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1997 Regular Session
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By: Delegate Wood

Introduced and read first time: January 23, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of modifying vision standards under the Maryland Vehicle Law;
4 authorizing individuals with specified eyesight levels to qualify for a driver's license,
5 subject to specified and authorized restrictions; closing participation under the
6 bioptic telescopic lens program to those not licensed under that program as of a
7 specified date; eliminating the termination provision for the bioptic telescopic lens
8 program; establishing a limited vision license for individuals with certain eyesight;
9 specifying requirements and restrictions pertaining to the limited vision license;
10 providing for the termination of certain provisions of this Act; providing for the
11 application of certain provisions of this Act; and generally relating to vision
12 requirements for obtaining a driver's license.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 16-110.1 and 16-110.2
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1996 Supplement)

18 BY adding to
19 Article - Transportation
20 Section 16-110.3
21 Annotated Code of Maryland
22 (1992 Replacement Volume and 1996 Supplement)

23 BY repealing and reenacting, with amendments,
24 Chapter 483 of the Acts of the General Assembly of 1991, as amended by Chapter
25 108 of the Acts of the General Assembly of 1996
26 Section 2

27 Preamble

28 WHEREAS, The Motor Vehicle Administration (MVA) and its Medical Advisory
29 Board (MAB), after a comprehensive review of Maryland's current vision standards for

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1 drivers' licenses, have determined that changes are necessary to modernize current
2 standards and eliminate inconsistencies in current law; and

3 WHEREAS, The MVA and its MAB have concluded that there is a significant
4 population with vision problems that could drive safely under specified restrictions, but
5 that population is ill-served by Maryland's current standards; and

6 WHEREAS, The State has a responsibility to assist this growing population in
7 maintaining the independence that the automobile allows in a manner that does not
8 jeopardize their safety or the safety of others on the highways; and

9 WHEREAS, The MVA has appointed a Workgroup for Modified Vision
10 Standards consisting of medical professionals, MVA staff, and citizens with an interest in
11 driver vision standards to study this issue, and the Workgroup has issued
12 recommendations for revised standards which are set forth in this Act to better meet this
13 population's needs; and

14 WHEREAS, The success of the standards set forth in this Act, depends, in part,
15 on continued study by the MVA of drivers' experience over a reasonable period of time;
16 and

17 WHEREAS, This Act, a joint work product of the MVA, the MAB, and the
18 Workgroup for Modified Vision Standards, is intended to accomplish these goals; now,
19 therefore,

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

22 **Article - Transportation**

23 16-110.1.

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

25 (1) SIMULTANEOUSLY:

26 (I) A minimum visual acuity of 20/40 in each eye; AND

27 [(2)] (II) A CONTINUOUS field of vision of at least 140 degrees; and

28 [(3)] (2) Binocular vision.

29 (b) If the applicant's vision can be corrected by glasses or contact lenses to meet
30 the standards of this section, the Administration may issue the applicant a restricted
31 license, endorsed ["holder shall wear eye glasses or contact lenses when driving"]
32 "CORRECTIVE LENSES".

33 [(c) If the applicant has less than 20/40 vision in each eye but has at least 20/70 in
34 one eye and at least 20/140 in the other, the Administration may issue the applicant a
35 restricted license, endorsed "daylight driving only".

36 (d) (1) If the applicant is totally blind in one eye and has at least 20/40 in the
37 other eye, the Administration may issue the applicant a restricted license, endorsed "any

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1 motor vehicle which the holder drives shall have a properly placed rear view mirror and,
2 on each side of the vehicle, an outside, side view mirror".

3 (2) If the applicant is totally blind in one eye and has less than 20/40 but at
4 least 20/70 in the other eye, the Administration may issue the applicant a restricted
5 license, endorsed both as provided in paragraph (1) of this subsection and "daylight
6 driving only".

7 (3) A license may not be issued to any applicant described in paragraphs (1)
8 or (2) of this subsection unless the vision in his seeing eye has been maintained at at least
9 the level required by this subsection for at least 90 days before the date of application.]

10 (C) (1) THE ADMINISTRATION MAY ISSUE A RESTRICTED LICENSE TO AN
11 APPLICANT WHO HAS SIMULTANEOUSLY:

12 (I) A VISUAL ACUITY OF AT LEAST 20/40 IN ONE OR BOTH EYES;
13 AND

14 (II) A CONTINUOUS FIELD OF VISION OF AT LEAST 110 DEGREES
15 AND WITH AT LEAST 35 DEGREES LATERAL TO THE MIDLINE OF EACH SIDE.

