

Chapter Trans 112

**MEDICAL STANDARDS FOR DRIVER LICENSING AND
GENERAL STANDARDS FOR SCHOOL BUS
ENDORSEMENTS**

Trans 112.01	Purpose and scope (p. 167)	Trans 112.11	Conditions affecting peripheral-vascular function (p. 180)
Trans 112.02	Definitions (p. 167)	Trans 112.12	Conditions affecting psychosocial, mental or emotional function (p. 181)
Trans 112.03	Medical review standards (p. 169)	Trans 112.13	Conditions affecting respiratory function (p. 182)
Trans 112.04	Information to be considered in licensing actions (p. 170)	Trans 112.14	Conditions affecting sensory function (p. 183)
Trans 112.05	Alcohol or other drug use (p. 171)	Trans 112.15	Non-medical requirements for school bus drivers (p. 186)
Trans 112.06	Conditions affecting cardiovascular function (p. 172)	Trans 112.16	License restrictions (p. 187)
Trans 112.07	Conditions affecting cerebrovascular function (p. 174)	Trans 112.17	Periodic reports (p. 187)
Trans 112.08	Conditions affecting endocrine function (p. 176)	Trans 112.18	Driving evaluation (p. 187)
Trans 112.09	Conditions affecting musculoskeletal function (p. 177)	Trans 112.19	Notice of departmental licensing actions (p. 187)
Trans 112.10	Conditions affecting neurological or neuromuscular function (p. 178)	Trans 112.20	Review boards (p. 187)

Trans 112.01 Purpose and scope. The purpose of this chapter is to establish the department's administrative interpretation of the provisions of ch. 343, Stats., that relate to the issuance of motor vehicle operator licenses to persons who have a medical condition that may affect their ability to exercise reasonable control over a motor vehicle. This chapter specifies by licensing category the functional ability levels necessary to exercise reasonable control of a motor vehicle for all persons applying for or holding any operator's license.

Note: Forms used in this chapter are MV3030B Medical Examination Report for Commercial Driver Licensing Endorsements, MV3030C School Bus and Passenger Endorsement Cardiac Examination Report, MV3030G Certificate of Examination by Competent Authority (General Physical/Mental Condition), MV3030M Medical Questionnaire (Mental/Emotional Condition), MV3030H Certificate of Examination by Competent Authority (Cardiac Condition), MV3030D Certificate of Examination by Competent Authority (Diabetes), MV3030V Certificate of Vision Examination by Competent Authority, MV3113 Medical Questionnaire (Neurological Condition), and MV3563 (Diabetes Examination Report for Commercial Driver Licensing Endorsements). A sample copy of these forms may be obtained, free of charge, from the Wisconsin Department of Transportation, Bureau of Driver Services, P. O. Box 7918, Madison, WI 53707-7918. See ss. 343.06, 343.12, 343.13, 343.135, 343.14 and 343.16, Stats.

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

Trans 112.02 Definitions. The words and phrases defined in ss. 340.01 and 343.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Altered consciousness" means a state of awareness characterized by loss or distortion of the impressions made by the senses or inability to respond to the impressions made by the senses.

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

Register, November, 1993, No. 455

(3) "Chemical" means alcohol, a drug as defined in s. 450.01 (10), Stats., or a controlled substance as defined in s. 161.01 (4), Stats.

(4) "Cognitive skill" means the ability to think, perceive and remember.

(5) "Co-existing" or "co-morbid" means that more than one condition is present at the same time.

(6) "Corrective lens" means an ophthalmic lens, whether an eyeglass or a contact lens, that corrects the refraction error or other optically correctable deficiency of the eye.

(7) "Driving evaluation" is a test conducted to determine if a person adequately compensates for the person's medical, mental or physical condition or functional impairment.

(8) "Episode" means any incident or segment of time involving altered consciousness or loss of bodily control.

(9) "Field of vision" means the entire horizontal, temporal plane a person has for each eye without shifting the gaze.

(10) "Functional ability" means the degree of cognitive, mental or emotional, sensorimotor and sensory capability in performing activities of daily living, including safely performing the tasks of driving.

