

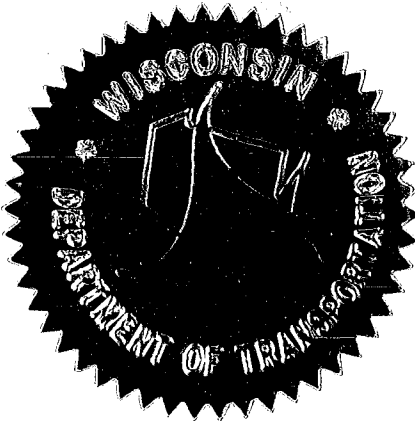
CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)


TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule relating to **medical standards for driver licensing** was duly approved and adopted by this Department on **March 11, 1991**.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 11th day of **March**, 1991.



RONALD R. FIEDLER, P.E.
Secretary

RECEIVED

MAR 12 1991
11:00 am
Revisor of Statutes
Bureau

IN THE MATTER OF a Rule to repeal
ss. Trans 103, 108, 110 and 111; and to
create ch. Trans 112, Wisconsin
Administrative Code, relating to medical
standards for driver licensing.

ORDER ADOPTING RULE

RECEIVED

MAR 12 1991

Analysis Prepared by the Wisconsin Department of Transportation

Revisor of Statutes
Bureau

STATUTORY AUTHORITY: ss. 85.16(1), 343.02, 343.20(1)(c), Stats.
STATUTES INTERPRETED: ss. 343.06(1)(e), 343.12(2), 343.14(2)(i), and 343.16,
Stats.

General Summary of Rule. The purpose of the rule is to establish guidelines for 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. It establishes medical standards and a medical review process, including licensing categories which define functional ability levels.

The rule eliminates the medical standards established in chs. Trans 103, Trans 108, Trans 110 and Trans 111, Wis. Admin. Code. It combines medical standards from those rules and the new commercial licensing standards established in s. 343.14(2)(i), Stats., into one rule.

All applicants for any type of commercial or non-commercial driver license must meet certain minimum physical health standards, such as having at least 20/100 vision in one eye and at least 20 degrees field of vision in one eye.

The Department may require information about the person's functional ability with respect to a medical condition, such as cardiovascular, cerebrovascular, endocrine, musculoskeletal, neurological, peripheral-vascular, mental-emotional, respiratory, and sensory system function.

A person applying for a commercial driver license valid for interstate operation of a commercial motor vehicle must meet the federal driver qualifications contained in 49 CFR 391 subpart E. A driver who does not operate in commerce within the definition of commerce found in the Commercial Motor Vehicle Act of 1986, 49 U.S.C. app. 2701, et. seq., is not required to meet those federal standards. The driver must, however, meet state physical qualification standards.

The rule requires that applicants for commercial driver licenses with school bus endorsements must file a medical report on original applications and at 2-year intervals thereafter. School bus operators age 70 and older must file medical reports annually.

Medical reports will be reviewed by the Department using the appropriate licensing standards. Section 343.05(2)(a), Stats., requires all persons operating passenger vehicles to have CDL licenses with passenger endorsements. This rule requires persons applying for a passenger endorsement, except those who will not be transporting passengers in a commercial motor vehicle, such as mechanics, to file a medical report or meet certain licensing standards. Persons, such as mechanics, who need to operate buses and do not wish to submit to physical qualifications testing will be restricted to transporting not more than 2 passengers in a commercial motor vehicle.

Whenever the Department learns that a licensee or a person applying for any classification of operator's license has a progressive, recurring or debilitating medical condition that may affect safe driving, the Department will require a special examination of the driver pursuant to s. 343.26(5), Stats. This rule explains when and how special examinations are held.

Licenses issued under the rule may be restricted on the basis of a recommendation of a physician or a vision specialist, the results of a driving evaluation or failure to show the medical certificate of physical examination required by 49 CFR 391.43. If a test of driving ability is administered, the test shall be in a vehicle representative of the highest licensing classification the person holds or is seeking.

Parties aggrieved by a department licensing decision under s. 343.16(5), Stats., may appeal to a review board under that statute. This rule also explains the appeal process. This review does not extend to the medical requirements of 49 CFR 391. Instead, the medical review board assesses the person's medical record and recommends whether the Department should grant an exception to certain requirements. In making a decision, the board determines whether the driver's medical condition impairs the person's ability to safely operate a motor vehicle. No exceptions are granted if minimum vision standards are not met, or if the person has had an episode of altered consciousness or loss of body control due to a neurological condition within the past 3 months.

