

## **DEPARTMENT OF REVENUE**

### **Division of Motor Vehicles**

#### **MEDICAL EXAM/RE-EXAM TESTING RULESDRIVER LICENSE RE-EXAMINATION / MEDICAL EXAMINATION**

##### **1 CCR 204-26 (Recodified as 1 CCR 204-30, Rule 03)**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### **RULE 03 DRIVER LICENSE RE-EXAMINATION / MEDICAL EXAMINATION**

**Basis:** These rules are promulgated pursuant to sections 42-2-111, 42-2-112, and 42-2-104, C.R.S.

**Purpose:** The purpose of this rule is to provide medical criteria for driver licensing ~~These rules define when and how the Department may take action against a driving privilege based upon information or evidence received indicating a driver may not be competent, physically able, or is otherwise not qualified to operate a vehicle safely.~~

##### **1. Definitions**

Medical Examination – means a ~~required~~ medical evaluation ~~as~~ evidenced by a completed and signed DR 2401 Confidential Medical Report or DR 2402 Confidential Eye Report ~~concerning whether a licensed driver or applicant is physically or mentally able to safely which notifies the department whether or not a driver has been deemed safe to~~ operate a motor vehicle, and/or any special restrictions or requirements which must be placed on the driving privilege.

Re-Examination – means a Department-required eye examination, written test, and driving examination, to determine a licensed driver's or applicant's fitness to operate a motor vehicle safely upon the highways ~~after the department has received evidence that a person may not be competent, physically able, or is otherwise not qualified to operate a vehicle safely.~~

##### **2. Receipt of information concerning physical or mental ability to operate a motor vehicle safely upon the highways of Colorado** ~~When Medical Examination or Driver License Examination is Required~~

2.1 For the purposes of determining whether ~~or not~~ the Department has reason to believe that a driver or applicant is physically or mentally unable to safely operate a motor vehicle upon the highways of this state, ~~a medical examination or driver license written and driving re-examination is required,~~ the Department may receive information ~~about a driver who may not be competent, physically able, or is otherwise not qualified to operate a vehicle safely,~~ from the following sources:

- a. Law enforcement agencies may send information to the Department on the DR 2536 Request for Driver License Re-Examination form. The form must be ~~fully completed and detail the basis for specific circumstances and description of the driver's actions which led to~~ the request.
- b. Courts may ~~send a letter on letterhead requesting~~ a physical or mental medical examination or re-examination of a driver or applicant or driver license re-examination. ~~The Court may send a court order requiring medical examination or driver license re-examination.~~

- c. A written medical opinion from any physician, physician's assistant, or optometrist. ~~Medical doctors, optometrists, physicians assistants, and nurse practitioners, may send information to the Department on office letterhead. Physicians, physician's assistants, or Medical doctors, optometrists, and physician's assistants~~ may also send information to the Department on office letterhead or on the DR 2401 Confidential Medical Report or DR 2402 Confidential Eye Report.
  - d. ~~Close relatives~~ Immediate family as defined in section 42-1-102(43.5) (~~a person who is related by blood, marriage or adoption~~) (~~spouse, mother, father, daughter, or son~~) may send information to the Department on a written request. The request must include the name, address, and relationship of the requestor to the driver. The request must detail the specific circumstances and description of the driver's actions which led to the request. Any driver who is required to submit to reexamination has the right to know who submitted the reexamination request to the ~~dDepartment~~ by performing a record request and paying the appropriate fee.
  - e. Any ~~dDepartment~~ vision of Motor Vehicle employee or agent who, while working in their official capacity, has information that ~~who makes any observation(s) indicating~~ a driver may not be physically or mentally ~~competent, physically able, or is otherwise not qualified~~ to operate a motor vehicle safely.
3. Procedure for ~~Notice of Cancellation of Driving Privilege for Required medical Re-examination based upon Medical Reporter Re-examination of the Driving Privilege~~
- 3.1 Upon written notice of cancellation by the ~~dDepartment~~, a driver has 20 days following the date of the notice to complete and pass an eye examination, written test, and driving examination at any full-service driver license office.
- a. If a driver is unable to complete and pass the required eye examination, written test, before the end of the 20<sup>th</sup> day following the date of notice, the ~~dDepartment will cancel the driving privilege~~.
  - b. If the driver is able to pass the eye examination and written test but fails the driving examination, they may purchase and receive a 60-day driver permit and retake the driving examination upon payment of the required fee. If the driving examination is not passed within the 60 days, the driving privilege will be cancelled.
4. ~~Accident Convictions and Required Re-Examinations of the Driving Privilege~~
- a) ~~Any driver who is convicted of being at fault for two crashes within a three-year period must submit to reexamination of the driving privilege.~~
  - b) ~~Any commercial driver, who is convicted of being at fault for two crashes within a three-year period, while operating a commercial motor vehicle, must submit to reexamination of the commercial driving privilege.~~
5. Procedure for Notice of Cancellation of Driving Privilege for Required Medical Examination
- 4.1 Upon written notice of cancellation by the ~~dDepartment~~, a driver has 30 days to produce a completed and approved DR 2401 Confidential Medical Report or DR 2402 Confidential Eye Report to the ~~dDepartment~~ in order to prevent cancellation of the driving privilege.
- 4.2 If a completed and approved DR 2401 Confidential Medical Report or DR 2402 Confidential Eye report is not received by the ~~dDepartment~~ before the end of the 30<sup>th</sup> day following the date of notice, the department will cancel the driving privilege.

