

Clearinghouse Rule 96-004

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**, was duly approved and adopted by this Department on April 25 1996.

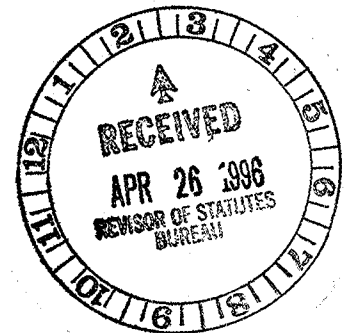
I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



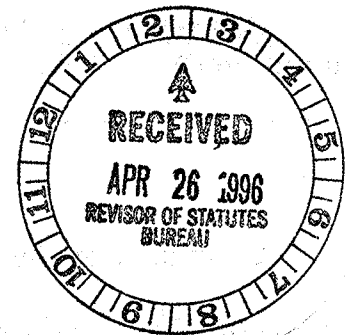
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 25 day of **April**, 1996.

*Charles H. Thompson*  
CHARLES H. THOMPSON  
Secretary

7-196



The Wisconsin Department of Transportation adopts an order to repeal TRANS 112.02(5) and (15), 112.04(1)(c), 112.05(2)(b), 112.06(3)(b)4., 5. and 9., and (c)6., 112.07(1)(e), (3)(b)1. and (c)3., 112.08(2)(j) and (3)(b)3., 4. and 6., 112.09, 112.10(3)(b)4. and 5., and (c)4., 112.11, 112.12(3)(b)2. to 4., and (c)4. and 7., and 112.13(3)(b)3., 6. and 7.; renumber TRANS 112.02(16), 112.04(1)(d) to (h), 112.05(2)(c) to (e), 112.06(3)(b)6. to 8., 10. and 11., and (c)7., 112.07(3)(b)2., 3., 5. and 6., and (c)4., 112.08(3)(b)5., 112.10(1)(a) to (j), (3)(b)6., and (c)5., 112.12(3)(b)6., (c)5. and 6., and 112.13(3)(b)4.; renumber and amend TRANS 112.07(3)(b)4., 112.08(3)(b)7., 112.12(3)(b)5., and 112.13(3)(b)5.; amend TRANS 112.01(note), 112.02(6), 112.03(7), 112.04(1)(b), 112.05(3)(b)4., 112.06(3)(b)1, (c)(title) and (c)1., 112.07(1)(a) and (b), (3)(c)(title), 112.08(3)(c), 112.10(3)(b)1., 3. and 4.a., (bm)1., (c)(title) and (c)3., 112.12(1)(c) and (e), (3)(c)(title), 112.13(3)(c)(title) and (c)1, and 112.14(3)(b), (e)(title), (e)1. and 2., (f)1., 2. and 4.; repeal and recreate TRANS 112.03(2) and 112.10(2)(b) and (3)(c)1.; and create TRANS 112.02(16), 112.045, 112.05(3)(b)5, 112.06(1)(L) and (3)(b)7., 112.10(3)(b)4.c., 112.13(3)(b)5. and 112.14(3)(g)(note), relating to medical standards for driver licensing.

**ORDER ADOPTING RULE****Analysis Prepared by the Department of Transportation**

STATUTORY AUTHORITY: ss. 85.16(1) and 343.02, 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 clarify the administrative interpretation of Ch. 343, Stats., of the Department of Transportation (Department) in relation to the issuance of motor vehicle operator licenses to persons whose medical condition may affect their ability to exercise reasonable control over a motor vehicle. Chapter Trans 112 establishes medical standards and a medical review process, including licensing categories, which define

functional ability levels. This chapter was created in 1990 from an assortment of other rule chapters in an effort to simplify existing regulations governing medical review procedures. This rulemaking continues that effort and makes changes necessitated by changes to federal motor carrier and commercial driver license regulations.

This rulemaking provides that most commercial motor vehicle operators must meet the physical requirements of 49 CFR 391.41. Previously, these physical requirements did not apply to drivers who did not operate in interstate commerce or to employees of governmental units. The Federal Highway Administration now requires these requirements be met by all drivers with limited exceptions (the governmental unit employee exception is maintained). Those exceptions for grandfathered drivers, governmental unit employees, school bus drivers, seasonal beekeeping drivers, farm custom harvester employees and certain farm drivers would be adopted in this rulemaking.

