

ADMINISTRATIVE RULES

DEPARTMENT OF STATE

PHYSICAL AND MENTAL STANDARDS FOR DRIVERS

Filed with the Secretary of State on May 31, 1988

These rules take effect 15 days after filing with the Secretary of State

(By authority conferred on the secretary of state by section 309 of Act No. 300 of the Public Acts of 1949, as amended, being Section 257.309 of the Michigan Compiled Laws)

R 257.851 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means Act No. 300 of the Public Acts of 1949, as amended, being Section 257.1 et seq. of the Michigan Compiled Laws.
- (b) "Applicant" means a person who applies for any of the following:
 - (a) An operator's license.
 - (ii) A chauffeur's license.
 - (iii) A minor's restricted license.
 - (iv) Any license indorsement.
- (c) "Department" means the department of state.
- (d) "Disability" means a reduction in those mental or physical skills which are necessary to safely operate a motor vehicle.
- (e) "Episode" means any of the following:
 - (i) A condition which causes or contributes to any of the following:
 - (A) A lapse of consciousness.
 - (B) Blackout.
 - (C) Seizure.
 - (D) Fainting spell.
 - (E) Syncope.
 - (F) Other impairment of the level of consciousness.
 - (ii) A condition which causes or contributes to an impairment of an individual's driving judgment or reaction time or affects an individual's ability to safely operate a motor vehicle.
 - (iii) A condition which causes or contributes to a violent or aggressive action relating to the operation of a motor vehicle.
- (f) "Licensee" means a person who has been issued any of the following:
 - (i) An operator's license.
 - (ii) A chauffeur's license.
 - (iii) A minor's restricted license.
 - (iv) A temporary instruction permit.
 - (v) A validated driver's instruction permit.
- (g) "Neuropsychologist" means a psychologist who, by nature of training and experience, has developed expertise in the area of brain-behavior relationships.

- (h) "Physician" means an individual who is currently licensed to practice medicine or osteopathic medicine in this or another state as provided by statute.
- (i) "Psychiatrist" means a physician who, by nature of training and experience, has developed expertise in the area of psychiatry.
- (j) "Psychologist" means an individual who is currently licensed to practice psychology in this or another state as provided by statute.
- (k) "Statement of physical or mental history" means a statement from a physician or psychologist, on a form acceptable to the department, which contains information about a person's physical or mental history or condition as this history or condition relates to the person's ability to safely operate a motor vehicle.

(2) Nothing in these rules shall be construed to require medical testing or examination of an individual who objects on the grounds that such testing or examination violates his or her personal religious beliefs. However, such individual will still be required to meet all reasonable requirements to receive or retain a license or indorsement.

(3) A term defined in the act has the same meaning when used in these rules.

R 257.852 Health consultants.

Rule 2. (1) The secretary of state may appoint health consultants. Consultants shall serve 2-year terms from the date of original appointment. In selecting health consultants, the secretary of state shall appoint 1 or more person from each of the following categories:

- (a) A handicapper knowledgeable in the area of functional limitations which may affect the safe operation of a motor vehicle.
- (b) A licensed physical or occupational therapist knowledgeable in the area of functional limitations which may affect the safe operation of a motor vehicle.
- (c) A driver evaluator or instructor specializing in driver education of the disabled and adaptive motor vehicle equipment instruction.

(2) When appointing a health consultant, the secretary of state shall select from persons possessing expertise in areas such as the following:

- (a) Family practice.
- (b) Internal medicine.
- (c) Rehabilitation medicine.
- (d) Occupational therapy.
- (e) Physical therapy.
- (f) Cardiology
- (g) Psychiatry.
- (h) Psychology.
- (i) Neurology
- (j) Neuropsychology.
- (k) Ophthalmology.
- (l) Optometry.
- (m) Addiction counseling.
- (n) Endocrinology.
- (o) Pharmacology.
- (p) Social work.
- (q) Vocational rehabilitation counseling.
- (r) Other areas related to the diagnosis, treatment, or rehabilitation of disabilities which could affect the safe operation of motor vehicles.

(3) A health consultant may advise the department concerning physical and mental standards related to the licensing of drivers and safe operation of motor vehicles.

(4) Upon request, 1 or more health consultants shall advise the department concerning an applicant's or licensee's physical and mental ability to safely operate a motor vehicle.

(5) A recommendation from a health consultant shall be advisory only.

(6) Each health consultant shall complete a requested review in a timely fashion and shall submit a response to the department within a reasonable period of time, which shall not exceed 30 calendar days if a person's license has been suspended or revoked.

(7) If a consultant's response concerning a person whose license has been suspended or revoked takes more than 30 calendar days on 3 or more occasions, the health consultant shall be discharged.

R 257.853 Statement of physical or mental history; refusal to process, or denial of, license application pending receipt and review of statement; submission by licensee at or before reexamination; contents; confidentiality.

Rule 3. (1) If the department has reason to believe that an applicant has a physical or mental disability which affects his or her ability to safely operate a motor vehicle, the department shall not process the application until a statement of physical or mental history has been received and reviewed.

