

department as appropriate in each individual case and shall be consistent with the safety and welfare of the person and the general public. The restrictions may include, but are not limited to, the maximum distance that may be travelled to and from the person's residence to place of employment or the time period of operations during any day (for example, operation restricted to daylight hours only).

(2) In establishing the appropriateness of restrictions, the department shall consider:

(a) The relative reliability and success of the measures used, including medication, in achieving episode control; and

(b) The person's general state of health and susceptibility to fatigue; and

(c) The area in which the person generally operates a motor vehicle, taking into account road and traffic conditions encountered; and

(d) The needs of the person to operate a motor vehicle, for example, commuting to a place of employment, travel to medical treatment facilities and the like; and

(e) Availability of alternative transportation; and

(f) Types of vehicles to be driven; and

(g) The period of time the person has not had an episode and has been off anticonvulsant medication.

(3) Restrictions imposed under this chapter shall be in addition to any other restrictions, including corrective lens restrictions, that may be required or appropriate under s. 343.13, Stats., or other provisions of law.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81; am. (2) (f) and cr. (2) (g), Register, August, 1985, No. 356, eff. 9-1-85.

Trans 108.09 Notice of departmental licensing actions. (1) Persons affected by any departmental licensing action shall be given written notice thereof by first class mail sent to the person's mailing address then currently on file with the department.

(2) A notice of license denial or cancellation shall include the specific reasons for the action and information on applicable review and appeal procedures.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81.

Trans 108.10 Medical review boards. (1) An appearance before a medical review board may be requested by a person:

(a) When the applicability of any of the conditions prescribed in s. Trans 108.06 (1) (a) through (c) are at issue.

(b) To obtain a review of the department's licensing action when a license is denied or cancelled under s. Trans 108.06 (2) or (3).

(c) When a restricted license has been granted and the issue is whether or not an episode occurred.

(d) When the application of s. Trans 108.07 (1) or (3) is at issue, the medical review board may assess the person's medical history and may

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recommend that an exception to s. Trans 108.07 (1) or (3) be granted by the department if, in the medical review board's medical opinion, the person's medical condition does not impair the person's ability to safely operate a motor vehicle under unrestricted conditions of a chauffeur's license and a school bus license.

(e) Except as provided in par. (d), appearances before a medical review board are not afforded for the sole purpose of reviewing the nature or extent of restrictions imposed on licenses held under this chapter.

(2) The department may request that a person appear before a medical review board when additional medical review and recommendation is desirable in making the licensing decision.

(3) After receiving the recommendations of a medical review board, the department shall make its final licensing decision. Notice of the department's action shall be sent to the person affected within 10 working days after the person's appearance before the medical review board. The notice shall include the medical review board's recommendations and shall state the reasons for the recommendations and department's decision.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81; emerg. renum. (1) (d) to be (1) (e) and am., cr. (1) (d), eff. 5-19-86; renum. (1) (d) to be (1) (e) and am., cr. (1) (d), Register, November, 1986, No. 371, eff. 12-1-86.

Trans 108.11 Judicial review. (1) Persons aggrieved by the department's actions relating to the imposition of licensing restrictions under this chapter may seek judicial review in accordance with s. 343.40, Stats.

(2) Persons aggrieved by the department's decision based on recommendations of the medical review board to cancel or deny licenses under this chapter may seek judicial review in accordance with s. 343.40, Stats.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81; am. Register, August, 1985, No. 366, eff. 9-1-85.

Trans 108.12 When license reinstatement fee not required. No reinstatement fee is required if it is found that the person's license was cancelled and the episode that was the subject of the cancellation did not occur or was the result of behavior or circumstances wholly unrelated to any medical condition.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81.

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