This rule repeals the requirement that the Department conduct a "michigan" survey of a driver with an alcohol problem prior to determining whether to require alcohol assessment. The Department has found the Michigan tool to be ineffective.

Other amendments add or change medical terms and eliminate duplicative material.

**Fiscal Impact.** This rule has no fiscal impact on Department operations or on any units of local government.

**Contact Person.** For further information, contact Linda Kuhn, (608) 266-7361 or Linda Sunstad, (608) 266-0194.

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**TEXT OF RULE**

Under the authority vested in the Wisconsin department of transportation by ss. 85.16(1) and 343.02, Stats., the department of transportation hereby amends 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.** Trans 112.01(note) is amended to read:

**NOTE:** Forms used in this chapter are ~~MV3030B Medical Examination Report for School Bus and Passenger 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 MV 3644 Medical Examination Report MV3113 Medical Questionnaire (Neurological Condition) and MV 3563 (Diabetes Examination Report for Commercial Driver License Endorsements)~~. A sample copy of these forms may be obtained, free of charge, from the Wisconsin Department of Transportation, Bureau of Driver Services, P. O. Box 7918, Madison, WI 53707-7918.

**SECTION 2.** Trans 112.02(5) is repealed.

**SECTION 3.** Trans 112.02(6) is amended to read:

Trans 112.02(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.

**SECTION 4.** Trans 112.02(15) is repealed.

**SECTION 5.** Trans 112.02(16) is renumbered 112.02(15).

**SECTION 6.** Trans 112.02(16) is created to read:

Trans 112.02(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.

**SECTION 7.** Trans 112.03(2) is repealed and recreated to read:

Trans 112.03(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)1., 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.

**SECTION 8.** Trans 112.03(7) is amended to read:

Trans 112.03(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.

**SECTION 9.** Trans 112.04(intro.) is amended to read:

**Trans 112.04 INFORMATION TO BE CONSIDERED IN LICENSING ACTIONS.**

(intro.) The review boards when making recommendations, and the department when taking licensing action under this chapter, may consider the following information:

**SECTION 10.** Trans 112.04(1)(b) is amended to read:

Trans 112.04(1)(b) Severity of symptoms, complications and prognosis.

**SECTION 11.** Trans 112.04(1)(c) is repealed.

**SECTION 12.** Trans 112.04(1)(d) to (h) are renumbered 112.04(1)(c) to (g).

**SECTION 13.** Trans 112.045 is created to read:

**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 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 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 syncope or collapse or which otherwise may interfere with safe driving.

**SECTION 14.** Trans 112.05(2)(b) is repealed.

**SECTION 15.** Trans 112.05(2)(c) to (e) are renumbered 112.05(2)(b) to (d).

**SECTION 16.** Trans 112.05(3)(b)4. is amended to read:

Trans 112.05(3)(b)4. The person has evidenced any chemical abuse or dependency within the past 2 years, ~~unless the abuse or dependency occurred prior to the past year and is controlled by treatment.~~

**SECTION 17.** Trans 112.05(3)(b)5. is created to read:

Trans 112.05(3)(b)5. The person has evidenced any chemical abuse or dependency within the past 2 years, that is not controlled by treatment.

**SECTION 18.** Trans 112.06(1)(L) is created to read:

Trans 112.06(1)(L) Impairment of peripheral circulation.

**SECTION 19.** Trans 112.06(3)(b)1. is amended to read:

Trans 112.06(3)(b)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 appropriate cardiac testing which has been prescribed and reviewed by a physician.

**SECTION 20.** Trans 112.06(3)(b)4. and 5. are repealed.

**SECTION 21.** Trans 112.06(3)(b)6. to 8. are renumbered 112.06(3)(b)4. to 6.

**SECTION 22.** Trans 112.06(3)(b)7. is created to read:

Trans 112.06(3)(b)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.

