

## DEPARTMENT OF REVENUE

### Division of Motor Vehicles

#### DRIVER LICENSE RE-EXAMINATION / MEDICAL EXAMINATION

#### 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 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

**1.1 Medical Examination: ~~—means a~~ A** medical evaluation 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 operate a motor vehicle, and/or any special restrictions or requirements which must be placed on the driving privilege.

**1.2 Re-Examination: ~~—means a~~ 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.

**1.3 Certified Commercial Driving School (CCDS): Any business or any person certified by the Department to provide or offer to provide Department approved training or examinations that are statutorily mandated for a driver license or instruction permit.**

##### 2. Receipt of information concerning physical or mental ability to operate a motor vehicle safely upon the highways of Colorado

2.1 For the purpose of determining whether 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 with or without reasonable accommodations as defined by the Americans with Disabilities Act, the Department may receive information 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 the request.

b. Courts may request a physical or mental examination or re-examination of a driver or applicant, or driver license re-examination.

c. A written medical opinion from any physician, physician's assistant, or optometrist. Physicians, physician's assistants, or optometrists may send information to the Department on office letterhead or on the DR 2401 Confidential Medical Report or DR 2402 Confidential Eye Report.

d. Immediate family as defined in section 42-1-102(43.5) 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 Department by performing a record request and paying the appropriate fee.

e. Any Division of Motor Vehicle employee, or agent, or any employee of a state-contracted CCDS who, while working in their official capacity, has information that a driver may not be physically or mentally able to operate a motor vehicle safely with or without reasonable accommodations as defined by the Americans with Disabilities Act.

### 3. Procedure for Re-examination based upon Medical Report

a. Upon written notice of cancellation by the Department, a driver has 20 days following the date of the notice to complete and pass an eye examination, written test, and driving examination.

b. If a driver is unable to complete and pass either the required eye examination-or written test, before the end of the 20<sup>th</sup> day following the date of notice, the Department will cancel the driving privilege.

c. 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 canceled.

d. If a doctor checks the "Need DMV Re-Examination in 1 year" box on the DR 2401 Confidential Medical Report or DR 2402 Confidential Eye Report, the Department will send a notice to the driver 11 months after the doctor submits the form. The notice will inform the driver that they must complete an eye examination, written examination and driving examination within 30 days.

### 4. Procedure for Notice of Cancellation of Driving Privilege for Required Medical Examination

4.1 Upon written notice of cancellation by the Department, a driver has 30 days to produce a completed and approved DR 2401 Confidential Medical Report or DR 2402 Confidential Eye Report to the Department 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 Department 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 Department.

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**Editor's Notes**

**History**