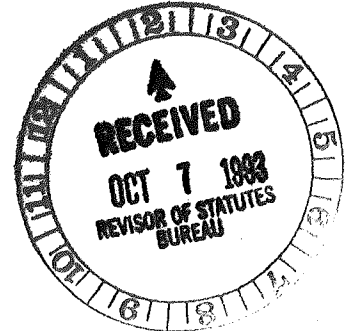


CR 93-120

CERTIFICATE



STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, 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 and general standards for school bus endorsements**, was duly approved and adopted by this Department on October 6, 1993.

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 6 day of **October**, 1993.

Charles H. Thompson

CHARLES H. THOMPSON
Secretary

10-1-93

IN THE MATTER OF an Order Adopting Rule **AMENDING** Trans 112.02(17), 112.03(3)(c), and 112.20(2), Wisconsin Administrative Code, relating to medical standards for driver licensing and general standards for school bus endorsements.

ORDER ADOPTING RULE

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 227.11 and 343.02(1), Stats.

STATUTE INTERPRETED: ss. 343.12, 343.135, 343.14, 343.16 and 342.20, Stats.

General Summary of Rule. The federal regulations (49 CFR 391.41 and 391.43), incorporated by reference, were updated and appeals to the medical review board were clarified. The changes allow other health professionals, in addition to physicians, to sign the Federal Medical Card. Section 2 clarifies when proof of physical fitness may be required for persons holding school bus endorsements. Section 3 clarifies that a driver holding and "S" or "P" endorsement may not appeal to the medical review board for a waiver of alcohol or drug use medical standards which include conviction of an OWI offense.

Fiscal Estimate. The Department estimates that there will be no significant fiscal effect on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal effect on state revenues or liabilities.

Final Regulatory Flexibility Analysis. This rule will have no significant adverse effect on small businesses.

Preparation and Copies of Rule. This analysis was prepared by Linda Sunstad of the Department of Transportation, Division of Motor Vehicles. Copies of the rule are available from Linda Sunstad of the Department's Medical/Alcohol Review Section, Room 351, P. O. Box 7920, Madison, Wisconsin 53707-7920, telephone (608) 266-0194.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 227.11 and 343.02(1), Stats., the department of transportation hereby amends a rule interpreting ss. 343.12, 343.135, 343.14, 343.16 and 342.20, Stats., relating to medical standards for driver licensing and general standards for school bus endorsements.

SECTION 1. Trans 112.02(17) is amended to read:

Trans 112.02(17) "Proof of physical fitness" means a certificate of physical examination ~~issued in accordance with~~ executed by a person authorized to execute certificates of physical examination under s. 49 CFR 391.43 which provides that the person being examined meets the physical qualifications for drivers of s. 49 CFR 391.41, or a medical examination report for ~~commercial driver licensing~~ "S" or "P" endorsements.

SECTION 2. Trans 112.03(3)(c) is amended to read:

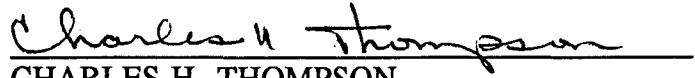
Trans 112.03(3)(c) Biennial proof of physical fitness. All persons holding school bus endorsements shall provide proof of physical fitness to the department every 2 years, except that persons age 70 years or older shall provide proof of physical fitness annually. The department may require persons to 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.

SECTION 3. Trans 112.20(2) is amended to read:

Trans 112.20(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, 2 and 3, 112.10(3)(c)1 or 112.14(3)(e)1 and 2.

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), Stats.

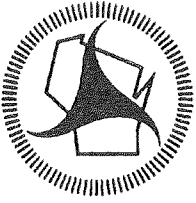
Signed at Madison, Wisconsin, this 6 day of October, 1993.

A handwritten signature in cursive script that reads "Charles H. Thompson". The signature is written in black ink and is positioned above a solid horizontal line.

CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



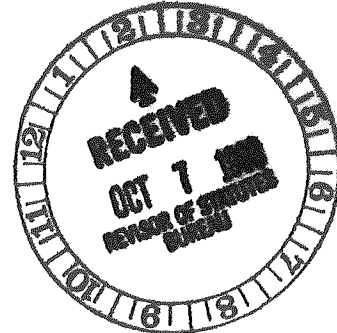
Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

October 7, 1993



Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703

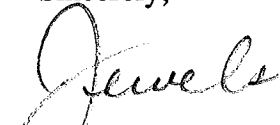
RE: CLEARINGHOUSE RULE 93-120

In the Matter of the Adoption of **TRANS 112**, Wisconsin Administrative Code, relating to **medical standards for driver licensing and general standards for school bus endorsements.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 93-120**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Dorothy Kapke
Jim McDonnell
Roger Cross
Linda Sunstad
Wes Geringer