**SECTION 23.** Trans 112.06(3)(b)9. is repealed.

**SECTION 24.** Trans 112.06(3)(b)10. and 11. are renumbered 112.06(3)(b)8. and 9.

**SECTION 25.** Trans 112.06(3)(c)(title) and (c)1. are amended to read:

Trans 112.06(3)(c)(title) Medical standards for all classes of operators licenses.

(c)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.

**SECTION 26.** Trans 112.06(3)(c)6. is repealed.

**SECTION 27.** Trans 112.06(3)(c)7. is renumbered 112.06(3)(c)6.

**SECTION 28.** Trans 112.07(1)(a) and (b) are amended to read:

Trans 112.07(1)(a) Cerebro-vascular accident, or stroke.

(b) Transient ischemic attack, or TIA.

**SECTION 29.** Trans 112.07(1)(e) and (3)(b)1. are repealed.

**SECTION 30.** Trans 112.07(3)(b)2. to 6. are renumbered 112.07(3)(b)1. to 5. and, as renumbered, 112.07(3)(b)4. is amended to read:

Trans 112.07(3)(b)4. There are no current residual motor deficits, ~~as assessed by a physician that interfere with safe driving.~~

**SECTION 31.** Trans 112.07(3)(c)(title) is amended to read:

Trans 112.07(3)(c)(title) Medical standards for all classes of operators licenses.

**SECTION 32.** Trans 112.07(3)(c)3. is repealed.

**SECTION 33.** Trans 112.07(3)(c)4. is renumbered 112.07(3)(c)3.

**SECTION 34.** Trans 112.08(2)(j), and (3)(b)3. and 4. are repealed.

**SECTION 35.** Trans 112.08(3)(b)5. is renumbered 112.08(3)(b)3.

**SECTION 36.** Trans 112.08(3)(b)6. is repealed.

**SECTION 37.** Trans 112.08(3)(b)7. is renumbered 112.08(3)(b)4 and is amended to read:

Trans 112.08(3)(b)4. The person monitors his or her blood sugar levels as advised by a physician, and is knowledgeable about the condition.

**SECTION 38.** Trans 112.08(3)(c) is amended to read:

Trans 112.08(3)(c) (title) Medical standards for all classes of 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 may not evidence any frequent and or 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.~~



**SECTION 39.** Trans 112.09 is repealed.

**SECTION 40.** Trans 112.10(1)(a) to (i) are renumbered 112.10(1)(b) to (j).

**SECTION 41.** Trans 112.10(1)(j) is renumbered 112.10(1)(a).

**SECTION 42.** Trans 112.10(2)(b) is repealed and recreated to read:

Trans 112.10(2)(b) Degree of functional impairment including the extent to which loss of muscle tone, range of motion, spasm, or fatigue affects functional ability.

**SECTION 43.** Trans 112.10(3)(b)1. and 3. are amended to read:

Trans 112.10(3)(b)1. ~~The~~ Any neurological or neuromuscular condition is controlled.

3. The person is knowledgeable about the neuromuscular or neurological condition.

**SECTION 44.** Trans 112.10(3)(b)4. and 5. are repealed.

**SECTION 45.** Trans 112.10(3)(b)6. is renumbered 112.10(3)(b)4.

**SECTION 46.** Trans 112.10(3)(b)4.a., as renumbered, is amended to read:

Trans 112.10(3)(b)4.a. There has been a single, nonrecurring episode of altered consciousness or loss of bodily control, ~~occurring at least~~ that occurred more than 2 years preceding prior to the application, and requiring the cause has been identified, and no treatment is required.

**SECTION 47.** Trans 112.10(3)(b)4.c. is created to read:

Trans 112.10(3)(b)4.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 indicates treatment has been successful.

**SECTION 48.** Trans 112.10(3)(bm)1. and (c)(title) are amended to read:

Trans 112.10(3)(bm)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 requires no treatment is required.

(c)(title) Medical standards for all classes of operators licenses.

**SECTION 49.** Trans 112.10(3)(c)1. is repealed and recreated to read:

Trans 112.10(3)(c)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.

**SECTION 50.** Trans 112.10(3)(c)3. is amended to read:

Trans 112.10(3)(c)3. Fatigue, weakness, muscle spasm, pain or tremor at rest does not impair safe driving, as assessed by a physician or determined through a driving evaluation.