Final Regulatory Flexibility Analysis. This rule renumbers chapters Trans 103 vision, Trans 108 altered consciousness, Trans 110 school bus and Trans 111 special restricted licenses and combines them to form Trans 112. It sets the medical requirements for approximately 3.4 million drivers including 200,000 commercial drivers. Drivers with medical conditions will find it helpful to have all of the medical requirements in one rule. The combination of these rules and the addition of medical requirements for a commercial drivers license will pertain to all large and all small businesses involved in commerce. This rule will not require any new reporting or book keeping. Therefore, the rule will not have a significant effect on small business.

Fiscal Impact. This rule combines present medical requirements into one medical rule for drivers. It also provides that persons who apply for or hold a commercial drivers license (CDL) must meet federal medical driver qualifications (49 CFR 391.41) or be restricted to intrastate operation. Intrastate operators are subject to the medical requirements of this rule.

Assumptions. For the approximately 1,000,000 instruction permits, probationary and regular licenses issued annually, there is no additional processing time or forms required.

There will be approximately 200,000 commercial drivers licensed.

There will be 7,500 school bus licensees who will have no change in the processing of their medical forms.

Approximately 25,000 drivers will present a medical card to obtain a CDL that permits interstate operation.

Explaining the federal medical card requirement, reviewing the card and an entry on the computer system will require approximately 30 seconds each. The card is not maintained in DOT files.

$30 \text{ seconds} \times 25,000 \text{ drivers} = 750,000 \text{ seconds} / 208 \text{ hours}$

Programming required to enter on the record the fact that the driver has a federal medical card on the drivers record is an insignificant part of the DP effort to prepare to issue CDL's.

Conclusions from assumptions. The 208 processing hours will require .12 FTE that can be absorbed by DOT.

There are no one time costs associated with the DP effort required by this rule.

Contact Person. The person to contact for further information is Linda Sunstad, (608)266-0194.

TEXT OF RULE

Under the authority vested in the Wisconsin department of transportation by ss. 85.16(1), 343.02 and 343.20(1)(c), Stats., the department of transportation hereby creates chapter Trans 112, Wis. Admin. Code, implementing ss. 343.06(1)(e), 343.12(2), 343.14(2)(i) and 343.16, Stats.

SECTION 1. Chapters Trans 103, Trans 108, Trans 110 and Trans 111 are repealed.

SECTION 2. Chapter 112 is created to read:

CHAPTER TRANS 112

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

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, and MV3113 Medical Questionnaire (Neurological Condition). 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.

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.

(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, sensori-motor 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 issued in accordance with s. 49 CFR 391.43 which provides that the person meets the physical qualifications for drivers of s. 49 CFR 391.41, or a medical examination report for commercial driver licensing endorsements.

NOTE: Form MV3030B Medical Examination Report for Commercial Driver Licensing Endorsements is available from the Wisconsin Department of Transportation, Bureau of Driver Services, P.O. Box 7918, Madison, Wisconsin 53707.

(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.

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 two 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.

(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.

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 an 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.
- (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.

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 two 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.

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.

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

- (a) Hypertension.
- (b) Orthostatic hypotension.
- (c) Presence of pain and its frequency, location, duration and intensity.
- (d) Syncope or presyncopal sensations.
- (e) Procedures which correct a cardiovascular condition and which temporarily impair functional ability, including surgical procedures such as a coronary artery bypass graft.
- (f) Pacemaker function.
- (g) Implanted defibrillator function.
- (h) Results of procedures such as an electrocardiogram, stress test with thallium scan, angiography, multigated acquisition scan, echocardiogram, or electrophysiologic studies.

(i) Cardiac drug use, including rhythm control drugs, antianginal agents, cardiac glycosides, antihypertensive medication and side effects of these medications.

(j) Cardiac transplantation.

(3)(a) Licensing standards. No endorsement or license may be issued to, renewed by, or held by a person who does not meet the applicable medical review standards for conditions affecting cardiovascular 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 cardiovascular criteria:

1. The person shows no evidence of exercise-induced ischemia, arrhythmias or hypotension as evidenced by a report of electrocardiography administered within 3 months of the date of request or a report of thallium scan administered within 12 months of the date of request.