16 (2) TO QUALIFY FOR A RESTRICTED LICENSE UNDER THIS SUBSECTION,
17 THE ADMINISTRATION MAY REQUIRE AN APPLICANT TO SUBMIT A REPORT OF
18 EXAMINATION BY A LICENSED OPHTHALMOLOGIST OR OPTOMETRIST FOR
19 EVALUATION BY THE ADMINISTRATION OR ITS MEDICAL ADVISORY BOARD.

20 (3) A LICENSE ISSUED UNDER THIS SUBSECTION:

21 (I) SHALL BE ENDORSED "OUTSIDE MIRRORS EACH SIDE"; AND

22 (II) MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS IMPOSED BY
23 THE ADMINISTRATION, BASED ON RECOMMENDATIONS OF THE APPLICANT'S
24 OPHTHALMOLOGIST OR OPTOMETRIST, OR ANY OTHER EVALUATION THAT THE
25 ADMINISTRATION DETERMINES APPROPRIATE.

26 (D) (1) THE ADMINISTRATION MAY ONLY ISSUE A RESTRICTED CLASS C
27 NONCOMMERCIAL DRIVER'S LICENSE TO AN APPLICANT WHO DOES NOT
28 OTHERWISE MEET THE VISION STANDARDS UNDER THIS SECTION BUT WHO HAS
29 SIMULTANEOUSLY:

30 (I) A VISUAL ACUITY OF AT LEAST 20/70 IN ONE OR BOTH EYES;
31 AND

32 (II) A CONTINUOUS FIELD OF VISION OF AT LEAST 110 DEGREES
33 AND WITH AT LEAST 35 DEGREES LATERAL TO THE MIDLINE OF EACH SIDE.

34 (2) TO QUALIFY FOR A RESTRICTED LICENSE UNDER THIS SUBSECTION,
35 THE ADMINISTRATION MAY REQUIRE AN APPLICANT TO SUBMIT A REPORT OF
36 EXAMINATION BY A LICENSED OPHTHALMOLOGIST OR OPTOMETRIST FOR
37 EVALUATION BY THE ADMINISTRATION OR ITS MEDICAL ADVISORY BOARD.

38 (3) A LICENSE ISSUED UNDER THIS SUBSECTION:

39 (I) SHALL BE ENDORSED "OUTSIDE MIRRORS EACH SIDE"; AND

4

1 (II) MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS IMPOSED BY
2 THE ADMINISTRATION, BASED ON RECOMMENDATIONS OF THE APPLICANT'S
3 OPHTHALMOLOGIST OR OPTOMETRIST, OR ANY OTHER EVALUATION THAT THE
4 ADMINISTRATION DETERMINES APPROPRIATE.

5 (e) The Administration may not issue any driver's license if the applicant does not
6 meet the VISION standards [of] UNDER this [section] SUBTITLE.

7 16-110.2.

8 (a) In this section, "bioptic telescopic lens" means a spectacle mounted
9 telescopic/telescopes telescope placed at the top of a corrective vision lens and designed
10 to increase visual acuity and aid in spotting distant objects at a glance.

11 (b) Notwithstanding any other requirements under this subtitle, an applicant
12 using bioptic telescopic lenses shall be eligible for a noncommercial Class C driver's
13 license under this subtitle if the applicant:

14 (1) (i) Demonstrates a visual acuity of at least 20/100 in one or both eyes
15 and a field of 150 degrees horizontal vision with or without corrective lenses; or

16 (ii) If the applicant has vision in one eye only, demonstrates a field of
17 at least 100 degrees horizontal vision;

18 (2) Demonstrates a visual acuity of at least 20/70 in one or both eyes with
19 the bioptic telescopic lenses and without the use of field expanders;

20 (3) Submits a report of examination by a licensed ophthalmologist or
21 optometrist for evaluation by the Medical Advisory Board under § 16-118 of this subtitle;
22 and

23 (4) Meets all the other requirements for licensure under this title.

24 (c) An applicant using bioptic telescopic lenses shall be eligible for a learner's
25 instructional permit under § 16-103 of this subtitle if the applicant meets the
26 requirements of subsection (b) of this section.

27 (d) (1) Except as provided in subsection (e) of this section, a license issued in
28 compliance with this section authorizes the licensee to operate a motor vehicle only
29 during the period beginning one-half hour after sunrise and ending one-half hour before
30 sunset.

31 (2) If the applicant is eligible for a license under paragraph (d)(1) of this
32 subsection, the Administration shall issue to the applicant a restricted license endorsed
33 "Daylight Driving Only".

