

10-5-81

1 Department of Public Safety
 2 Driver & Vehicle Services Division
 3 Adopted Rules Governing Standards for Administration of Driver
 4 License Laws Pertaining to Physical or Mental Qualifications (11
 5 MCAR SS 1.4092-1.4099)

6 Rules as Adopted

7 Chapter Nine:


8 Standards for Administration of Driver License Laws
 9 Pertaining to Physical or Mental Qualifications

10 11 MCAR S 1.4092 Purpose and scope.

11 A. Purpose. This chapter ~~is to set~~ sets out general
 12 standards for effective administration of the driver licensing
 13 statutes relating to the issuance, restriction or denial of
 14 driving privileges with respect to persons having physical or
 15 mental disabilities under Minn. Stat. SS 171.04; 171.13 and
 16 171.14.

17 B. Scope. These rules are intended to be confined within
 18 the framework of, and consistent with, the provisions of Chapter
 19 171 of Minnesota Statutes.

20 C. Definitions. When used in these rules, the following
 21 phrase shall have the following meaning: "Good cause to believe"
 22 means grounds put forth in good faith which are not arbitrary,

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1 irrational, unreasonable or irrelevant and which are based on at
2 least one of the following sources:

- 3 1. Written information from an identified person;
- 4 2. Facts supplied by the driver or applicant;
- 5 3. Facts of which the commissioner or his employees or
6 agents have personal knowledge.

7 11 MCAR S 1.4093 Vision.

8 A. General. Every applicant shall submit to a vision
9 screening or examination. The screening device, designed to
10 screen 20/40 or better corrected vision, shall be of a type
11 accepted by the American Medical Association. The purpose of
12 the vision screening is:

- 13 1. To screen each applicant to guarantee that those
14 individuals with substandard vision are required to take the
15 necessary steps required to achieve the best vision possible.
- 16 2. To deny driving privileges to those whose vision is
17 likely to interfere with the safe operation of motor vehicles in
18 traffic.

19 B. Corrective lenses not required. Except as otherwise
20 provided herein, no corrective lenses will be required where the
21 applicant:

- 22 1. Scores 20/40 or better, with either one or both eyes,
23 without corrective lenses;
- 24 2. Has one eye, but scores 20/40 or better, without
25 corrective lenses; or
- 26 3. Has the recommendation of an eye specialist that
27 corrective lenses not be worn. In these cases, the commissioner
28 shall either require the applicant to be examined further, ~~to~~ or
29 impose suitable restrictions upon his driving privileges or both.

30 C. Corrective lens requirement. Corrective lenses shall be
31 required in all cases when:

- 32 1. The applicant scores less than 20/40 with ~~either one~~
33 ~~or~~ both eyes unassisted but scores 20/40 or better with
34 corrective lenses;
- 35 2. The applicant submits a physician's statement, in a

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1 form as may be prescribed by the commissioner, indicating that
2 the applicant scores 20/40 or better with either eye, or both
3 eyes together, but where the physician recommends that the
4 applicant wear corrective lenses; or

5 3. The applicant is blind in one eye and scores less than
6 20/40 with the other eye unassisted, but scores 20/40 or better
7 with corrective lenses.

8 D. Vision examinations. Any applicant shall be required to
9 submit a vision report from a physician in a form as prescribed
10 by the commissioner when:

11 1. The applicant disagrees with the results of the
12 screening conducted by any driver examiner;

13 2. The applicant has cataracts;

14 3. The driver examiner is unable to determine the extent
15 of the applicant's vision;

16 4. Any court or police officer has recommended that the
17 applicant's vision be examined;

18 5. The commissioner determines, in some other situation,
19 when he has good cause to believe that an examination is
20 warranted;

21 6. The applicant has strabismus; or

22 7. The applicant has double vision.

23 E. Vision restricted licenses. Applicants who score 20/50
24 or less corrected vision with either one usable eye or with two
25 eyes shall, if otherwise eligible, be issued a restricted
26 license to permit driving subject to the following restrictions:

27 1. Speed restrictions

28 20/50 --- 55 miles per hour

29 20/60 --- 50 miles per hour

30 20/70 --- 45 miles per hour

31 When the applicant scores 20/80 to 20/100 corrected vision,
32 the application will be referred to the Chief Evaluator who
33 shall determine whether a restricted license can be issued and
34 the kinds of restrictions which are necessary to ensure that the
35 applicant does not pose an unreasonable safety risk to himself
36 or others. When the applicant scores 20/100 or less corrected

1 vision, or is known to be receiving assistance for the blind,
2 all privileges shall be denied and any existing license
3 cancelled under authority of Minn. Stat. SS 171.14 and 171.04
4 (9).

