Chapter Trans 112

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

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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. This chapter also establishes non–medical requirements that relate to issuance of a school bus endorsement.

Note: Forms used in this chapter are MV3030B Medical Examination Report for Commercial Driver Licensing Endorsements, MV3030V Certificate of Vision Examination by Competent Authority, and MV 3644 Medical Examination Report. 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; CR 04–117: am. Register April 2005 No. 592, eff. 5–1–05.

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) "Advanced practice nurse prescriber" or "APNP" means an advanced practice nurse who is certified under s. 441.16 (2), Stats., to issue prescription orders.

(1g) "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.

(1m) "Another jurisdiction" means any state other than Wisconsin and includes the District of Columbia, the commonwealth of Puerto Rico and any territory or possession of the United States, any federal military installation located within the territorial boundaries of Wisconsin and any province of the Dominion of Canada.

(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. 961.01 (4), Stats.

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

(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, except bioptic telescopic lenses.

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

(16) "Physician" means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the medical examining board, and holding a license granted by the medical examining board.

Note: This definition of "Physician" is intended to be consistent with the statutory definition appearing at s. 448.01 (5), Stats.

(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; r. (5), (15), am. (6), renum. (16) to be (15), cr. (16), Register, June, 1996, No. 486, eff. 7–1–96; CR 04–117: cr. (1m) Register April 2005 No. 592, eff. 5–1–05; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register April 2005 No. 592; CR 06–099: renum. (1) to be (1g), cr. (1), Register June 2007 No. 618, eff. 7–1–07.

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. The department may not issue a commercial driver license to a driver who does not meet the physical qualifications of drivers' standards under 49 CFR 391.41 or who does not present a medical certificate of examination required under 49 CFR 391.43 unless one of the following applies:

(a) The commercial driver license is subject to a "K" restriction, the driver held a commercial driver license on or before July 28, 1996, and the license has not been revoked on or after July 29, 1996.

Note: See s. Trans 327.09 (2) (b). "K" restrictions limit operation to non–interstate commerce and are described in detail in s. 343.17 (3) (e) 1m., Stats.

(b) The commercial driver license is subject to a restriction that permits only those types of commercial motor vehicle operation for which drivers are exempt from the requirement of complying with 49 CFR part 391 under s. Trans 327.09 (1), 49 CFR 390.3 (f), or 49 CFR 391.2.

Note: This provision allows the Department to issue CDLs without requiring federal medical cards of persons employed by government units, or as school bus drivers, apiarian industry seasonal drivers, custom harvester drivers and certain farm vehicle drivers. Licenses issued under this provision are restricted to permit only that commercial vehicle operation which may be legally conducted without a federal medical card.

(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 subject 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, an APNP, a review board, or on the results of a driving examination or evaluation.

(7) REPORTING. Persons holding a valid license with a 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; r. and recr. (2), am. (7), Register, June, 1996, No. 486, eff. 7–1–96; CR 06–099: am. (6), Register June 2007 No. 618, eff. 7–1–07.

Trans 112.04 Information to be considered in licensing actions. The review boards when making recommendations, and the department when taking licensing action under this chapter, 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, complications and prognosis.

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

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

(e) Physician's or APNP's medical report.

(f) Physician's or APNP's recommendations with regard to functional impairment.

(g) Physician's or APNP'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.

(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; am. (intro.), (1) (b), r. (1) (c), renum. (1) (d) to (h) to be (1) (c) to (g), Register, June, 1996, No. 486, eff. 7–1–96; CR 06–099: am. (1) (e) to (g), Register June 2007 No. 618, eff. 7–1–07.

Trans 112.045 All medical conditions. No person may be issued, renew, or hold any classification of operators license or endorsement if a medical report shows any of the following:

(1) Effects or side effects of medication interfere with safe driving, unless the physician or APNP indicates the situation is temporary and not likely to recur.

(2) Complications of a condition interfere with safe driving as assessed by a physician or APNP or as determined by a driving evaluation.

(3) The person is not reliable in following a prescribed treatment program to the extent that noncompliance could affect the person's ability to drive safely.

(4) There is medical evidence that the person uses alcohol or other drugs to an extent that it has an adverse effect on a medical condition or interferes with treatment for the condition.

(5) There is medical evidence of a condition that is likely to be accompanied by a syncope or collapse or which otherwise may interfere with safe driving.