34 (e) A licensee under this section may operate a motor vehicle without any
35 restriction regarding hours of operation if the licensee:

36 (1) Demonstrates a visual acuity of at least 20/40 in one or both eyes with
37 the bioptic telescopic lenses and without the use of field expanders;

38 (2) Has been licensed under this section for at least one year; and

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1 (3) Passes a skills test taken at night.

2 (F) THIS SECTION ONLY APPLIES TO AN APPLICANT WHO:

3 (1) IS GRANTED A LICENSE UNDER THIS SECTION ON OR BEFORE
4 SEPTEMBER 30, 1997; AND

5 (2) CONTINUES TO QUALIFY FOR A LICENSE UNDER THIS SECTION.

6 16-110.3.

7 (A) THE ADMINISTRATION MAY ONLY ISSUE A RESTRICTED CLASS C
8 NONCOMMERCIAL DRIVER'S LICENSE TO AN APPLICANT WHO DOES NOT
9 OTHERWISE MEET THE VISION STANDARDS UNDER § 16-110.1 OF THIS SUBTITLE BUT:

10 (1) HAS SIMULTANEOUSLY:

11 (I) A VISUAL ACUITY OF LESS THAN 20/70, BUT NO WORSE THAN
12 20/125, IN ONE OR BOTH EYES; AND

13 (II) A CONTINUOUS FIELD OF VISION OF AT LEAST 110 DEGREES
14 AND WITH AT LEAST 35 DEGREES LATERAL TO THE MIDLINE OF EACH SIDE; AND

15 (2) IS RECOMMENDED FOR LICENSURE BY THE APPLICANT'S LICENSED
16 OPHTHALMOLOGIST OR OPTOMETRIST IN ACCORDANCE WITH SUBSECTION (B) OF
17 THIS SECTION AND REGULATIONS OF THE ADMINISTRATION CONCERNING LIMITED
18 VISION LICENSES.

19 (B) THE OPHTHALMOLOGIST OR OPTOMETRIST'S RECOMMENDATION FOR
20 AN APPLICANT SEEKING A LICENSE UNDER THIS SECTION SHALL BE BASED ON THE
21 BEST STANDARD SPECTACLE OR CONTACT LENS CORRECTION IN THE APPLICANT'S
22 BETTER EYE.

23 (C) (1) AN APPLICANT SEEKING A LICENSE UNDER THIS SECTION SHALL
24 SUCCESSFULLY COMPLETE A DRIVER'S TRAINING COURSE IN ACCORDANCE WITH
25 REGULATIONS OF THE ADMINISTRATION.

26 (2) THE REQUIRED DRIVER'S TRAINING COURSE:

27 (I) SHALL CONSIST OF AT LEAST 20 HOURS; AND

28 (II) MAY VARY BASED ON AN APPLICANT'S PREVIOUS DRIVING
29 EXPERIENCE OR THE DRIVER TRAINER'S RECOMMENDATION.

30 (3) IF THE OPHTHALMOLOGIST OR OPTOMETRIST RECOMMENDS THAT
31 THE APPLICANT USE A BIOPTIC TELESCOPIC LENS WHILE DRIVING, THE
32 ADMINISTRATION MAY REQUIRE ADDITIONAL DRIVER'S TRAINING USING THE
33 BIOPTIC TELESCOPIC LENS.

34 (D) (1) A LICENSE GRANTED UNDER THIS SECTION:

35 (I) SHALL BE ENDORSED "OUTSIDE MIRRORS EACH SIDE";

36 (II) SUBJECT TO SUBSECTION (E) OF THIS SECTION, SHALL BE
37 ENDORSED "DAYLIGHT DRIVING ONLY"; AND

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1 (III) MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS IMPOSED BY
 2 THE ADMINISTRATION, BASED ON RECOMMENDATIONS OF THE APPLICANT'S
 3 OPHTHALMOLOGIST OR OPTOMETRIST, OR ANY OTHER EVALUATION THAT THE
 4 ADMINISTRATION DETERMINES APPROPRIATE.

5 (2) RESTRICTIONS THAT MAY BE IMPOSED UNDER PARAGRAPH (1)(III)
 6 OF THIS SECTION INCLUDE:

7 (I) TYPE OF HIGHWAYS WHERE THE LICENSEE MAY DRIVE;

8 (II) MAXIMUM SPEED LIMITS UNDER WHICH DRIVING IS
 9 ALLOWED;

10 (III) MAXIMUM DRIVING DISTANCES; AND

11 (IV) OTHER FACTORS THAT THE ADMINISTRATION DETERMINES
 12 APPROPRIATE.

