

(19) "Sensorimotor skills" means reflexes and reaction time, coordination, depth perception, manipulation, range of motion and general mobility.

(20) "Sensory function" means vision, hearing, touch, smell and vibration sense.

(21) "Vehicle classification" or "vehicle class" means the designation for a type of motor vehicle as defined in s. 343.04, Stats.

(22) "Vision specialist" means a person who practices optometry as defined by s. 449.01 (1), Stats., or a physician as defined by s. 448.01 (5), Stats.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

Trans 112.03 Medical review standards. (1) UNRESTRICTED COMMERCIAL DRIVER LICENSES. No person shall be issued an unrestricted commercial driver license unless the person complies with all the driver qualifications specified in 49 CFR 391.41, and presents a medical certificate of physical examination as required by 49 CFR 391.43 at the time of application.

(2) **RESTRICTED COMMERCIAL DRIVER LICENSES.** A person who does not comply with the physical qualifications for drivers of s. 49 CFR 391.41 or who does not present a medical certificate of physical examination required by 49 CFR 391.43, who meets the requirements of this chapter may be eligible for a commercial driver license that is restricted to intrastate operation.

(3) **MEDICAL REVIEW STANDARDS FOR SCHOOL BUS ENDORSEMENTS. (a) Original applications.** No person may be issued a school bus endorsement unless the person files proof of physical fitness as part of the person's application for school bus endorsement.

(b) *Renewal applications.* No person may renew a school bus endorsement unless the person files proof of physical fitness. The department shall provide a person with notice by mail to the person's last known address that the person must file proof of physical fitness and apply for a renewal license not less than 30 days prior to the date upon which the person's license expires. The department shall not renew the school bus endorsement of any person who fails to provide the required proof of medical fitness within the time required by the notice.

(c) *Biennial proof of physical fitness.* All persons holding school bus endorsements shall provide proof of physical fitness to the department every 2 years, except that persons age 70 years or older shall provide proof of physical fitness annually. The department shall provide a person holding a school bus endorsement with at least 30 days notice by mail to the person's last known address that the person must file proof of physical fitness. The department shall cancel the school bus endorsement of any person who fails to provide the required proof of physical fitness within the time period required by the notice.

(d) *Mechanics exception.* The department may issue a passenger or school bus endorsement to a person who does not meet all of the medical review standards for passenger or school bus endorsement, but the person's license shall be restricted to intrastate travel and to prohibit transporting more than 2 passengers in a commercial motor vehicle.

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(4) No person may be issued or renew a passenger endorsement unless the person provides a health history to the department on the form required.

Note: The health history shall be provided on form MV3030B. Only the applicant's portion of the form need be completed for purposes of a passenger endorsement application.

(5) **MEDICAL REVIEW STANDARDS FOR OPERATOR LICENSES.** Whenever the department learns that a person applying for, renewing, or holding any classification of operator's license has a progressive, recurring or debilitating medical condition which may affect safe driving, the department may require the person to provide the department with medical information about the person's medical condition. The department shall review the medical information using the standards specified in this chapter.

(6) **EVALUATION.** A license issued to a person under this chapter may be restricted on the basis of a recommendation of a physician, a vision specialist, a review board, or on the results of a driving examination or evaluation.

(7) **REPORTING.** Persons holding school bus or passenger endorsement shall report to the department any medical condition identified in this chapter that is new or that has changed significantly since previously reported.

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Trans 112.04 Information to be considered in licensing actions. The review boards when making recommendations, and the department when taking licensing action, may consider the following information:

(1) Any medical condition affecting the person including, but not limited to:

(a) History of illness.

(b) Severity of symptoms and prognosis.

(c) Complications or co-morbid conditions or both.

(d) Treatment and medications, including effects and side effects, and the person's knowledge and use of medications.

(e) Results of medical tests and reports of laboratory findings.

(f) Physician's medical report.

(g) Physician's recommendations with regard to functional impairment.

(h) Physician's identification of risk factors.

(2) Reports of driver condition or behavior.

(3) The results of a department screening of a person's vision or hearing.

(4) The results of any examinations of the person to test knowledge of traffic laws, road signs, rules of the road, vehicle equipment and safe driving practices, and driving ability.

(5) Group dynamics or traffic safety school reports.

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(6) Alcohol or drug assessment reports by an agency under s. 51.42, Stats.

(7) Traffic accidents that may have been caused in whole or in part by a medical condition specified in this chapter.

(8) Vision specialist's reports.

(9) A person's failure to provide requested information to the department.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

Trans 112.05 Alcohol or other drug use. (1) With respect to a person's chemical use, the review boards when making recommendations, and the department when taking licensing action, may consider all information available on the degree of the person's chemical use.

(2) The department may require information on a person's functional ability including, but not limited to, the following:

(a) Medical assessment of the person, driver safety plan, driver safety plan final reports concerning the person, or any combination of these information categories, including the following:

1. Hospitalization of the person for chemical abuse or dependency.
2. Outpatient treatment of the person for chemical abuse or dependency.
3. Participation by the person in self-help groups for chemical abuse or dependency.
4. Use of control agents, such as antabuse or methadone by the person.
5. Physician treatment of the person for chemical abuse or dependency.