History: Cr. Register, June, 1996, No. 487, eff. 7–1–96; CR 06–099; am. (1) and (2), Register June 2007 No. 618, eff. 7–1–07.

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 or APNP treatment of the person for chemical abuse or dependency.

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

1. Accidents involving chemical use.

2. Traffic convictions involving chemical use.

(c) Review board recommendations, if any.

(d) 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 year.

5. The person has evidenced any chemical abuse or dependency within the past 2 years, that is not controlled by treatment.

(bm) For purposes of determining eligibility for a passenger endorsement under par. (b) 1. to 3., the department shall not count violations committed prior to April 1, 1992.

(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, APNP or approved public treatment facility.

History: Cr. Register, April, 1991, No. 424, eff. 5–1–91; am. (3) (b) 4., r. (3) (b) 5., Register, October, 1991, No. 430, eff. 11–1–91; emerg. cr. (3) (bm), eff. 2–20–92; cr. (3) (bm), Register, June, 1992, No. 438, eff. 7–1–92; r. (2) (b), renum. (2) (c) to (e) to be (2) (b) to (d); am. (3) (b) 4., cr. (3) (b) 5., Register, June, 1996, No. 486, eff. 7–1–96; CR 06–099: am. (2) (a) 5. and (3) (c), Register June 2007 No. 618, eff. 7–1–07.

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) Corpulmonale.

(i) Conduction difficulties.

(j) Arrhythmias.

(k) Aortic or arterial occlusion or aneurysm.

(L) Impairment of peripheral circulation.

(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 appropriate cardiac testing which has been prescribed and reviewed by a physician or APNP.

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

4. There are no syncopal or presyncopal sensations.

5. There is no symptomatic angina pectoris.

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

7. Any cardiac incident, such as myocardial infarction, occurred more than 6 months preceding any application or renewal unless a cardiac specialist specifically recommends operation of a commercial vehicle and the person has fully recovered.

8. There is no evidence of congestive heart failure.

9. There is no automatic implantable cardioverter defibrillator.

(c) *Medical standards for all classes of 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 APNP.

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

History: Cr. Register, April, 1991, No. 424, eff. 5−1−91; cr. (1) (L), (3) (b) 7., am. (3) (b) 1., r. (3) (b) 4., 5. 9., renum. (3) (b) 6. to 8. to be (3) (b) 4. to 6. and (3) (b) 10. and 11. to be (3) (b) 8. and 9., Register, June, 1996, No. 486, eff. 7−1−96; CR 04−117: r. (3) (b) 3. Register April 2005 No. 592, eff. 5−1−05; CR 06−099: am. (3) (b) 1. and (c) 1., 3. and 6., Register June 2007 No. 618, eff. 7−1−07.

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 or stroke.

(b) Transient ischemic attack or TIA.

(c) Carotid artery occlusion.

(d) Aneurysm.

(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. Physician or APNP certifies that the person is reliable in following the person's prescribed treatment program.

2. 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.

3. Any cerebrovascular incident, such as a cerebrovascular accident or endarterectomy, occurred more than 6 months ago.

4. There are no current residual motor deficits that interfere with safe driving.

5. There is no impaired reasoning or judgment, as assessed by a physician or APNP.

(c) *Medical standards for all classes of operators 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 or APNP.

3. There are no medications interfering with the person's ability to operate a motor vehicle safely.

History: Cr. Register, April, 1991, No. 424, eff. 5−1−91; am. (1) (a), (b), r. (1) (e), (3) (b) 1., (c) 3., renum. (3) (b) 2. to 6. to be (3) (b) 1. to 5. and am. 4., (3) (c) 4. to be (3) (c) 3., Register, June, 1996, No. 486, eff. 7−1−96; CR 04−117: am. (3) (b) 1. and 3. Register April 2005 No. 592, eff. 5−1−05; CR 06−099: am. (3) (b) 1. and 5. and (c) 2., Register June 2007 No. 618, eff. 7−1−07.

Trans 112.08 Conditions affecting endocrine function. (1) With respect to conditions affecting endocrine 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) 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.

(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 or APNP as appropriate for adequate control of the condition.

2. The person has non−insulin requiring diabetes that is controlled.

3. There is no weakness, tremor, lethargy, or motor impairment interfering with safe driving.

4. The person monitors his or her blood sugar levels as advised by a physician or APNP, and is knowledgeable about the condition.