2. Any valvular disease is asymptomatic with no significant ventricular dysfunction.

3. There are no effects or side effects of medication interfering with safe driving.

4. Physician and the person certify that the person is reliable in following the person's prescribed treatment program.

5. Blood pressure reading shows a systolic pressure of 180 millimeters of mercury or less and a diastolic pressure of 105 millimeters of mercury or less, with or without medication.

6. There are no syncopal or presyncopal sensations.

7. There is no symptomatic angina pectoris.

8. There is no documented ventricular tachycardia, severe bradycardia, or high-grade heart block which is unable to be successfully treated.

9. Any cardiac incident, such as myocardial infarction, or any corrective procedure, such as coronary artery bypass graft, angioplasty, or valvuloplasty, occurred more than 6 months preceding application.

10. There is no evidence of congestive heart failure.

11. There is no automatic implantable cardioverter defibrillator.

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

1. There are no current symptoms of coronary artery disease, such as unstable angina, dyspnea, or pain at rest, which interfere with safe driving, as assessed by a physician or determined through a driving evaluation.

2. There is no cause of cardiac syncope present, including ventricular tachycardia or fibrillation, which is not successfully controlled.

3. There is no congestive heart failure that limits functional ability and is assessed by a physician as interfering with safe driving.

4. Any cardiac rhythm disturbances are successfully controlled.

5. There is no automatic implantable cardioverter defibrillator, unless the device is assessed by an electrophysiologist as not interfering with safe driving.

6. There are no medications interfering with safe driving.

7. There is no valvular heart disease or malfunction of prosthetic valves that is assessed by a physician as interfering with safe driving.

Trans 112.07 CONDITIONS AFFECTING CEREBROVASCULAR FUNCTION.

(1) With respect to conditions affecting cerebrovascular 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) Cerebro-vascular accident.
- (b) Transient ischemic attacks.
- (c) Carotid artery occlusion.
- (d) Aneurysm.
- (e) Brain or head injury.

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

- (a) Hypertension.
- (b) Residual motor control effects, such as limb paralysis.
- (c) Memory loss.
- (d) Impaired reasoning and judgment.
- (e) Disorientation.
- (f) Visual disturbances.
- (g) Altered consciousness.
- (h) Compensatory mechanisms.
- (i) Medication effects and side effects.
- (j) Diagnostic procedures.

(3)(a) Licensing standards. No endorsement or license may be issued to, renewed by, or held by a person who does not meet the applicable medical review standards for conditions affecting cerebrovascular 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 cerebrovascular function criteria:

1. There are no effects or side effects of medication which interfere with safe driving.
2. Physician and the person certify that the person is reliable in following the person's prescribed treatment program.
3. Blood pressure reading shows a systolic pressure of 180 millimeters of mercury or less and a diastolic pressure of 105 millimeters of mercury or less, with or without medication.
4. Any cerebrovascular incident, such as a cerebrovascular accident or endarterectomy, occurred more than twelve months ago.
5. There are no current residual motor deficits, as assessed by a physician.
6. There is no impaired reasoning or judgment, as assessed by a physician.

(c) 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 cerebrovascular function criteria:

1. There is no motor deficit preventing safe driving.
2. There is no impairment of reasoning or judgment preventing safe operation of a vehicle, as assessed by a physician.
3. The person's diastolic blood pressure is less than 120 millimeters of mercury, with or without medication, based on a reading within 90 days preceding application.
4. There are no medications interfering with the person's ability to operate a motor vehicle safely.

Trans 112.08 CONDITIONS AFFECTING ENDOCRINE FUNCTION. (1) With respect to conditions affecting endocrine function, the review boards, when making recom-

mentations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

- (a) Diabetes mellitus.
- (b) Pituitary disorders.
- (c) Thyroid disorders.
- (d) Parathyroid disorders.
- (e) Adrenal dysfunction.

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

- (a) Hypoglycemia.
- (b) Hyperglycemia.
- (c) Complications of condition.
- (d) Reliability of the person in following a prescribed treatment program.
- (e) Weakness.
- (f) Fluid and electrolyte imbalance.
- (g) Mental changes.
- (h) Hypokalemia.
- (i) Frequency of symptoms.
- (j) 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 does not meet the applicable medical review standards for conditions affecting endocrine functions 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 endocrine function criteria:

1. The person is in a treatment program certified by a physician as appropriate for adequate control of the condition.
2. The person has non-insulin requiring diabetes that is controlled.
3. The condition was diagnosed more than 6 months preceding application.
4. There is no evidence that the person uses alcohol or other drugs to an extent that interferes with the person's current treatment program for the condition.
5. There is no weakness, tremor, lethargy, or motor impairment interfering with safe driving.
6. Physician and the person certify that the person is reliable in following the person's prescribed treatment program.
7. The person is knowledgeable about the condition.