13 (3) A LICENSE ENDORSED "DAYLIGHT DRIVING ONLY" AUTHORIZES
 14 THE LICENSEE TO OPERATE A MOTOR VEHICLE ONLY DURING THE PERIOD
 15 BEGINNING ONE-HALF HOUR AFTER SUNRISE AND ENDING ONE-HALF HOUR
 16 BEFORE SUNSET.

17 (E) (1) AN INDIVIDUAL LICENSED UNDER THIS SECTION MAY APPLY TO
 18 ELIMINATE THE DAYLIGHT ONLY RESTRICTION IF THE INDIVIDUAL:

19 (I) HAS BEEN LICENSED UNDER THIS SECTION FOR AT LEAST 1
 20 YEAR;

21 (II) DURING THE PREVIOUS YEAR, HAS NOT COMMITTED A
 22 TRAFFIC INFRACTION OR BEEN INVOLVED IN A TRAFFIC ACCIDENT WHERE THE
 23 LICENSEE WAS AT FAULT;

24 (III) HAS PASSED A NIGHTTIME VISION TEST PRESCRIBED BY THE
 25 ADMINISTRATION; AND

26 (IV) HAS RECEIVED A DRIVER'S TRAINING CERTIFICATE BASED ON
 27 NIGHTTIME DRIVING SKILLS, FROM AN ENTITY THAT THE ADMINISTRATION HAS
 28 DETERMINED IS QUALIFIED TO EVALUATE DRIVERS UNDER THIS SECTION.

29 (2) BEFORE THE ELIMINATION OF THE DAYTIME ONLY RESTRICTION,
 30 AN APPLICANT WHO MEETS THE REQUIREMENTS OF PARAGRAPH (1) OF THIS
 31 SUBSECTION SHALL PASS A NIGHTTIME DRIVING TEST ADMINISTERED BY AT LEAST
 32 TWO ADMINISTRATION EXAMINERS.

33 **Chapter 483 of the Acts of 1991, as amended by Chapter 108 of the Acts of 1996**

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 35 July 1, 1991. [It shall remain effective for a period of eight years and, at the end of June
 36 30, 1999, with no further action required by the General Assembly, this Act shall be
 37 abrogated and of no further force and effect.]

38 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 39 read as follows:

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1 **Article - Transportation**

2 16-110.1.

3 [(d) (1) If the applicant is totally blind in one eye and has at least 20/40 in the
4 other eye, the Administration may issue the applicant a restricted license, endorsed "any
5 motor vehicle which the holder drives shall have a properly placed rear view mirror and,
6 on each side of the vehicle, an outside, side view mirror".

7 (2) If the applicant is totally blind in one eye and has less than 20/40 but at
8 least 20/70 in the other eye, the Administration may issue the applicant a restricted
9 license, endorsed both as provided in paragraph (1) of this subsection and "daylight
10 driving only".

11 (3) A license may not be issued to any applicant described in paragraphs (1)
12 or (2) of this subsection unless the vision in his seeing eye has been maintained at at least
13 the level required by this subsection for at least 90 days before the date of application.]

14 (D) (1) THE ADMINISTRATION MAY ISSUE A RESTRICTED LICENSE
15 ENDORSED "DAYLIGHT DRIVING ONLY" TO AN APPLICANT WHO HAS
16 SIMULTANEOUSLY:

17 (I) A VISUAL ACUITY OF AT LEAST 20/70 IN ONE OR BOTH EYES;
18 AND

19 (II) A CONTINUOUS FIELD OF VISION OF AT LEAST 110 DEGREES
20 AND WITH AT LEAST 35 DEGREES LATERAL TO THE MIDLINE OF EACH SIDE.

21 (2) A LICENSE ISSUED UNDER THIS SUBSECTION:

22 (I) SHALL BE ENDORSED "OUTSIDE MIRRORS EACH SIDE"; AND

23 (II) MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS IMPOSED BY
24 THE ADMINISTRATION, BASED ON RECOMMENDATIONS OF THE APPLICANT'S
25 OPHTHALMOLOGIST OR OPTOMETRIST, OR ANY OTHER EVALUATION THAT THE
26 ADMINISTRATION DETERMINES APPROPRIATE.

27 (3) A LICENSE ENDORSED "DAYLIGHT DRIVING ONLY" AUTHORIZES
28 THE LICENSEE TO OPERATE A MOTOR VEHICLE ONLY DURING THE PERIOD
29 BEGINNING ONE-HALF HOUR AFTER SUNRISE AND ENDING ONE-HALF HOUR
30 BEFORE SUNSET.

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

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