(c) *Medical standards for all classes of operators licenses.* A person who applies for, renews, or holds any classification of operator's license may not evidence any frequent or functionally impairing hypoglycemic reactions.

History: Cr. Register, April, 1991, No. 424, eff. 5−1−91; r. (2) (j), (3) (b) 3., 4., 6., renum. (3) (b) 5. and 7. to be (3) (b) 3. and 4. and am. 4., am. (3) (c), Register, June, 1996, No. 486, eff. 7−1−96; CR 06−099: am. (3) (b) 1. and 4., Register June 2007 No. 618, eff. 7−1−07.

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) Brain injury.

(b) Cerebral palsy.

(c) Multiple sclerosis.

(d) Muscular dystrophy.

(e) Myasthenia gravis.

(f) Neuralgia or neuritis.

(g) Parkinson's disease or other extrapyramidal disorders or symptoms.

(h) Poliomyelitis.

(i) Seizure disorders.

(j) Spinal cord 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 extent to which loss of muscle tone, range of motion, spasm, or 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. Any neurological or neuromuscular 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 neuromuscular or neurological condition.

4. 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 that occurred more than 2 years prior to the application, the cause has been identified, and no treatment is required.

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. Narcolepsy has been diagnosed as the cause of the episode, there have been no episodes of loss of consciousness for the past 2 years and the person's physician or APNP indicates treatment has been successful.

(bm) *Medical standards for commercial driver licenses.* A person who applies for, renews, or holds a commercial driver license may not have been subject to any episodes of altered consciousness or loss of bodily control caused by a neurological condition unless one of the following apply:

1. 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 no treatment is required.

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

(c) *Medical standards for all classes of operators 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. The person may not have had an episode of altered consciousness or loss of bodily control caused by a neurological condition for the 3 month period preceding medical review by the department under this chapter.

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

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

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

History: Cr. Register, April, 1991, No. 424, eff. 5−1−91; renum. (3) (c) 6. to be (3) (bm) and am. Register, October, 1991, No. 430, eff. 11−1−91; renum. (1) (a) to (i) to be (1) (b) to (j), (1) (j) to be (1) (a), (3) (b) 6. to be (3) (b) 4. and am. 4.a., (c) 5. to be (c) 4., r. and recr. (2) (b), (3) (c) 1., am. (3) (b) 1., 3., (bm) 1., (c) 3., r. (3) (b) 4., 5., (c) 4., cr. (3) (b) 4. c., Register, June, 1996, No. 486, eff. 7−1−96; CR 06−099: am. (3) (b) 4. c. and (c) 3., Register June 2007 No. 618, eff. 7−1−07.

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) Bipolar disorder.

(d) Delusional disorders.

(e) Dementia and organic brain syndrome.

(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 behavior disorder that interferes with safe driving, as assessed by a physician or APNP.

3. There are, at the time of the application for or renewal or holding of the endorsement, no destructive behaviors or suicidal tendencies.

(c) *Medical standards for all classes of operators 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 or APNP.

4. There is no impairment of judgment that interferes with safe driving as assessed by a physician or APNP.

5. There is no active psychosis that interferes with safe driving, as assessed by a physician or APNP.

History: Cr. Register, April, 1991, No. 424, eff. 5−1−91; am. (1) (c), (e), r. (3) (b) 2. to 4., renum. (3) (b) 4., 6. to be (3) (b) 2., 3. and am. 2., (c) 5., 6. to be (c) 4., 5., r. (3) (c) 4., 7., Register, June, 1996, No. 486, eff. 7−1−96; CR 04−117: am. (3) (b) 3. Register April 2005 No. 592, eff. 5−1−05; CR 06−099: am. (3) (b) 2. and and (c) 3. to 5., Register June 2007 No. 618, eff. 7−1−07.

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 is no required oxygen use.

4. Medications improve breathing but do not interfere with safe driving.

5. There is no diagnosis of sleep apnea unless the physician or APNP indicates treatment has been successful and the condition will not impair ability to safely operate a commercial vehicle.

(c) *Medical standards for all classes of operators 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 or treatment that interferes with safe driving.

