, shall consider respiratory diseases and disorders, including but not limited to:

(a) Asthma,

(b) Pulmonary hypersensitivity,

(c) Pulmonary tuberculosis,

(d) Chronic obstructive pulmonary disease, including pulmonary emphysema, pulmonary fibrosis, pneumoconiosis, silicosis, asbestosis, black lung, and miner's asthma,

(e) Chronic bronchitis,

(f) Mechanical and neuromuscular disorders, including myasthenia gravis, cardio-respiratory failure of extreme obesity, idiopathic or primary alveolar hypoventilation, scoliosis, and kyphoscoliosis,

(g) Pulmonary infarction,

(h) Pulmonary emboli, or

(i) Pulmonary hypertension.

(2) Persons who experience the following, except as provided in sub. (3) shall be denied licensing:

(a) Recurring events of severe shortness of breath or coughing spasms, especially when accompanied by sensations of light headedness.

(b) Shortness of breath (distress) as demonstrated by breathing difficulty on briskly walking up one flight of stairs or 2 blocks on the level.

(c) An active disease lesion, especially if hemoptysis (spitting of blood) is present.

(d) Liability to sudden loss of consciousness, impaired mental alertness, or severe headaches.

(e) Uncontrolled asthma or persistence of asthma attacks.

(f) Unavoidable exposure to an agent or substance that produces pulmonary hypersensitivity attacks in the course of normal activity.

(g) Side effects from medications such as impaired alertness, visual problems, irritability or nervousness.

(h) Recurrent pulmonary emboli or infarction.

(i) Pulmonary tuberculosis in a communicable form as determined by a tuberculin test or a chest x-ray.

(3) Persons shall be considered for licensing if none of the conditions in sub. (2) currently exist, and the medical report or driver's record shows:

(a) Chest x-rays are normal or show healed or inactive disease of the chest.

(b) Acute pulmonary embolus (or infarction): After 6 months if fully recovered.

(c) Values obtained from the pulmonary function tests, forced vital capacity (FVC), forced expiratory volume-1 (FEV-1) and forced mid-expiratory flow (FEF) 25-75%, are not less than 65% of calculated normal.

Note: Forms MVD 3030B and MVD 3030G.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.12 Vision and hearing. (1) The department shall conduct a screening test for vision. When the person does not meet the following vision screening standards, the person shall be denied licensing:

(a) At least 20/40 vision corrected or uncorrected in each eye,

(b) A minimum horizontal form field of 70° in each eye, and

(c) The ability to distinguish traffic signal colors of red, green, and amber.

(2) If the person does not pass the department's vision screening test, he or she may submit a vision report completed by a vision specialist, and if within the vision standards in sub. (1), the person shall be considered for licensing.

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(3) The department shall conduct a screening test for hearing. If the person is unable to hear or has marked difficulty hearing with or without a hearing aid, the instructions, given in normal conversational tones during the course of the screening test for vision and driving ability examination, the person shall be denied licensing unless they meet the standard in sub. (4).

(4) If the person does not pass the department's hearing screening test, he or she may submit a hearing test report based on a test by audio metric device calibrated to American National Standard Z24.5 - 1951. A person shall be considered for licensing if he or she does not have an average hearing loss in the better ear greater than 40 decibels at 500 HZ, 1000 HZ and 2000 HZ with or without a hearing aid.

Note: Forms MVD 3030G, 3030V.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.13 Other conditions. Persons shall be considered for licensing if:

(1) Sufficient use of both hands and the foot normally employed to operate the foot brake and foot accelerator correctly and efficiently is demonstrated during an examination of driving ability. Consideration may also be given to medical substantiation submitted by the applicant.

(2) Only a single episode of altered consciousness or loss of body control has been experienced and:

(a) The cause of the episode is identified; and

(b) The person's physician believes that another episode is unlikely; and

(c) The person's physician is not treating the cause of the episode; and

(d) There is no history of any other episode; and

(e) At least 2 years have elapsed since the episode.

(3) There is a past medical history or clinical diagnosis of epilepsy, or any other condition not covered elsewhere in this chapter, which might cause an episode, or episodes of altered consciousness or loss of body control as defined in s. Trans 108.02 (2), (6) and (7) and:

(a) The person has had no seizures or episodes in the past 5 years; and

(b) The person has been off anticonvulsant medication for 5 years.

Note: Forms MVD 3030B, 3030G and 3113.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

Trans 110.14 Review boards. (1) Persons who have been denied licensing under this chapter may request a review of the licensing action by a review board under s. 343.16 (2), Stats. The person may appear personally before the review board, present witnesses and additional information, and be represented by counsel.

(2) Notice of the department's action after receiving the recommendations of a review board shall be given to the person affected within 10 working days after the person's appearance before the review board. The

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notice shall include the review board's recommendations and department's decision.

(3) To obtain additional medical review and recommendation a person may be requested to appear before a review board when the department finds it desirable in determining licensing action.

Note: Persons denied licensing under this chapter may seek judicial review in accordance with s. 343.40, Stats.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.