

(3) (a) In this subsection, "reliable source" includes, but is not limited to, a police report or physician's report or a report from a parent or spouse.

(b) Whenever the department has evidence that an episode occurred within the preceding 3 months, the department shall take immediate licensing action based on that evidence. This action shall be taken whenever the following occurs:

1. The department receives information from a reliable source that the person has experienced an episode;

2. The information is substantiated by a second reliable source; and

3. The department has other evidence that there is a medical problem, including, but not limited to, a prior medical report, a report of an accident or a conviction that includes evidence of an episode.

(c) Whenever the department receives a medical report that shows the person has poor compliance, as described by the person's physician, with the person's medical treatment program, the department shall take immediate licensing action based on that evidence.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81; am. (1) (a) and (c) 3., Register, August, 1985, No. 356, eff. 9-1-85; emerg. r. and recr., eff. 9-4-87; r. and recr. Register, March, 1988, No. 387, eff. 4-1-88.

Trans 108.07 Special licenses. (1) CHAUFFEUR LICENSES. (a) A person who is episode free for more than 3 months may be permitted to hold a restricted chauffeur's license if the department determines from the information listed in s. Trans 108.03 that the person's condition is under control and that licensing does not present a substantial risk to the safety of that person or the general public, taking into account:

1. The type of vehicle used;

2. The hours of operation;

3. The routes and distances normally travelled;

4. The type of cargo hauled; and

5. The period of time the condition has been under control.

Note: Under U.S. department of transportation regulations, persons diagnosed as having epilepsy are prohibited from operating motor vehicles in interstate commerce.

(b) Chauffeur's licenses issued in accordance with par. (a) shall be restricted until the person is episode free for 10 years, except that a person may be eligible for an unrestricted chauffeur's license if at least 2 years have elapsed since a single episode as specified under s. Trans 108.04 (1).

(c) In accord with the criteria for restrictions established in par. (a), when a chauffeur's license is issued to a person who has experienced an episode, the license shall be restricted so that the person may not transport passengers for hire, nor transport hazardous materials nor operate an authorized emergency vehicle except when:

1. Only a single episode as specified in s. Trans 108.04 (1) has been experienced and at least 2 years have elapsed since the episode, or

2. If not exempt by subd. 1., then only when the person:

Register, May, 1988, No. 389

Trans 108

- a. Has not had an episode in the past 5 years; and
- b. Has not taken medication for the episode for 5 years.

(2) **MOTORCYCLE OPERATOR LICENSE.** A person who the department finds qualified for licensing under s. Trans 108.06 may hold an operator's license endorsed for operation of a motorcycle or may hold an operator's license restricted to operation of a motorcycle. Operator's license restrictions apply with equal force and effect to motorcycle operations.

(3) **SCHOOL BUS OPERATOR LICENSES.** In accordance with s. 343.12 (2) (g), Stats., and s. Trans 110.13, persons subject to this chapter shall be considered for school bus licensing when:

(a) Only a single episode as specified in s. Trans 108.04 (1) has been experienced and at least 2 years have elapsed since the episode; or

(b) If not exempt by par. (a), then only when the person:

- 1. Has not had an episode in the past 5 years; and
- 2. Has not taken medication for the episode for 5 years.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81; emerg. am. eff. 3-14-83; am. (1) (a) r. and recr. (1) (b) and (c), (2) and (3), Register, August, 1985, No. 356, eff. 9-1-85; emerg. am. (1) (a) (intro.), (b) and (c), (2), renum. (3) and am., eff. 9-4-87; am. (1) (a) (intro.), (b) and (c), (2) and (3), Register, March, 1988, No. 387, eff. 4-1-88; reprinted to restore dropped copy in (3) (intro.), Register, May, 1988, No. 389.

Trans 108.08 License restrictions. (1) Restrictions imposed under this chapter shall be in addition to any other restrictions, including corrective lenses restrictions, that may be required or appropriate under s. 343.13, Stats., or under other provisions of the law.

(2) The department may restrict an operator's license, whenever the licensee's medical history shows any of the following:

- (a) That the person's physician recommends restrictions; or
- (b) That a medical review board recommends restrictions.

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81; am. (2) (f) and cr. (2) (g), Register, August, 1985, No. 356, eff. 9-1-85; emerg. r. and recr., eff. 9-4-87; r. and recr. Register, March, 1988, No. 387, eff. 4-1-88.

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

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

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

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

(a) When the existence of any of the conditions described in s. Trans 108.06 is at issue.

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

Register, May, 1988, No. 389

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

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

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

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

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81; emerg. renum. (1) (d) to be (1) (e) and am., cr. (1) (d), eff. 5-19-86; renum. (1) (d) to be (1) (e) and am., cr. (1) (d), Register, November, 1986, No. 371, eff. 12-1-86; emerg. am. (1) (a) and (3), r. (1) (b), renum. (1) (c), (d) and (e) to be (1) (b) to (d) and am., eff. 9-4-87; am. (1) (a) and (3), r. (1) (b), renum. (1) (c) to (e) to be (b) to (d), Register, March, 1988, No. 387, eff. 4-1-88; correction in (1) (d) made under s. 13.93 (2m) (b) 7, Stats. Register, May, 1988, No. 389.

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

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

History: Cr. Register, May, 1981, No. 305, eff. 6-1-81; am. Register, August, 1985, No. 356, eff. 9-1-85.

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

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