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

History: Cr. Register, April, 1991, No. 424, eff. 5−1−91; r. (3) (b) 3., 6., 7., renum. (3) (b) 4., 5. to be (3) (b) 3., 4. and am. 4., cr. (3) (b) 5., am. (3) (c) 1, Register, June, 1996, No. 486, eff. 7−1−96; CR 06−099: am. (3) (b) 5. and (c) 2., Register June 2007 No. 618, eff. 7−1−07.

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 in order to meet the visual acuity standards of this subsection if the lens reduces the field of vision below the 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° 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° or more from center in at least one eye.

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

1. Uncorrected or corrected 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° or more from center in at least 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 as recommended by the vision specialist. The person's license shall be assigned restrictions, 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, based upon a recommendation from the vision specialist and the results of a driving evaluation demonstrating adequate compensation for the loss of vision.

3. If a person has a horizontal, temporal field of vision of less than 70° from center in one eye and 70° 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° 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 may be subject to additional license restrictions, but these 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.

(g) *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.

Note: Special restricted operators licenses may authorize the operation of a moped or motorbicycle, s. 343.135, Stats.

History: Cr. Register, April, 1991, No. 424, eff. 5–1–91; reprinted to correct error, Register, October, 1991, No. 430; am. (3) (b), (e) 1., 2., (f) 1., 2., 4., Register, June, 1996, No. 486, eff. 7–1–96.

Trans 112.15 Non–medical requirements for school bus drivers. (1) The department may not issue or renew a school bus endorsement to any person convicted of any of the following state laws or any local ordinance in conformity with any of the following state laws or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

(a) First–degree intentional homicide, s. 940.01, Stats.

(ag) First–degree reckless homicide, s. 940.02, Stats.

(ar) Felony murder, s. 940.03, Stats.

(b) Second–degree intentional homicide, s. 940.05, Stats.

(bg) Second–degree reckless homicide, s. 940.06, Stats.

(br) Homicide by intoxicated use of vehicle or firearm, s. 940.09, Stats.

(c) Homicide by negligent operation of a vehicle, s. 940.10, Stats.

(cg) Battery, substantial battery, or aggravated battery under s. 940.19 (2), (4), (5), or (6), Stats.

(cr) Battery to a pregnant woman or unborn child, s. 940.195, Stats.

(d) Mayhem, s. 940.21, Stats.

(dg) Sexual assault, s. 940.225 (1) to (3m), Stats.

(dr) Reckless injury, s. 940.23, Stats.

(e) Abuse of vulnerable adults, s. 940.285, Stats.

(eg) Abuse and neglect of patients and residents, s. 940.295, Stats.

(er) Taking hostages, s. 940.305, Stats.

(f) Kidnapping, s. 940.31, Stats.

(fg) Administering dangerous or stupefying drug, s. 941.32, Stats.

(fr) Criminal gang member solicitation and contact, s. 941.38, Stats.

(g) Robbery, s. 943.32, Stats.

(gg) Incest, s. 944.06, Stats.

(gr) Public fornication, s. 944.15, Stats.

(h) Sexual gratification, s. 944.17, Stats.

(hg) Lewd and lascivious behavior, s. 944.20, Stats.

(hr) Obscene material or performance, s. 944.21, Stats.

(i) Making lewd, obscene or indecent drawings, s. 944.23, Stats.

(ig) Sending obscene or sexually explicit electronic messages, s. 944.25, Stats.

(ir) Prostitution, s. 944.30, Stats.

(j) Patronizing prostitutes, s. 944.31, Stats.

(jg) Soliciting prostitutes, s. 944.32, Stats.

(jr) Pandering, s. 944.33, Stats.

(k) Keeping a place of prostitution, s. 944.34, Stats.

(kg) Treason, s. 946.01, Stats.

(kr) Sabotage, s. 946.02, Stats.

(L) Sedition, s. 946.03, Stats.

(Lg) Sexual assault of a child, s. 948.02 (1) and (2), Stats.

(Lr) Engaging in repeated acts of sexual assault of the same child, s. 948.025, Stats.

(m) Physical abuse of a child, s. 948.03, Stats.

(mg) Causing mental harm to a child, s. 948.04, Stats.

(mr) Sexual exploitation of a child, s. 948.05, Stats.

(n) Causing a child to view or listen to sexual activity, s. 948.055, Stats.

(ng) Incest with a child, s. 948.06, Stats.

(nr) Child enticement, s. 948.07, Stats.