(c) 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 endocrine function criteria:

1. There is no diabetic neuropathy or other complication which interferes with safe driving, as assessed by a physician or determined through a driving evaluation.
2. There are no frequent and functionally impairing hypoglycemic reactions.
3. There is no evidence of use of alcohol or other drugs to an extent that interferes with the person's prescribed treatment program for the condition.

Trans 112.09 CONDITIONS AFFECTING MUSCULOSKELETAL FUNCTION.

(1) With respect to conditions affecting musculoskeletal 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) Rheumatoid arthritis.
- (b) Osteoarthritis.
- (c) Lupus erythematosus.
- (d) Osteomyelitis.
- (e) Osteoporosis.
- (f) Paralysis.

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

- (a) Reduced range of motion.
- (b) Pain.
- (c) Stiffness.
- (d) Reduced mobility.
- (e) 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 does not meet the applicable medical review standards for conditions affecting musculoskeletal 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 musculoskeletal function criteria:

1. There are no effects or side effects of medication which interfere with safe driving.
2. There is no physical disability that interferes with safe driving, as assessed by a physician or determined through a driving evaluation.

3. There is range of motion sufficient to safely operate a vehicle.
4. There is no weakness or impaired mobility which interferes with safe driving.

(c) 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 musculoskeletal function criteria:

1. Pain does not interfere with the person's ability to safely operate a motor vehicle, as assessed by a physician or determined through a driving evaluation.
2. The person's operation of a vehicle demonstrates adequate compensation for any weakness or limitations in range of motion or mobility.
3. There are no effects or side effects of medication interfering with safe driving.

Trans 112.10 CONDITIONS AFFECTING NEUROLOGICAL OR NEUROMUSCULAR FUNCTION. (1) With respect to conditions affecting neurological or neuromuscular 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) Cerebral palsy.
- (b) Multiple sclerosis.
- (c) Muscular dystrophy.
- (d) Myasthenia gravis.
- (e) Neuralgia or neuritis.
- (f) Parkinson's disease or other extrapyramidal disorders or symptoms.
- (g) Poliomyelitis.
- (h) Seizure disorders.
- (i) Spinal cord injury.
- (j) Brain injury.

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

(a) Episodes of altered consciousness or loss of bodily control.

(b) Degree of functional impairment, including the following:

1. Extent to which loss of muscle tone, movement, or spasm affects functional ability.
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.

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.

(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 peripheral-vascular function criteria:

1. The person compensates adequately for any limitations in mobility or circulation in operating a motor vehicle.

2. There is no fatigue, weakness, muscle spasm or tremor at rest sufficient to impair safe driving, as assessed by a physician or determined through a driving evaluation.

3. There are no symptoms of the condition while the person is at rest.

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

Trans 112.12 CONDITIONS AFFECTING PSYCHOSOCIAL, MENTAL OR EMOTIONAL FUNCTION. (1) With respect to conditions affecting psychosocial, mental or emotional 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) Schizophrenia.

(b) Personality disorders.

(c) Manic-depressive psychosis or bi-polar disorder.

(d) Delusional disorders.

(e) Dementia and organic brain syndromes.

(f) Other mood disorders.

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

- (a) Impaired impulse control.
- (b) Reality testing and orientation.
- (c) Impaired affect or mood.
- (d) Asocial, anti-social or dissocial behaviors.
- (e) Impulse control.
- (f) Suicidal risk.
- (g) Cognitive impairment.
- (h) Treatment program, including medications and compliance.

(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 psychosocial, mental and emotional 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 mental and emotional function criteria:

1. The person is oriented to time, date, person and place.
2. There is no history of psychosis.
3. There are no medication effects or side effects that interfere with safe driving.
4. The physician and the person certify that the person is reliable in following the person's prescribed treatment program.
5. There is no history of a behavior disorder that interferes with safe driving, as assessed by a physician.
6. There have been no destructive behaviors or suicidal tendencies within the 12 months preceding application.