(11) "Licensing action" means any action by the department involving the denial, cancellation, restriction, or issuance of a license or endorsement under this chapter.

(12) "Loss of bodily control" means involuntary movements of the body characterized by muscle spasms or muscle rigidity, or loss of muscle tone or muscle movement.

(13) "Medical condition" means any physical, mental or emotional condition which affects a person's health for which a person is receiving medical treatment, or for which medical treatment is usually prescribed.

(14) "Mental or emotional function" includes interaction and communication skills, adaptive behavior or coping capacity, and orientation.

(15) "Normal consciousness" means the condition of a person when awake and fully responsive to stimuli.

(16) "Physical disability" means any physical limitation interfering with the ability to perform the normal tasks associated with operating a motor vehicle.

(17) "Proof of physical fitness" means a certificate of physical examination executed by a person authorized to execute certificates of physical examination under 49 CFR 391.43 which provides that the person being examined meets the physical qualifications for drivers of 49 CFR 391.41, or a medical examination report for "S" or "P" endorsements.

(18) "Review board" means a medical board established under s. 343.16 (5) (b), Stats.

(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; am. (17), Register, November, 1993, No. 455, eff. 12-1-93.

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 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 subject to a "K" restriction.

Note: "K" restrictions are defined in s. 343.17 (3) (e) 1, Stats.

(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 may require persons to submit proof of physical fitness before 2 years to coordinate the license renewal cycle following an initial issuance or a reinstated "S" endorsement. 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) *Exceptions.* The department may issue a passenger 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 sub-

ject to a "K" restriction and restricted to prohibit transporting more than 2 passengers in a commercial motor vehicle.

(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.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; am. (2) and (3) (d), Register, October, 1991, No. 430, eff. 11-1-91; am. (3) (c), Register, November, 1993, No. 455, eff. 12-1-93.

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.

Register, November, 1993, No. 455

(m) Any other felony not specified in this subsection that has an element of the use or 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.

Note: See s. 343.12, Stats., for additional offenses or traffic violations that may prohibit issuance of a school bus endorsement.

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

Trans 112.16 License restrictions. (1) The department may restrict a person's operating privilege based on any of the following:

(a) A recommendation of a physician or vision specialist.

(b) The results of a driving examination or evaluation.

(c) Failure to show the medical certificate of physical examination required by 49 CFR 391.43.

(2) License restrictions may require a person to wear corrective lenses, use specially equipped vehicles, wear a hearing aid, operate only during daylight hours, restrict a person's driving area, or restrict a person's operating privilege in any other manner which the department deems necessary for safety purposes.

(3) License restrictions shall apply to all classes of vehicles whose operation is authorized by the license, unless the restriction is specifically limited to a certain class or classes.

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

Trans 112.17 Periodic reports. The department may require a person who has a progressive, recurring or debilitating condition to submit to follow-up examinations and reports by a physician or vision specialist as a condition of licensure.

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

Trans 112.18 Driving evaluation. If a physician or vision specialist recommends that the person complete a test of driving ability, the driving evaluation or examination shall be in a vehicle representative of the highest licensing classification the person holds or for which the person is applying.

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

Trans 112.19 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 most recent mailing address 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, April, 1991, No. 424, eff. 5-1-91.

Trans 112.20 Review boards. (1) A person whose license is denied or canceled under ss. Trans 112.05 to Trans 112.14 may request an appear-

Register, November, 1993, No. 455

ance before a review board to obtain a review of the department's licensing action.

(2) A review board may assess the person's medical history and may recommend that an exception be granted by the department if, in the review board's medical opinion, the person's medical condition does not impair the person's ability to safely operate the class or type of motor vehicle for which the person's operating privilege has been denied. No exceptions may be granted to the standards of ss. Trans 112.03 (2), 112.05 (3) (b) 1 to 3, 112.10 (3) (c) 1 or 112.14 (3) (e) 1 and 2.

Note: See s. 343.40, Stats., regarding judicial review of department licensing actions.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; am. (2), Register, November, 1993, No. 455, eff. 12-1-93.