(o) Use of a computer to facilitate a child sex crime, s. 948.075, Stats.

(og) Soliciting a child for prostitution, s. 948.08, Stats.

(or) Sexual intercourse with a child age 16 or older, s. 948.09, Stats.

(p) Sexual assault of a student age 16 or older by a school instructional staff person, s. 948.095, Stats.

(pg) Exposing genitals or pubic area to child, s. 948.10, Stats.

(pr) Exposing a child to harmful material or harmful descriptions or narrations, s. 948.11 (2) (a) or (am), Stats.

(q) Possession of child pornography, s. 948.12, Stats.

(qg) Child sex offender working with children, s. 948.13 (2), Stats.

(qr) Abandonment of a child, s. 948.21, Stats.

(r) Neglecting a child, s. 948.21, Stats.

(rg) Concealing death of a child (at birth), s. 948.23, Stats.

(rr) Abduction of another's child; constructive custody, s. 948.30, Stats.

(s) Solicitation of a child to commit a felony, s. 948.35, Stats.

Note: Section 948.35, Stats., was repealed by 2001 Wis. Act 109, eff. 2–1–03.

(t) Contributing to the delinquency of a minor, s. 948.40, Stats.

(u) Leaving or storing a loaded firearm within the reach or easy access of a child, s. 948.55, Stats.

(v) Possession of firearm in school zone, s. 948.605, Stats.

(w) Any of the following drug–related crimes under s. 961.41, Stats.:

1. Manufacture, distribution or delivery, s. 961.41 (1) (a) to (1) (j), Stats.

2. Possession with intent to manufacture, distribute or deliver, s. 961.41 (1m) (a) to (1m) (j), Stats.

3. Distribution or delivery or attempt to deliver or distribute an imitation controlled substance, s. 961.41 (4) (am), Stats.

(x) Keep or maintain any place for drug use, manufacture, keeping or delivering, s. 961.42 (1), Stats.

(y) Using a child for illegal drug distribution or manufacturing, s. 961.455, Stats.

(z) Distribution of controlled substances to persons under age 18, s. 961.46, Stats.

(2) The department may not issue or renew a school bus endorsement to any person who within the 5 years immediately preceding the date of application is convicted of any of the following state laws or any local ordinance in conformity with any of the following state laws or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

(a) Any felony under ch. 940, Stats., not listed in sub. (1).

(am) Any conviction under ch. 948, Stats., not listed in sub. (1).

(b) Any felony in the commission of which a motor vehicle is used, except those offenses listed in sub. (1) or (3).

(bm) Fleeing from or attempting to elude a traffic officer, s. 346.04 (3), Stats.

(c) Operating a motor vehicle under the influence of an intoxicant or other drug or with a prohibited alcohol concentration, s. 346.63 (1), Stats.

(cm) Causing injury by operating a motor vehicle under the influence of an intoxicant or other drug under s. 346.63 (2), Stats.

(d) Operating a motor vehicle with a prohibited alcohol concentration while under the legal drinking age, s. 346.63 (2m), Stats.

(dm) Operating a commercial motor vehicle with a prohibited alcohol concentration, s. 346.63 (5), Stats.

(e) Causing injury by operating a commercial motor vehicle with a prohibited alcohol concentration, s. 346.63 (6), Stats.

(em) Operating a commercial motor vehicle or being on duty time while having any alcohol concentration, within 4 hours of consuming alcohol or being intoxicated, or while possessing alcohol under s. 346.63 (7) (a), Stats., if the applicant has been previously convicted of any offense under s. 346.63 (7) (a), Stats., or any local ordinance in conformity with s. 346.63 (7) (a), Stats., or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of s. 346.63 (7) (a), Stats., if the person had committed the offense in this state and been convicted of the offense under the laws of this state.

(f) Failure to stop and render assistance at the scene of a motor vehicle accident, s. 346.67 (1) (c), Stats.

(fm) Assisting suicide under s. 940.12, Stats.

(g) Sexual exploitation by a therapist, s. 940.22 (2), Stats.

(gm) Injury by intoxicated use of a vehicle under s. 940.25 (1), Stats.

(h) Unsafe burning of building, s. 941.11, Stats.

(hm) Disarming a peace officer, s. 941.21, Stats.

(i) Machine guns and other weapons, s. 941.26, Stats.

