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By: **Senator Munson**  
Introduced and read first time: January 28, 2002  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 27, 2002

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CHAPTER 463

1 AN ACT concerning

2 **Vehicle Laws - Drivers' Licenses - Vision Standards**

3 FOR the purpose of repealing the termination date ~~for~~ of certain provisions of law  
4 that ~~authorized~~ authorize the Motor Vehicle Administration to issue a restricted  
5 noncommercial driver's license to certain individuals who do not meet certain  
6 vision standards, subject to certain requirements and restrictions; extending the  
7 termination date of certain provisions of law ~~establishing a limited vision license~~  
8 ~~for~~ authorizing the Motor Vehicle Administration to issue a restricted Class C  
9 noncommercial driver's license to certain individuals ~~meeting~~ who do not meet  
10 certain vision standards, subject to certain requirements and restrictions;  
11 clarifying that the visual acuity of an applicant for a restricted Class C  
12 noncommercial driver's license is to be determined by the Motor Vehicle  
13 Administration in consultation with the Medical Advisory Board; authorizing  
14 optometrists to certify that an individual meets certain vision requirements  
15 after having vision correction surgery; making a technical change; and generally  
16 relating to vision requirements for obtaining a driver's license.

17 BY repealing and reenacting, without amendments,  
18 Article - Transportation  
19 Section 16-110.1  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2001 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Transportation  
24 Section 16-110.3  
25 Annotated Code of Maryland

1 (1999 Replacement Volume and 2001 Supplement)

2 BY repealing

3 Chapter 346 of the Acts of the General Assembly of 1997

4 Section 2 and 4

5 BY repealing and reenacting, with amendments,

6 Chapter 346 of the Acts of the General Assembly of 1997

7 Section 3

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Transportation**

11 16-110.1.

12 (a) For an unrestricted license, each applicant is required to have:

13 (1) Simultaneously:

14 (i) A minimum visual acuity of 20/40 in each eye; and

15 (ii) A continuous field of vision of at least 140 degrees; and

16 (2) Binocular vision.

17 (b) If the applicant's vision can be corrected by glasses or contact lenses to  
18 meet the standards of this section, the Administration may issue the applicant a  
19 restricted license, endorsed "corrective lenses".

20 (c) (1) The Administration may issue a restricted license to an applicant  
21 who has simultaneously:

22 (i) A visual acuity of at least 20/40 in one or both eyes; and

23 (ii) A continuous field of vision of at least 110 degrees and with at  
24 least 35 degrees lateral to the midline of each side.

25 (2) To qualify for a restricted license under this subsection, the  
26 Administration may require an applicant to submit a report of examination by a  
27 licensed ophthalmologist or optometrist for evaluation by the Administration or its  
28 Medical Advisory Board.

29 (3) A license issued under this subsection:

30 (i) Shall be endorsed "outside mirrors each side"; and

1 (ii) May be subject to additional restrictions imposed by the  
2 Administration, based on recommendations of the applicant's ophthalmologist or  
3 optometrist, or any other evaluation that the Administration determines appropriate.

4 (d) (1) The Administration may only issue a restricted noncommercial  
5 driver's license to an applicant who does not otherwise meet the vision standards  
6 under this section but who has simultaneously:

7 (i) A visual acuity of at least 20/70 in one or both eyes; and

8 (ii) A continuous field of vision of at least 110 degrees and with at  
9 least 35 degrees lateral to the midline of each side.

10 (2) To qualify for a restricted license under this subsection, the  
11 Administration may require an applicant to submit a report of examination by a  
12 licensed ophthalmologist or optometrist for evaluation by the Administration or its  
13 Medical Advisory Board.

14 (3) A license issued under this subsection:

15 (i) Shall be endorsed "outside mirrors each side"; and

16 (ii) May be subject to additional restrictions imposed by the  
17 Administration, based on recommendations of the applicant's ophthalmologist or  
18 optometrist, or any other evaluation that the Administration determines appropriate.

19 (e) The Administration may not issue any driver's license if the applicant does  
20 not meet the vision standards under this subtitle.

21 (f) An individual issued a restricted driver's license under this section who  
22 has had vision correction surgery resulting in the individual's meeting the  
23 requirements for an unrestricted license may:

24 (1) Apply to the Administration for a corrected license without the vision  
25 restriction; or

26 (2) Until the time of a license renewal or issuance of a corrected license,  
27 carry written certification from a licensed ophthalmologist OR OPTOMETRIST that the  
28 individual meets the vision requirements for an unrestricted license under this  
29 section.

30 16-110.3.

31 (a) The Administration may only issue a restricted Class C noncommercial  
32 driver's license to an applicant who does not otherwise meet the vision standards  
33 under § 16-110.1 of this subtitle but:

34 (1) Has simultaneously:

1 (i) A visual acuity of [less] WORSE than 20/70, but no worse than  
2 20/100, in one or both eyes AS DETERMINED BY THE ADMINISTRATION IN  
3 CONSULTATION WITH THE MEDICAL ADVISORY BOARD; and

4 (ii) A continuous field of vision of at least 110 degrees and with at  
5 least 35 degrees lateral to the midline of each side; and

6 (2) Is recommended for consideration for licensure by the applicant's  
7 licensed ophthalmologist or optometrist in accordance with subsection (b) of this  
8 section and regulations of the Administration concerning limited vision licenses.