(b) The results of an interview by a department representative documenting the effects of chemical use on a person's social or economic functioning in terms of any of the following:

1. The person's physical condition.
2. The person's family situation.
3. The person's social environment.
4. The person's chemical use habits.

(c) The person's driving record, including reports of any of the following:

1. Accidents involving chemical use.
2. Traffic convictions involving chemical use.

(d) Review board recommendations, if any.

(e) Information from other sources about the person's physical and mental health, as affected by chemical use, and any medical problems that may interfere with the person's reasonable and ordinary control over a motor vehicle.

(3) (a) A conviction for operating while intoxicated in this section means being convicted of a violation of s. 346.63 (1) or (2), Stats., or a local ordinance in conformity therewith, or convictions under the law of another jurisdiction that is in substantial conformity with 49 CFR 383.51 (b) (2) (i) or (ii), or both, or that prohibits refusal of chemical testing or use of a motor vehicle while intoxicated or while under the influence of a controlled substance, or a combination thereof, or with an excess of a specified range of alcohol concentration, or under the influence of any drug to a degree that renders the person incapable of safely driving as those or substantially similar terms are used in that jurisdiction, refusals under s. 343.305 (9), Stats., or revocations under s. 343.305 (10), Stats.

(b) No person may be issued, renew, or hold a school bus or passenger endorsement if a medical report, assessment or driving record for the person shows:

1. Any operating while intoxicated convictions within the past 2 years.
2. Two operating while intoxicated convictions within the past 3 years.
3. Three or more operating while intoxicated convictions within the past 5 years.
4. The person has evidenced any chemical abuse or dependency within the past 2 years.
5. The person has evidenced any chemical abuse within the past year.

(c) No person may hold any classification of operator's license if the person is diagnosed as suffering from uncontrolled chemical abuse or dependency, as assessed by a physician or approved public treatment facility.

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Trans 112.06 Conditions affecting cardiovascular function. (1) With respect to conditions affecting cardiovascular function, the review boards when making recommendations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

- (a) Coronary artery disease, including myocardial infarction.
- (b) Congestive heart disease.
- (c) Valvular disease or replacement valves.
- (d) Congenital heart disease.
- (e) Cardiomyopathy.
- (f) Pericardial disease.
- (g) Myocarditis.
- (h) Cor pulmonale.
- (i) Conduction difficulties.
- (j) Arrhythmias.
- (k) Aortic or arterial occlusion or aneurysm.

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2. Extent to which fatigue affects functional ability.

(3) (a) *Licensing standards.* No license or endorsement may be issued to, renewed by, or held by a person who does not meet the medical review standards for conditions affecting neurological or neuromuscular function of this subsection.

(b) *Medical standards for school bus and passenger endorsements.* A person who applies for, renews, or holds a school bus or passenger endorsement shall meet all of the following neuromuscular function criteria:

1. The condition is controlled.

2. The person's driving is not impaired by weakness, numbness, or muscle spasm, or the person adequately compensates for any paralysis or paresthesia while driving.

3. The person is knowledgeable about the condition.

4. There are no effects or side effects of medication that interfere with safe driving.

5. The physician and the person certify that the person is reliable in following the person's prescribed treatment program.

6. There are no episodes of altered consciousness or loss of bodily control caused by a neurological condition unless one of the following apply:

a. There has been a single, nonrecurring episode of altered consciousness or loss of bodily control, occurring at least 2 years preceding application, and requiring no treatment.

b. A seizure disorder has been diagnosed, but the person has been episode-free for at least 5 years preceding application and has not required treatment for at least 5 years preceding application.

(c) *Medical standards for operator licenses.* A person who applies for, renews, or holds for any classification of operator's license shall meet all of the following neuromuscular function criteria:

1. There has been no episode of altered consciousness or loss of bodily control caused by a neurological condition within the 3 months preceding application.

2. The person adequately compensates for any paralysis or sensory deficit when operating a vehicle.

3. Fatigue, weakness, muscle spasm or tremor at rest does not impair safe driving, as assessed by a physician or determined through a driving evaluation.

4. There are no effects or side effects of medication that interfere with safe driving.

5. There is no decline in cognition to an extent that interferes with safe driving.

6. For issuance of a commercial driver license, there are no episodes of altered consciousness or loss of bodily control caused by a neurological condition unless one of the following apply:

a. There has been a single, nonrecurring episode of altered consciousness or loss of bodily control occurring at least 2 years preceding application, and the cause of the episode has been identified and requires no treatment.

b. A seizure disorder has been diagnosed, but the person has been episode-free for at least 5 years preceding application.

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Trans 112.11 Conditions affecting peripheral-vascular function. (1) With respect to conditions affecting peripheral-vascular function, the review boards when making recommendations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

- (a) Thrombophlebitis.
- (b) Thromboangiitis obliterans.
- (c) Arteriosclerosis or atherosclerosis.
- (d) Any impairment of peripheral circulation.

