
By: **Senator Munson**

Introduced and read first time: February 18, 2004

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 23, 2004

Committee Report: Favorable

Senate action: Adopted

Read second time: March 30, 2004

CHAPTER 142

1 AN ACT concerning

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

3 FOR the purpose of repealing the termination date of a certain provision of law
4 establishing vision requirements for holders of a Class C noncommercial driver's
5 license; and generally relating to vision requirements and drivers' licenses.

6 BY repealing and reenacting, without amendments,
7 Article - Transportation
8 Section 16-110.3
9 Annotated Code of Maryland
10 (2002 Replacement Volume and 2003 Supplement)

11 BY repealing and reenacting, with amendments,
12 Chapter 346 of the Acts of the General Assembly of 1997, as amended by
13 Chapter 463 of the Acts of the General Assembly of 2002
14 Section 2

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

1 **Article - Transportation**

2 16-110.3.

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

6 (1) Has simultaneously:

7 (i) A visual acuity of worse than 20/70, but no worse than 20/100,
8 in one or both eyes as determined by the Administration in consultation with the
9 Medical Advisory Board; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (ii) Subject to subsection (f) of this section, shall be endorsed
9 "daylight driving only"; and

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

13 (2) Restrictions that may be imposed under paragraph (1)(iii) of this
14 section include:

15 (i) Type of highways where the licensee may drive;

16 (ii) Maximum speed limits under which driving is allowed;

17 (iii) Maximum driving distances; and

18 (iv) Other factors that the Administration determines appropriate.

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

22 (f) (1) An individual licensed under this section may apply to eliminate the
23 daylight only restriction if the individual:

24 (i) Has been licensed under this section for at least 1 year;

25 (ii) During the previous year, has not committed a traffic infraction
26 or been involved in a traffic accident where the licensee was at fault;

27 (iii) Has passed a nighttime vision test prescribed by the
28 Administration; and

29 (iv) Has received a driver's training certificate based on nighttime
30 driving skills, from an entity that the Administration has determined is qualified to
31 evaluate drivers under this section.

32 (2) Before the elimination of the daytime only restriction, an applicant
33 who meets the requirements of paragraph (1) of this subsection shall pass a nighttime
34 driving test administered by at least two Administration examiners.

**Chapter 346 of the Acts of 1997, as amended by Chapter 463 of the Acts of
2002**

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2004.