

7410.2500 LOSS OF CONSCIOUSNESS OR VOLUNTARY CONTROL.

Subpart 1. **Scope.** This part applies to drivers and applicants for driving privileges who have experienced a periodic or episodic loss of consciousness or voluntary control. This part applies regardless of whether the driver or applicant has an aura or warning of imminent seizure or attack or whether the driver or applicant has only had nocturnal attacks.

Subp. 1a. **Definition.** In this part, "loss of consciousness or voluntary control" means inability to assume and retain upright posture without support or inability to respond rationally to external stimuli.

Subp. 2. **Reports required.** A person shall report an episode of loss of consciousness or voluntary control, in writing, to the department:

A. at the time of applying for a driver's license, if an applicant has experienced an episode; or

B. within 30 days after the episode, if a driver experiences an episode.

Each report must specify the date of the episode and must be accompanied by a physician's statement in a form prescribed by the commissioner.

Subp. 2a. **Failure to report; misrepresentation.** If a driver or applicant has reason to know the requirements of subpart 2 and fails to submit a report required under that subpart or willfully makes a material misrepresentation to the department concerning a loss of consciousness or voluntary control:

A. the commissioner shall cancel or deny the person's driving privilege for six months from the date the failure to report or misrepresentation is discovered by the department; or

B. if the loss of consciousness or voluntary control is due to the abuse of alcohol or a controlled substance, the commissioner shall cancel or deny the person's driving privilege for one year from the date the failure or misrepresentation is discovered by the department.

Subp. 3. **Cancellation.** If the commissioner has good cause to believe that a driver or applicant has experienced an episode of loss of consciousness or voluntary control as described in subpart 1, or if a physician's report required by subpart 2 indicates an unfavorable prognosis for control of the person's condition, the commissioner shall cancel or deny the person's driving privileges until three months have elapsed since the episode or diagnosis and until the person submits a physician's report that indicates a favorable prognosis for episode free control of the person's condition, indicates that the person is cooperating in the treatment of the condition, and indicates that the person is medically

qualified to exercise reasonable and proper control over a motor vehicle on the public roads, except as provided in items A to D.

A. If the driver or applicant submits a physician's statement that indicates that the episode resulted from a change or removal of medication on physician's orders and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall not cancel or deny the person's driving privileges.

B. If the driver or applicant submits a physician's statement that the episode was the first episode experienced by the person and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall not cancel or deny the person's driving privileges.

C. The commissioner shall not cancel or deny the person's driving privileges if the driver or applicant submits a physician's statement indicating:

(1) that the episode was the first episode experienced by the driver or applicant in four or more years;

(2) that the episode was due to intervening and self-limiting temporary illness, treated by a physician, or to the driver or applicant forgetting to take the medication; and

(3) that the short and long term prognoses for episode free control of the person's condition are favorable.

D. If the loss of consciousness or voluntary control is reported and is due to alcohol or controlled substance abuse, and is not the first episode experienced by the driver or applicant, the commissioner shall cancel or deny the person's driving privileges for a year from the date of the episode.

Subp. 4. **Reinstatement.** For reinstatement, the commissioner shall require (1) a physician's statement that indicates a favorable prognosis for episode free control of the person's condition, indicates that the person is cooperating in the treatment of the condition, and that indicates the person is medically qualified to exercise reasonable and proper control over a motor vehicle on the public roads, and (2) a satisfactory statement from the driver or applicant stating the date of the last loss of consciousness or voluntary control.

Subp. 5. **Review of driver's condition.** Except as otherwise provided in items A to E, a driver who has experienced a loss of consciousness or voluntary control shall submit an annual physician's statement on a form prescribed by the commissioner, regarding the driver's medical history, present situation, and the prognosis with respect to the driver's ability to operate a motor vehicle with safety to the driver and others.

A. When a driver or applicant submits a physician's statement indicating that loss of consciousness or voluntary control resulted from a change or removal of medication

on physician's orders and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall require a physician's statement every six months for a year, or at shorter intervals as recommended by the reporting physician.

B. When a driver submits a physician's statement indicating that the episode of loss of consciousness or voluntary control was the first episode experienced by the driver and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall require a physician's statement every six months for a year, or at shorter intervals as recommended by the reporting physician.

C. When the driver fulfills the requirements of subpart 3, item C, the commissioner shall require a physician's statement every six months for a year, or at shorter intervals as recommended by the reporting physician.

D. When the commissioner has good cause to believe that the driver's condition is not controlled, the commissioner shall require a physician's statement every six months, or at shorter intervals as recommended by the reporting physician.

E. If a driver has been free from episodes of loss of consciousness or voluntary control for four years, the commissioner shall require a physician's statement every four years, unless the physician recommends more frequent reports.

Statutory Authority: *MS s 171.04; 171.09; 171.13; 171.14*

History: *13 SR 980; 35 SR 661*

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