(2) The application shall be denied if, upon review, the statement indicates the person cannot safely operate a motor vehicle.

(3) If the department has reason to believe that a licensee has a physical or mental disability which affects his or her ability to safely operate a motor vehicle, the department shall require the licensee to submit a statement of physical or mental history at or before a reexamination of the licensee. A license or indorsement may be restricted, suspended, or revoked if that action is ordered at a reexamination conducted by the department or if the person who completed the statement recommends no driving privileges or otherwise indicates the licensee lacks the physical or mental ability to safely operate a motor vehicle.

(4) The statement of physical or mental history shall include all of the following information with respect to the person completing the examination:

- (a) Name, address, title, and signature.
- (b) Area or specialty of practice, if any.
- (c) The person's professional license number, if any, and telephone number.

(5) The statement of physical or mental history shall include all of the following information pertaining to the applicant or licensee:

- (a) The person's full name, address, and date of birth.
- (b) The date of the report.
- (c) The date of examination.

(6) The statement of physical or mental history shall contain the following information as it pertains to the current ability of the applicant or licensee to safely operate a motor vehicle:

- (a) The diagnosis, age of onset, prognosis, and prescribed treatment or plan of therapy.
- (b) Prescribed medications.
- (c) The person's compliance with and response to treatment, therapy, or medication.
- (d) Any adverse or other reaction to treatment, therapy, or medication.
- (e) The results of the examination.

- (f) The signature of the applicant or licensee on a release or waiver authorizing the use of the information by the department only for the purpose of assisting in evaluating the person's ability to safely operate a motor vehicle.
- (g) Any other information required by these rules.
- (7) A statement of physical or mental history may include an evaluation of the effect of the condition and treatment, therapy, or medication upon the person's ability to operate a motor vehicle and a recommendation for licensure restrictions or special limitations.
- (8) If the statement is completed by a psychologist or neuropsychologist and the applicant or licensee is taking prescribed medication for the treatment of his or her condition or for any other reason or condition known to the psychologist or neuropsychologist, the statement shall also be signed by the physician who prescribed the medication.
- (9) The department may request the applicant or licensee to provide additional information concerning his or her current ability to safely operate a motor vehicle, including additional medical information when appropriate.
- (10) The department may require, as a condition for or a restriction upon a license, that a licensee submit statements of physical or mental history periodically during the duration of a license or indorsement or upon submission of an application for an operator's or chauffeur's license or indorsement.
- (11) A licensing action taken by the department on the basis of a physical or mental condition or disability will be reassessed by the department upon receipt of new medical evidence and documentation that the condition or disability has changed or abated or no longer exists.
- (12) All records and information received or secured pursuant to these rules shall be kept confidential and shall be used only for the purpose of assisting in evaluating a person's ability to safely operate a motor vehicle.
- (13) Disclosure of the contents of any document or other information received pursuant to these rules by any employee of the department for any reason other than assisting in the evaluation of a person's ability to safely operate a motor vehicle may be grounds for disciplinary action.

R 257.854 Episodic and other conditions.

Rule 4. (1) An applicant or licensee who has experienced an episode shall be denied an operator's license or chauffeur's license or any indorsement or shall have his or her license or indorsement indefinitely suspended after reexamination until her or she submits a recent statement of physical or mental history.

(2) For an operator's license or motorcycle indorsement, the statement of physical or mental history shall include either of the following:

- (a) Certification that the person's condition is under control by medical or other treatment and that all symptoms or conditions which would affect the safe operation of a motor vehicle have been corrected, cured, or controlled or have abated for not less than 6 months.
- (b) Certification that the person has not had an episode within the previous 6 months.

(3) For a chauffeur's license or indorsement to operate a truck or bus, the statement of physical or mental history shall include either of the following:

- (a) Certification that the person's condition is under control by medical or other treatment and that all symptoms or conditions which would affect the safe operation of a motor vehicle have been corrected, cured, or controlled or have abated for not less than 12 months.

(b) Certification that the person has not had an episode within the previous 12 months.

(4) The 6-months or 12-month period may be reduced or eliminated based upon a departmental review of the specific recommendation of a qualified physician or any other information which may come to the department, including evidence that the episode resulted from medical intervention or medically supervised experimentation with prescribed medication, as well as the evaluation of other evidence. The department may issue a limited or restricted license or indorsement.

R 257.855 License Restrictions

Rule 5. (1) The department may require an applicant or licensee who wishes to receive or retain an unrestricted license to demonstrate his or her ability to safely operate a vehicle.

(2) Notwithstanding any other provision of these rules, when an operator's or chauffeur's license or any indorsement is issued, restored, or retained, the license or indorsement may include reasonable restrictions which are necessary for the safe operation of the type of vehicle the person is authorized to operate.

R 257.856 Right to appeal.

Rule 6. A person who is aggrieved by a final decision of the department involving the application of these rules may appeal as provided in the act.

R 257.857 Written notice.

Rule 7. A person who is affected by an action under these rules shall be given written notice of that action by first-class mail. Notice shall be sent to the person at his or her mailing address currently on file with the department or shall be personally served.