(c) 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 mental and emotional function criteria:

1. There is no dementia that is unresponsive to treatment.
2. There is no behavior disorder with threatening or assaultive behavior at the time of application.
3. Any delusional system does not interfere with safe driving, as assessed by a physician.
4. There is no suicidal tendency at the time of application.
5. There is no impairment of judgment that interferes with safe driving as assessed by a physician.
6. There is no active psychosis that interferes with safe driving, as assessed by a physician.
7. There are no effects or side effects of medication that interfere with safe driving.

Trans 112.13 CONDITIONS AFFECTING RESPIRATORY FUNCTION. (1) With respect to conditions affecting respiratory 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) Chronic obstructive pulmonary disease.
- (b) Asthma.
- (c) Emphysema.
- (d) Bronchitis.
- (e) Tuberculosis.
- (f) Silicosis.
- (g) Pulmonary emboli.

(h) Pulmonary hypertension.

(i) Pulmonary tumors.

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

(a) Incapacitating cough.

(b) Shortness of breath.

(c) Dyspnea.

(d) Inadequate ventilation.

(e) Fatigue.

(f) Right ventricular enlargement.

(g) Acute respiratory failure.

(h) Hypoxemia or hypercapnia.

(i) Need for medication or oxygen therapy.

(j) Pulmonary function tests.

(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 respiratory function of this subsection.

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

1. Pulmonary disease is healed or inactive.

2. Values obtained from pulmonary function tests for forced vital capacity and forced expiratory volume in one second are not less than 65% of normal values.

3. There has been no altered consciousness or loss of consciousness because of the condition within 12 months preceding application.

4. There is no required oxygen use.

5. Medications improve breathing but do not interfere with driving.

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

7. There is no dyspnea.

(c) 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 respiratory function criteria:

1. The person does not require medication that interferes with driving.

2. There is no dyspnea that interferes with safe driving, as assessed by a physician or determined through a driving evaluation.

Trans 112.14 CONDITIONS AFFECTING SENSORY FUNCTION. (1) With respect to conditions affecting sensory function, the review boards when making recommendations, and the department when taking licensing action, may consider conditions including, but not limited to, the following:

(a) Cataracts.

(b) Macular degeneration.

(c) Retinitis pigmentosa.

(d) Diabetic retinopathy.

(e) Glaucoma.

(f) Deafness.

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

(a) Visual acuity.

(b) Field of vision.

(c) Hearing.

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

(b) Corrective lenses. A person needing corrective lenses to meet the standards in this section shall be restricted to use of those lenses while driving. No person may use a bioptic telescopic or similar lens that reduces the field of vision below the standards in this subsection in order to meet the visual acuity standards in this subsection.

(c) 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 criteria:

1. Visual acuity of at least 20/40 in each eye, corrected or uncorrected.
2. A horizontal, temporal field of vision of 70 degrees or more from center in each eye.
3. The ability to distinguish traffic signal colors of red, green and amber.
4. Either of the following:

a. The ability to hear with or without a hearing aid the instructions given in normal conversational tones during the course of the screening test for vision and the driving examination.

b. No hearing loss greater than 40 decibels at 500 HZ, 1000 HZ and 2000 HZ, with or without a hearing aid, based on a test by an audiometric device.

(d) Medical standards for commercial driver licenses. A person who applies for, renews, or holds a commercial driver license shall meet all of the following criteria:

1. Visual acuity of at least 20/60 or better in at least one eye as assessed by a vision specialist.

2. A horizontal, temporal field of vision of 70 degrees or more from center in at least one eye.

(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 subds. 1, 2 and 4 and shall restrict any license issued to a person having a vision condition specified in subds. 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.

(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 operators 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.

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.

(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.

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.

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.

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.

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.

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 appearance 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), 112.10(3)(c)1 or 112.14(3)(e)1 and 2.

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

(END OF RULE TEXT)

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Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin this 11th day of March, 1991.



Ronald R. Fiedler, P.E.

Secretary

Wisconsin Department of Transportation

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Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Ronald R. Fiedler, PE
Secretary

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March 11, 1991

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Bureau

Mr. Gary Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr. Blvd.
2nd Floor
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 90-195**

In the Matter of the Adoption of **TRANS 112**, Wisconsin Administrative Code, Relating to the Medical Standards for Driver Licensing.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 90-195**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

A handwritten signature in cursive script that reads "Donna Yanda".

Donna Yanda
Legal Assistant

Enclosures

cc: Tom Walker
Linda Thelke
Sandy Beaupre
Roger Cross
Wes Geringer
Linda Sunstad
Linda Kuhn