5 2. Restriction as to type of road. Any applicant subject
6 to speed restrictions under Paragraph E.1. may also be
7 restricted to those roads having a maximum speed limit equal to
8 the maximum speed limit imposed upon the applicant, if the
9 commissioner determines that the restriction is necessary for
10 the safety of the applicant and the public. Any person limited
11 to a maximum speed of 45 m.p.h. or less shall be restricted from
12 driving on any freeway, expressway, or limited access highway
13 with a speed limit of more than 45 m.p.h.

14 3. Area restrictions. Any applicant who scores 20/50 or
15 less corrected vision with both eyes may be restricted to
16 driving within an area to be determined by the commissioner, if
17 the commissioner determines that the restriction is necessary
18 for the safety of the applicant and the public.

19 F. Other situations. Any vision readings or problems not
20 covered by the above general standards shall be referred to the
21 Chief Evaluator, who shall determine whether a restricted
22 license can be issued and the kinds of restrictions which are
23 necessary to ensure that the applicant does not pose an
24 unreasonable safety risk to himself or others.

25 11 MCAR S 1.4094 Loss of consciousness or voluntary control.

26 A. General. This rule applies to all drivers and applicants
27 for driving privileges who suffer from any paroxysmal
28 disturbances of consciousness, including, but not limited to,
29 epilepsy. Any person suffering from ~~nafeelepsy~~ or syncope of
30 any cause, as well as any other type of periodic or episodic
31 loss of consciousness or voluntary control, is included. This
32 rule applies regardless of whether the driver or applicant has
33 an "aura" or warning of imminent seizure or attack or whether
34 the driver or applicant has only had nocturnal attacks, and no
35 exceptions shall be made for such drivers or applicants.

1 B. Physician's report. When the commissioner has good cause
2 to believe that a driver or applicant suffers from any of the
3 periods of unconsciousness mentioned in A. above, a physician's
4 report in such form as the commissioner may prescribe shall be
5 required within 30 days or within such reasonable time that the
6 person may require to obtain the report from the physician.

7 This report shall include a sworn statement from the driver or
8 applicant as to the date of his last period of unconsciousness.

9 C. Criteria for cancellation. If this report is not filed,
10 or, if upon review of the doctor's report the commissioner finds
11 that the individual has suffered from periods of
12 unconsciousness, with the last period of unconsciousness
13 occurring within the last 12 months, all driving privileges
14 shall be cancelled under the authority of Minn. Stat. S 171.14
15 and denied under authority of Minn. Stat. S 171.04 (9). The
16 person shall not be issued any driving privileges until the
17 commissioner finds that the person is competent to drive safely.

18 D. Criteria for reinstatement. For reinstatement the
19 commissioner shall require a satisfactory doctor's report and a
20 satisfactory sworn statement from the person stating the date of
21 the last period of unconsciousness and that it occurred at least
22 12 months previously.

23 E. Review of driver's condition. Except as otherwise
24 provided below, any driver suffering from medical conditions
25 subject to this rule shall be required to submit an annual
26 physician's statement in the form prescribed by the
27 commissioner, with respect to his medical history, present
28 situation, and the prognosis with respect to the applicant's
29 ability to operate a motor vehicle with safety to himself and
30 others.

31 1. When the commissioner has good cause to doubt the
32 stability of the driver's condition, the commissioner shall
33 require physician's statements every six months, or at such
34 shorter intervals as recommended by the reporting physician.

35 2. After three successive annual physician's statements
36 indicating no episodes of loss of voluntary control, while on

1 medication, the commissioner shall require a physician's report
 2 every four years, unless the physician recommends more frequent
 3 reports.

4 4 3. When the physician's statement indicates that an
 5 episode of loss of voluntary control resulted from a change or
 6 removal of medication on the physician's orders, the
 7 commissioner will not cancel the privilege to drive. However, a
 8 physician's statement shall be required every six months until
 9 the person has been episode-free for not less than one year.

10 5 4. When the physician reports that there has been only
 11 one such episode, the procedure shall be as indicated in
 12 Paragraph E-4- above 3.