(im) Possession of short–barreled shotgun or rifle, s. 941.28, Stats.

(j) Possession of a firearm by felon, s. 941.29, Stats.

(jm) Possession of electric weapon, s. 941.295, Stats.

(k) Use or possession of a handgun and an armor–piercing bullet during crime, s. 941.296, Stats.

(km) Firearm silencers, s. 941.298, Stats.

(L) Recklessly endangering safety, s. 941.30, Stats.

(Lm) Possession of explosives, s. 941.31, Stats.

(m) Placing foreign objects in edibles, s. 941.325, Stats.

(mm) Tampering with household products, s. 941.327, Stats.

(n) Arson of buildings; damage of property by explosives, s. 943.02, Stats.

(nm) Arson of property other than buildings, s. 943.03, Stats.

(o) Arson with intent to defraud, s. 943.04, Stats.

(om) Molotov cocktails, s. 943.06, Stats.

(p) Burglary, s. 943.10, Stats.

(pm) Unauthorized use of an individual's personal identifying information or documents, s. 943.201, Stats.

(q) Loan sharking, s. 943.28, Stats.

(qm) Threats to injure or accuse of crime, s. 943.30, Stats.

(r) Forgery, s. 943.38 (1) or (2), Stats.

(rm) Failure to comply with officer's attempt to take person into custody, s. 946.415, Stats.

(s) Assaults by prisoners, s. 946.43, Stats.

(sm) Assisting or permitting escape, s. 946.44, Stats.

(t) Harboring or aiding felons, s. 946.47, Stats.

(tm) Kidnapped or missing persons; false information, s. 946.48, Stats.

(u) Destruction of documents subject to subpoena, s. 946.60, Stats.

(um) Obstructing justice, s. 946.65, Stats.

(v) Bomb scares, s. 947.015, Stats.

(vm) Any of the following drug–related crimes under s. 961.41, Stats.:

1. Possession of piperdine, s. 961.41 (1n), Stats.

2. Possession – gamma–hydroxybutyric acid, gamma–butyrolactone, ketamine or flunitrazepam, s. 961.41 (3g) (f), Stats.

3. Conspiracy, s. 961.41 (1x), Stats.

4. Counterfeit substances, s. 961.41 (2) (a) to (d), Stats.

5. Possession, s. 961.41 (3g), Stats.

(w) Acquiring or obtaining possession of controlled substance by fraud or forgery—counterfeit substance or packaging, s. 961.43 (1) and (2), Stats.

(x) Possession and disposal of waste from manufacture of methamphetamine, s. 961.67, Stats.

(y) Any other felony not specified in this subsection or in sub. (1) or (3) 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.

(z) An attempt to commit, or being a party to commission of, any offense enumerated in this subsection.

(3) The department may not issue or renew a school bus endorsement to any person who within the 2 years immediately preceding the date of application is convicted of any of the following state laws or any local ordinance in conformity with any of the following state laws or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

(ae) Operating a motor vehicle while operating privileges are suspended or revoked or while the operator is disqualified, s. 343.44 (1) (a), (b) or (d), Stats.

(am) Reckless driving, s. 346.62, Stats.

(as) Negligent operation of a motor vehicle, s. 941.01, Stats.

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

(c) Obstructing emergency or rescue personnel, s. 941.37, Stats.

(d) Criminal damage to railroads, s. 943.07, Stats.

(4) Any person who is disqualified from obtaining or renewing a school bus endorsement because of that person's conviction for an offense listed under sub. (1) or (2) may provide evidence satisfactory to the department that the conviction was for a misdemeanor. Upon receiving the evidence, the department shall reduce the period of disqualification as follows:

(a) Notwithstanding sub. (1) (intro.), for a misdemeanor conviction for an offense listed under sub. (1), the department may not issue or renew a school bus endorsement for that person for 5 years after the date of conviction. This paragraph does not apply to any misdemeanor conviction listed under s. Trans 112.15 (1) (i).

(b) Notwithstanding sub. (2) (intro.), for a misdemeanor conviction for an offense listed under sub. (2), the department may not issue or renew a school bus endorsement for that person for 2 years after the date of conviction.

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

(5) (a) The department shall consider a conviction under a Wisconsin statute to be in substantial conformity with an offense listed under sub. (1), (2) or (3) if substantially similar elements of the offense listed under sub. (1), (2) or (3) must be proven.