- 4.3** The evaluation date noted on a completed and approved DR 2401 Confidential Medical Report or DR 2402 Confidential Eye Report must have occurred after the date on the notice of cancellation and within 180 days of receipt by the ~~e~~Department.

## **DEPARTMENT OF REVENUE**

### **Division of Motor Vehicles**

#### **MEDICAL EXAM/RE-EXAM TESTING RULES**

##### **1 CCR 204-26**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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These rules define when a departmental action may be commenced on either a medical exam or re-exam for a driver. The department has the responsibility to determine which departmental action to initiate under § 42-2-111, § 42-2-112, and § 42-2-104, CRS.

#### **WHO MAY NEED A RE-TEST OR MEDICAL EXAM.**

- 1. Driver Control/Traffic Records Section** may receive information regarding a driver who may need to be re-tested to determine his/her driving ability, or may also receive information regarding the physical ability of someone to drive a motor vehicle. This includes not only a road test but also a written test. A re-exam is only taken if the person has a valid Colorado license.
  - a. The Section may receive information from the following four sources:**
    - 1. Law enforcement agencies:** Law enforcement agencies send information to the section on form DR2536, "Request for Driver License Re-Examination". The officer who fills out the DR2536 has a valid reason to request a re-exam. The request is written by the responding officer because of an accident, a health call, or a traffic stop. Each DR2536 is analyzed to determine if the person needs a re-exam or a medical exam. No re-exam is required if the only reason given by the law enforcement officer is age.
    - 2. Courts:** Courts send a letter requesting a re-exam or a medical on a driver.
    - 3. Physicians or Optometrists:** A physician or optometrist sends a letter requesting a re-exam or a medical on a driver.
    - 4. Relatives:** A written request from a close relative (wife, mother, father, daughter or son). The request must state the reason for the re-exam or medical requirement. It must also include that the person who is requesting the medical exam and re-exam give his/her full name and

~~address and his/her relationship to the driver. Each person who requests a re-exam or medical is informed that the driver has the right to know who requested the action. (The driver must show identification and pay a \$2.20 fee to receive a copy of the request.)~~

#### ~~B. PENDING MEDICAL CANCEL AND DENY: NOTICE AND PROCEDURE~~

- ~~1. If a driver is pending a medical cancel and deny, he/she is noticed by a letter sent by the department and has 30 days to get an approved DR2401, "Confidential Medical/Eye Exam Report," to Driver Services in order to stop the pending action. If the approved medical is not received, the driver is canceled and denied until the driver meets the reinstatement requirements. The DR2401 must be within 90 days of the effective date of the departmental action.~~
- ~~2. If a driver is pending a re-exam, he/she is noticed by a letter sent by the department and has 20 days to take a re-exam (written, eye, and drive test) from a full service driver license office. If he/she does not appear during the 20-day period, his/her driving privilege is canceled and denied. If he/she appears but does not pass the re-exam, he/she may request a 60-day permit. The driver has to pass the re-exam during the 60 days the permit is valid or his/her driving privilege will be canceled and denied.~~

#### ~~C. RE-EXAMS AND ACCIDENTS:~~

- ~~1. If a person is involved in a fatal accident and it is determined the person was at fault, the department will start a pending action for a re-exam. ( § 42-2-111 (3) (b) CRS). If a driver is pending a re-exam, he/she is noticed by a letter sent by the department and has 20 days to take a re-exam (written, eye, and drive test) from a full service driver license office. If he/she does not appear during the 20-day period, his/her driving privilege is canceled and denied. If he/she appears but does not pass the re-exam, he/she may request a 60-day permit. The driver must pass the re-exam during the 60 days the permit is valid or his/her driving privilege will be canceled and denied.~~
- ~~2. If a driver is involved in two accidents within a three year period and is convicted on a moving violation for both accidents, the person must take a re-exam. If a driver is pending a re-exam, he/she is noticed by a letter sent by the department and has 20 days to take a re-exam (written, eye, and drive test) from a full service driver license office. If he/she does not appear during the 20-day period, his/her driving privilege will be canceled and denied. If he/she appears but does not pass the re-exam, he/she may request a 60-day permit. The driver must pass the re-exam during the 60 days the permit is valid or his/her driving privilege is canceled and denied.~~

#### ~~D. MENTAL CANCEL AND DENIALS~~

~~The only time Driver Services will cancel and deny for mental reasons is if the court enters an order stating the person has been determined or adjudged by a court of competent jurisdiction to be afflicted with or suffering from any mental disability in accordance with §42-2-104 (2) (d), CRS.~~

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#### **Editor's Notes**

#### **History**