**SECTION 51.** Trans 112.10(3)(c)4. is repealed.

**SECTION 52.** Trans 112.10(3)(c)5. is renumbered 112.10(3)(c)4.

**SECTION 53.** Trans 112.11 is repealed.

**SECTION 54.** Trans 112.12(1)(c) and (e) are amended to read:

Trans 112.12(1)(c) ~~Manic depressive psychosis or bi-polar~~ Bipolar disorder.

(e) Dementia and organic brain ~~syndromes~~ syndrome.

**SECTION 55.** Trans 112.12(3)(b)2. through 4. are repealed.

**SECTION 56.** Trans 112.12(3)(b)5. and 6. are renumbered 112.12(3)(b)2. and 3. and, as renumbered, 112.12(3)(b)2. is amended to read:

Trans 112.12(3)(b)2. There is no ~~history of a~~ behavior disorder that interferes with safe driving, as assessed by a physician.

**SECTION 57.** Trans 112.12(3)(c)(title) is amended to read:

Trans 112.12(3)(c)(title) Medical standards for all classes of operators licenses.

**SECTION 58.** Trans 112.12(3)(c)4. is repealed.

**SECTION 59.** Trans 112.12(3)(c)5. and 6. are renumbered 112.12(3)(c)4. and 5.

**SECTION 60.** Trans 112.12(3)(c)7. is repealed.

**SECTION 61.** Trans 112.13(3)(b)3. is repealed.

**SECTION 62.** Trans 112.13(3)(b)4. and 5. are renumbered 112.13(3)(b)3. and 4. and, as renumbered, 112.13(3)(b)4. is amended to read:

Trans 112.13(3)(b)4. Medications improve breathing but do not interfere with safe driving.

**SECTION 63.** Trans 112.13(3)(b)5. is created to read:

Trans 112.13(3)(b)5. There is no diagnosis of sleep apnea unless the physician indicates treatment has been successful and the condition will not impair ability to safely operate a commercial vehicle.

**SECTION 64.** Trans 112.13(3)(b)6. and 7. are repealed.

**SECTION 65.** Trans 112.13(3)(c)(title) and (c)1. are amended to read:

Trans 112.13(3)(c)(title) Medical standards for all classes of operators licenses.

(c)1. The person does not require medication or treatment that interferes with safe driving.

**SECTION 66.** Trans 112.14(3)(b), (e)(title), (e)1. and 2., and (f)1., 2. and 4. are amended to read:

Trans 112.14(3)(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 that reduces the field of vision below the standards in this subsection in order to meet the visual acuity standards in this subsection.~~

(e)(title) Medical standards for all classes of operators licenses.

(e)1. Uncorrected or corrected ~~Visual~~ 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 at least one eye.

(f)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 as 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.~~

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.

**SECTION 67.** Trans 112.14(3)(g)(note) is created to read:


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

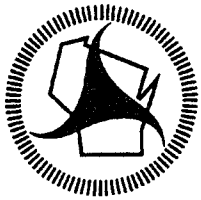
**(END OF RULE TEXT)**

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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), Stats.

Signed at Madison, Wisconsin, this 25 day of April, 1996.

  
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

April 26, 1996

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

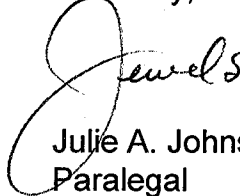
RE: **CLEARINGHOUSE RULE 96-004**

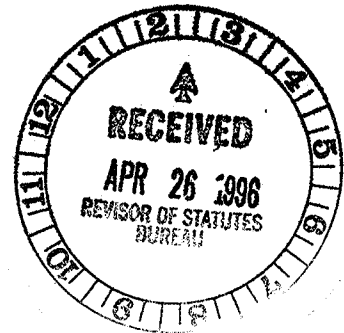
In the Matter of the Adoption of **TRANS 112**, Wisconsin Administrative Code, relating to **medical standards for driver licensing**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 96-004**, 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: Ann Agnew  
Dorothy Kapke  
Jim McDonnell  
Roger Cross  
Linda Sunstad