(b) The department shall consider the law of another jurisdiction or federal law or law of a federally recognized American Indian tribe or band in this state to be in substantial conformity with an offense listed under sub. (1), (2) or (3) if substantially similar elements of the offense listed under sub. (1), (2) or (3) must be proven under the law of another jurisdiction or under federal law or under a law of a federally–recognized American Indian tribe or band in this state.

History: Cr. Register, April, 1991, No. 424, eff. 5–1–91; CR 04–117: r. and recr. Register April 2005 No. 592, eff. 5–1–05; subs. (1) and (2) renum. under 13.93 (2m) (b) 1., Stats., Register April 2005 No. 592; correction in (2) (x) made under s. 13.93 (2m) (b) 7., Stats., Register June 2007 No. 618; CR 06–099: renum. (5) to be (5) (b) and am., cr. (5) (a), Register June 2007 No. 618, eff. 7–1–07.

Trans 112.155 Condition of employment for school bus drivers. (1) The department shall require any person who applies for issuance or renewal of a school bus endorsement to certify whether the person has been convicted of any offense listed under s. Trans 112.15 (1), (2) or (3). The person shall submit the certification on a form prescribed by the department. The department shall deny or cancel a school bus endorsement based on a certification that the person has been so convicted. This certification shall be submitted to either the employer, who shall maintain it as a portion of the driver's record, or to the department on form MV3740, "School Bus or Alternative Vehicles Transporting Students Driver License Information Request."

Note: Form MV3740 may be obtained at any DMV customer service center or by calling (608) 266–2353.

(2) The department shall conduct a criminal history record search on each person who applies for issuance and renewal of a school bus endorsement, and on each person 4 years after the initial issuance or renewal of that person's school bus endorsement.

(3) If a person applying for a school bus endorsement has resided in another state within the 2 years preceding the date of the application, the person shall notify the department of those other states of residence and the approximate dates of the residency. Upon receiving that information, the department shall make a good faith effort to obtain the person's criminal history records from the other states of residence, including submitting the person's fingerprints to the department of justice for a nationwide criminal history records search. The department may require an applicant who has resided in another state within the previous 2 years to pay a fixed fee, in an amount not to exceed the department's costs, related to collecting fingerprints and completing the 2 criminal history records searches required at initial issuance or renewal and at 4 years after initial issuance or renewal.

(4) The department may require any applicant for a school bus endorsement to provide 2 sets of fingerprints for a criminal history records search.

History: CR 04–117: cr. Register April 2005 No. 592, eff. 5–1–05; **CR 22–048: am. (1) Register July 2023 No. 811, eff. 8–1–23.**

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, APNP 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.

(4) License restrictions may only be removed by the medical professional who recommended them, or by the department following the department's evaluation of the person's ability to drive.

History: Cr. Register, April, 1991, No. 424, eff. 5–1–91; CR 04–117: cr. (4) Register April 2005 No. 592, eff. 5–1–05; CR 06–099: am. (1) (a) and (4), Register June 2007 No. 618, eff. 7–1–07.

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, APNP or vision specialist as a condition of licensure.

History: Cr. Register, April, 1991, No. 424, eff. 5–1–91; CR 06–099: am. Register June 2007 No. 618, eff. 7–1–07.

Trans 112.18 Driving evaluation. (1) If a physician, APNP or vision specialist recommends that the person complete a test of driving ability, and the department deems that person eligible, 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. A driving evaluation may consist of a knowledge and sign identification test and an on–road test of driving ability.

(2) The department may require a driving evaluation of any person having any significant limb, hand or foot defect or limitation, including full or partial amputations.

History: Cr. Register, April, 1991, No. 424, eff. 5–1–91; CR 04–117: am. Register April 2005 No. 592, eff. 5–1–05; CR 06–099: renum. Trans 112.18 to be (1) and am., cr. (2), Register June 2007 No. 618, eff. 7–1–07.

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 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), 112.05 (3) (b) 1. to 3., 112.10 (3) (c) 1. or 112.14 (3) (e) 1. and 2., and a person who does not meet those standards may not request a review board assessment.

History: Cr. Register, April, 1991, No. 424, eff. 5–1–91; am. (2), Register, November, 1993, No. 455, eff. 12–1–93; CR 04–117: am. (2) Register April 2005 No. 592, eff. 5–1–05.