(2) The department may require information on functional ability including, but not limited to, the following:

- (a) Tissue ischemia.
- (b) Pain.
- (c) Weakness.
- (d) Impaired mobility.
- (e) Numbness.

(f) Procedures that a person undergoes to correct a peripheral-vascular condition and that temporarily impair functional ability, such as a surgical procedure.

- (g) Medication effects and side effects.

(3) (a) *Licensing standards.* No license or endorsement may be issued to, renewed by, or held by a person who fails to meet the medical review standards for peripheral-vascular function of this subsection.

(b) *Medical standards for school bus and passenger endorsements.* A person who applies for, renews, or holds an original or renewal school bus or passenger endorsement shall meet all of the following peripheral-vascular function criteria:

1. There are no effects or side effects of medication that interfere with safe driving.

2. There is no weakness, numbness or pain sufficient to interfere with safe driving, as assessed by a physician.

3. There is no evidence of tissue ischemia that interferes with safe driving.

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(e) *Medical standards for operator licenses.* A person who applies for, renews, or holds any classification of operator's license shall meet all of the following criteria:

1. Visual acuity of at least 20/100 or better in at least one eye, as assessed by a vision specialist.
2. A horizontal, temporal field of vision of 20 degrees or more from center in one eye.

(f) *Referral or evaluation.* The department shall refer a person for examination by a vision specialist as specified in subs. 1, 2 and 4 and shall restrict any license issued to a person having a vision condition specified in subs. 1 to 4 as follows:

1. If a person has uncorrected or corrected visual acuity of less than 20/40 in each eye, but at least 20/60 in one eye, the department shall refer the person to a vision specialist for examination and an advisory recommendation. The person shall complete a driving evaluation if recommended by the vision specialist. The person's license shall be assigned restrictions, such as driving only during daylight hours or driving in a limited area, based upon a recommendation from the vision specialist or the results of a driving evaluation demonstrating adequate compensation for the loss of vision.

2. If a person has uncorrected or corrected visual acuity of less than 20/60 in each eye, but 20/100 or better in one eye, the department shall refer the person to a vision specialist for examination and an advisory recommendation. The person shall complete a driving evaluation. The person's license shall be assigned restrictions, such as driving only during daylight hours or driving in a limited area, based upon a recommendation from the vision specialist and the results of a driving evaluation demonstrating adequate compensation for the loss of vision. The person's license shall be further restricted to prohibit driving an authorized emergency vehicle.

3. If a person has a horizontal, temporal field of vision of less than 70 degrees from center in one eye and 70 degrees or more from center in the other eye, the person's license shall be restricted to driving with an outside rear view mirror to compensate for the loss of field of vision. A person restricted to driving with a right outside rear view mirror may have this restriction waived based on a driving evaluation demonstrating adequate compensation for the loss of field of vision.

4. If a person has horizontal, temporal field of vision of less than 70 degrees from center in each eye, the person shall be referred to a vision specialist for an examination and an advisory recommendation. The person shall complete a driving evaluation. The person's license shall be restricted to driving with outside rear view mirrors to compensate for the loss of field of vision. The person's license shall be further restricted to prohibit driving an authorized emergency vehicle. The person's license may be subject to additional license restrictions, such as driving only during daylight hours or driving in a limited area, but these additional restrictions may be waived based on a recommendation from a vision specialist and a driving evaluation demonstrating adequate compensation for the loss of field of vision.

(9) (d) *Special restricted operator's licenses.* 1. No persons with visual acuity of 20/200 or less in the better corrected eye, as certified by a vision specialist, may be issued a special restricted operator's license.

2. Persons applying for or holding a special restricted operator's license with visual acuity between 20/100 and 20/200, but not including 20/200 in the better corrected eye, as certified by a vision specialist, shall be restricted to daylight hours of operation only. Additional restrictions under s. 343.135 (6), Stats., may also be applied.

3. Except as provided in s. 343.135, Stats., all other regulatory and statutory licensing provisions which apply to operator's licenses also apply to special restricted licenses.

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Trans 112.15 Non-medical requirements for school bus drivers. (1) Convictions for offenses against public morals under s. 343.12 (2) (e), Stats., within the past 5 years, for which the person shall be denied a school bus endorsement include any of the following convictions under the laws of this state or similar laws of another jurisdiction:

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

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

(2) Felonies under s. 343.12 (2) (e), Stats., within the past 5 years, for which a person shall be denied a school bus endorsement 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) Offenses against life or bodily security under 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 under s. 941.03, 1985 Stats.

(c) Endangering safety by use of a dangerous weapon under s. 941.20, Stats.

(d) Recklessly endangering safety under s. 941.30, Stats.

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

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

(g) Placing foreign objects in edibles under s. 941.324, Stats.

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

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

(j) Possessing, manufacturing, selling or transferring molotov cocktails under s. 943.06, Stats.

(k) Robbery under s. 943.32, Stats.

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

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