13 11 MCAR S 1.4095 Diabetes.

14 A. General. When the commissioner has good cause to believe
 15 that a driver or applicant has diabetes, or has experienced a
 16 loss of voluntary control due to either insulin reaction or
 17 acidosis, a physician's report shall be required within 30 days
 18 or within such reasonable time that the person may require to
 19 obtain the report from the physician. If the physician's
 20 statement is not filed, or, if upon review of the report from
 21 the physician the commissioner finds that a person cannot drive
 22 safely, all driving privileges shall be cancelled under
 23 authority of Minn. Stat. S 171.14 and denied under authority of
 24 Minn. Stat. S 171.04 (9). The person shall not be issued any
 25 driving privileges until the commissioner finds that the person
 26 is competent to drive safely. For reinstatement, the
 27 commissioner shall require a satisfactory physician's report,
 28 demonstrating the individual is competent to drive safely.

29 B. Insulin control. When the driver or applicant uses
 30 insulin to control diabetes, a physician's statement shall be
 31 required annually in the form prescribed by the commissioner.
 32 If the person remains free of episodes of loss of voluntary
 33 control due to insulin reaction or acidosis, for a period of 5
 34 years, the physician's report shall be required every two years,
 35 unless the physician recommends more frequent reports. If the

1 person remains episode-free for three of these two-year review
 2 periods, the physician's report shall be required every four
 3 years unless the physician recommends more frequent reports. If
 4 there is an episode of loss of voluntary control, the
 5 physician's report shall be required every six months, until the
 6 person has been episode-free for one year.

7 11 MCAR S 1.4096 Mental illness or deficiency.

8 A. For the purposes of this section, good cause to believe
 9 exists only if the commissioner has:

10 1. Information that a person has operated a vehicle in an
 11 unsafe manner, or

12 2. Information that a person lacks judgment and
 13 coordination to safely operate a vehicle based on competent
 14 medical authority, or

15 3. Facts supplied by the driver or applicant.

16 B. When the commissioner has good cause to believe that a
 17 person is mentally ill, incompetent or deficient, and that the
 18 mental illness, incompetency or deficiency will affect the
 19 person in a manner to prevent him from exercising reasonable and
 20 ordinary control over a motor vehicle while operating it upon
 21 the highways, a physician's statement, in such form as the
 22 commissioner may prescribe, shall be required within 30 days or
 23 in such reasonable time that a person may require to obtain a
 24 physician's statement. If the physician's statement is not
 25 filed, or, if upon review of the report from the physician the
 26 commissioner finds that a person cannot drive safely, all
 27 driving privileges shall be cancelled under authority of Minn.
 28 Stat. S 171.14 and denied under authority of Minn. Stat. S
 29 171.04 (5) or (9). The person shall not be issued any driving
 30 privileges until the commissioner finds that the person is
 31 competent to drive safely.

32 C. For reinstatement, the commissioner shall require a
 33 satisfactory statement from any institution in which the person
 34 has been treated, from any treating physician, or from any
 35 competent medical authority acceptable to the commissioner,

1 demonstrating that the individual is competent to drive safely.

2 11 MCAR S 1.4097 Miscellaneous physical or mental conditions.

3 A. When the commissioner has good cause to believe that any
4 of the situations listed in B. exist, and would adversely affect
5 the driver's or applicant's ability to drive safely, a
6 physician's statement in such form as the commissioner may
7 prescribe, shall be required within 30 days, or in such
8 reasonable time that a person may require to obtain a
9 physician's statement. If the physician's statement is not
10 filed, or, if upon review of the statement the commissioner
11 finds that the person cannot drive safely, all driving
12 privileges shall be cancelled under authority of Minn. Stat. S
13 171.13 ~~(4)~~, subd. 4, or Minn. Stat. S 171.14 and denied under
14 authority of Minn. Stat. S 171.04 (9). The person shall not be
15 issued any driving privileges until the commissioner finds that
16 the person is competent to drive safely.

17 B. Situations covered by paragraph A. are:

18 1. Use of any medication, whether or not prescribed.

19 2. Any disease that raises reasonable doubts as to the
20 person's ability to drive safely.

21 3. Use of alcohol or controlled substances.

22 4. Lack of physical control, such as that manifested by
23 fainting or dizzy spells, blackouts or periods of
24 unconsciousness.