9 (b) The ophthalmologist's or optometrist's recommendation for an applicant  
10 seeking a license under this section shall be based on the best standard spectacle or  
11 contact lens correction in the applicant's better eye.

12 (c) (1) The Administration shall refer any application for a license under  
13 this section to the Medical Advisory Board appointed under § 16-118 of this subtitle  
14 for review.

15 (2) Unless the Medical Advisory Board determines that it can make a  
16 favorable recommendation to the Administration based on the record before it, the  
17 Board shall offer the applicant an opportunity to appear before the Board to present  
18 medical information pertinent to the Board's review.

19 (3) An applicant who chooses to appear before the Medical Advisory  
20 Board may be accompanied by the applicant's ophthalmologist or optometrist or by  
21 any other individual to assist the applicant in presenting pertinent medical  
22 information to the Board.

23 (4) An appearance before the Medical Advisory Board is not a matter  
24 subject to the contested case provisions under Title 10, Subtitle 2 of the State  
25 Government Article.

26 (d) (1) An applicant seeking a license under this section shall successfully  
27 complete a driver's training course in accordance with regulations of the  
28 Administration.

29 (2) The required driver's training course:

30 (i) Shall consist of at least 20 hours; and

31 (ii) May vary based on an applicant's previous driving experience or  
32 the driver trainer's recommendation.

33 (3) If the ophthalmologist or optometrist recommends that the applicant  
34 use a bioptic telescopic lens while driving, the Administration may require additional  
35 driver's training using the bioptic telescopic lens.

36 (e) (1) A license granted under this section:

- 1 (i) Shall be endorsed "outside mirrors each side";
- 2 (ii) Subject to subsection (f) of this section, shall be endorsed  
3 "daylight driving only"; and
- 4 (iii) May be subject to additional restrictions imposed by the  
5 Administration, based on recommendations of the applicant's ophthalmologist or  
6 optometrist, or any other evaluation that the Administration determines appropriate.
- 7 (2) Restrictions that may be imposed under paragraph (1)(iii) of this  
8 section include:
- 9 (i) Type of highways where the licensee may drive;
- 10 (ii) Maximum speed limits under which driving is allowed;
- 11 (iii) Maximum driving distances; and
- 12 (iv) Other factors that the Administration determines appropriate.
- 13 (3) A license endorsed "daylight driving only" authorizes the licensee to  
14 operate a motor vehicle only during the period beginning one-half hour after sunrise  
15 and ending one-half hour before sunset.
- 16 (f) (1) An individual licensed under this section may apply to eliminate the  
17 daylight only restriction if the individual:
- 18 (i) Has been licensed under this section for at least 1 year;
- 19 (ii) During the previous year, has not committed a traffic infraction  
20 or been involved in a traffic accident where the licensee was at fault;
- 21 (iii) Has passed a nighttime vision test prescribed by the  
22 Administration; and
- 23 (iv) Has received a driver's training certificate based on nighttime  
24 driving skills, from an entity that the Administration has determined is qualified to  
25 evaluate drivers under this section.
- 26 (2) Before the elimination of the daytime only restriction, an applicant  
27 who meets the requirements of paragraph (1) of this subsection shall pass a nighttime  
28 driving test administered by at least two Administration examiners.

29 **Chapter 346 of the Acts of 1997**

30 [SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
31 read as follows:

**Article - Transportation**

16-110.1.

(d) (1) The Administration may issue a restricted license endorsed "daylight driving only" to an applicant who has simultaneously:

(i) A visual acuity of at least 20/70 in one or both eyes; and

(ii) A continuous field of vision of at least 110 degrees and with at least 35 degrees lateral to the midline of each side.

(2) A license issued under this subsection:

(i) Shall be endorsed "outside mirrors each side"; and

(ii) May be subject to additional restrictions imposed by the Administration, based on recommendations of the applicant's ophthalmologist or optometrist, or any other evaluation that the Administration determines appropriate.

(3) A license endorsed "daylight driving only" authorizes the licensee to operate a motor vehicle only during the period beginning one-half hour after sunrise and ending one-half hour before sunset.]

SECTION [3.] 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 1997. [Sections 16-110.1(d) and] SECTION 16-110.3 of the Transportation Article, as enacted by Section 1 of this Act, shall remain effective for a period of [5] 7 years and, at the end of September 30, [2002] 2004, with no further action required by the General Assembly, [ §§ 16-110.1(d) and] § 16-110.3 of the Transportation Article, as enacted by Section 1 of this Act shall be abrogated and of no further force and effect.

[SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect upon the abrogation of § 16-110.1(d) of the Transportation Article as enacted by Section 1 of this Act.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.