

No. 226, S.]

[Published May 10, 1949.

### CHAPTER 85.

AN ACT to amend 85.08 (6) (j) of the statutes, relating to the issuance of drivers' licenses to epileptics.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

85.08 (6) (j) of the statutes is amended to read:

85.08 (6) (j) To any person subject to epileptic seizures; *provided, however, that any person afflicted with epilepsy who submits to the department a certificate in the form hereinafter prescribed may be issued a temporary driver's license as hereinafter provided. Such temporary license, when issued, shall continue in effect as long as such licensee presents to the department 6 months from the date of issue of such license and at 6 month intervals thereafter re-certification. In no event shall such license be valid beyond the date of expiration shown on such license. The department shall furnish to applicants upon request, a form of medical questionnaire to be completed and signed by any physician or surgeon duly licensed to practice medicine in this state, upon examination of applicant by such physician. Said form shall be devised by the commissioner upon and with the advice of any physician or physicians of his selection qualified as experts in the field of diagnosing and treating epilepsy. The form shall be drawn to elicit the maximum medical information necessary to aid in determining whether or not it would be a hazard to public safety to permit applicant to drive a motor vehicle, including, if such be the fact, the attending physician's statement that applicant is under medication and free from seizures while under medication. Said questionnaire shall contain the recommendation of the examining physician to the commissioner as to whether such temporary driver's license shall be issued to applicant. The combined questionnaire and recommendation shall constitute the "certificate" or "certification," as those terms are used herein. The commissioner shall not be bound by such recommendation, but shall give fair consideration to same in exercising his discretion in acting upon the application, the criterion being whether or not, upon all the evidence, it appears that it is safe to permit such applicant to drive. In making such determination the commissioner may be guided by the opinion of experts in the field of diagnosing and treating epilepsy, and may take into consideration any other factors which bear on the issue of public safety. The burden of proof shall be upon the applicant. Whenever a license is denied by the commissioner, such denial may be reviewed by a reviewing board upon written request of applicant filed with the department within 10 days after receipt of notice of such denial. The reviewing board shall consist of the commissioner and 2 members designated by the chairman of the state board of health consisting of members of the state board of health or physicians duly licensed to practice medicine in this state. The medical members of said board, including members of the board of health, shall receive the same per diem and expenses provided by law for members of the board of health to be charged to the same appropri-*

*ation as per diems and expenses for members of the board of health. Actions of the reviewing board shall be subject to subsection (34a).*

Approved May 6, 1949.

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