25 5. Lack of physical endurance, such as that manifested by
26 a person subject to fatigue, exhaustion, nervous tension, or
27 adverse reaction to monotony.

28 6. Abnormal reflexes, such as those manifested by persons
29 suffering from cerebral palsy, multiple sclerosis, Parkinson's
30 disease, or similar conditions.

31 C. When the commissioner has good cause to doubt the
32 adequacy of the driver's or applicant's ability to safely
33 operate a vehicle under the conditions listed in D., a driver's
34 license examination shall be required within 30 days or within
35 such reasonable time that a person may need to obtain a driver's

1 test. If the driver's test is not satisfactorily completed
 2 within 30 days, or in such reasonable time as the person may
 3 require to obtain an examination, all driving privileges shall
 4 be cancelled under the authority of Minn. Stat. S 171.13 and
 5 denied under the authority of Minn. Stat. S 171.04. For
 6 reinstatement, the commissioner shall require proof of
 7 satisfactory completion of the driver's test.

8 D. Conditions covered by paragraph C. are:

- 9 1. Driving procedures;
- 10 2. Judgment of space, time and motion;
- 11 3. Physical strength to operate a vehicle's controls;
- 12 4. Physical condition to operate a vehicle.

13 11 MCAR S 1.4098 Other restricted licenses.

14 A. Issuance. When a person has failed, after three
 15 attempts, to pass the driver's license examination, but can
 16 establish a genuine need to be able to drive, he may apply for a
 17 restricted license. All such applications shall be referred to
 18 the Chief Driver Evaluator. The applicant must undergo
 19 examination by an examining supervisor, who shall determine the
 20 risk involved, and forward his/her written recommendations,
 21 including, when applicable, suggested basic restrictions, to the
 22 Chief Driver Examiner for forwarding to the Chief Driver
 23 Evaluator. The Chief Driver Evaluator shall review the entire
 24 record and determine whether any driving privileges may be
 25 authorized.

26 B. Cancellation. Any restricted licenses issued shall be
 27 subject to cancellation whenever the commissioner determines
 28 that the person has violated the restrictions imposed. The
 29 commissioner may notify local law enforcement agencies of the
 30 issuance of any special restricted license and of the
 31 restrictions involved. Any report of a violation of the
 32 restrictions shall be referred to the Chief Driver Evaluator for
 33 consideration. Any conviction indicating a violation of the
 34 restrictions shall result in cancellation. After cancellation
 35 no driving privileges may be allowed until the commissioner

1 determines that the licensee can be trusted to operate within
2 the restrictions imposed. Any reinstatement may be conditioned
3 upon compliance with additional restrictions for such period as
4 the commissioner may direct.

5 11 MCAR S 1.4099 Medical review board.

6 A. Composition. A medical review board shall be established
7 for each of the various general types of physical and mental
8 qualifications dealt with by these rules. Each medical review
9 board shall consist of one or more licensed physicians nominated
10 by the state medical association. The physicians shall
11 preferably be specialists in the area to which the problem
12 relates.

13 B. Variance.

14 1. When a person disagrees with the determination of the
15 commissioner, he may apply, in writing, for a variance from
16 ~~rules to~~ 11 MCAR SS 1.4092-1.4098.

17 2. A variance from statutory standards shall not be
18 granted. A variance, other than from statutory standards, shall
19 be granted to any person who establishes, under the individual
20 circumstances in that person's case, that the person can operate
21 a motor vehicle safely, with reasonable and ordinary control,
22 and without posing a danger inimical to public safety or welfare.

23 3. Any applicant applying for a variance shall have his
24 treating physician or physicians provide the commissioner with a
25 complete medical history relating to the condition in question,
26 together with good medical reasons why a variance should be
27 granted. The commissioner shall then forward to the appropriate
28 medical review board all information submitted by the applicant
29 together with the commissioner's records relating to the
30 matter. Each physician on the review board shall review the
31 file and make his recommendation to the chairman of the review
32 board, who shall communicate the recommendation of the board,
33 whether unanimous or divided, to the commissioner.

34 4. Upon receipt of the recommendation of the review
35 board, the commissioner shall reconsider the application, take

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1 whatever action he then deems appropriate, and inform the driver
2 or the applicant of his decision, and, if the decision differs
3 from the recommendation of the review board, and of the reasons
4 for the decision. This decision shall be reached and the
5 applicant informed of the decision within 60 days of the request
6 for a variance.