

CF 7r1495

By: Delegate Wood

Introduced and read first time: January 23, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 1997

CHAPTER ____

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 requiring the Motor Vehicle Administration to refer certain matters to its Medical
 11 Advisory Board; granting certain individuals a right to appear before the Board
 12 under certain circumstances; providing that an appearance before the Board is not
 13 a matter subject to contested case procedures; providing for the termination of
 14 certain provisions of this Act; providing for the application of certain provisions of
 15 this Act; and generally relating to vision requirements for obtaining a driver's
 16 license.

17 BY repealing and reenacting, with amendments,
 18 Article - Transportation
 19 Section 16-110.1 and 16-110.2
 20 Annotated Code of Maryland
 21 (1992 Replacement Volume and 1996 Supplement)

22 BY adding to
 23 Article - Transportation
 24 Section 16-110.3
 25 Annotated Code of Maryland

2

1 (1992 Replacement Volume and 1996 Supplement)

2 BY repealing and reenacting, with amendments,
3 Chapter 483 of the Acts of the General Assembly of 1991, as amended by Chapter
4 108 of the Acts of the General Assembly of 1996
5 Section 2

6 Preamble

7 WHEREAS, The Motor Vehicle Administration (MVA) and its Medical Advisory
8 Board (MAB), after a comprehensive review of Maryland's current vision standards for
9 drivers' licenses, have determined that changes are necessary to modernize current
10 standards and eliminate inconsistencies in current law; and

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

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

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

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

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

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

30 **Article - Transportation**

31 16-110.1.

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

33 (1) SIMULTANEOUSLY:

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

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

36 [(3)] (2) Binocular vision.

3

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

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

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

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

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

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

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

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

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

29 (3) A LICENSE ISSUED UNDER THIS SUBSECTION:

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

31 (II) MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS IMPOSED BY
 32 THE ADMINISTRATION, BASED ON RECOMMENDATIONS OF THE APPLICANT'S
 33 OPHTHALMOLOGIST OR OPTOMETRIST, OR ANY OTHER EVALUATION THAT THE
 34 ADMINISTRATION DETERMINES APPROPRIATE.

35 (D) (1) THE ADMINISTRATION MAY ONLY ISSUE A RESTRICTED ~~CLASS C~~
 36 NONCOMMERCIAL DRIVER'S LICENSE TO AN APPLICANT WHO DOES NOT
 37 OTHERWISE MEET THE VISION STANDARDS UNDER THIS SECTION BUT WHO HAS
 38 SIMULTANEOUSLY:

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

4

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

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

7 (3) A LICENSE ISSUED UNDER THIS SUBSECTION:

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

9 (II) MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS IMPOSED BY
10 THE ADMINISTRATION, BASED ON RECOMMENDATIONS OF THE APPLICANT'S
11 OPHTHALMOLOGIST OR OPTOMETRIST, OR ANY OTHER EVALUATION THAT THE
12 ADMINISTRATION DETERMINES APPROPRIATE.

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

15 16-110.2.

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

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

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

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

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

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

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

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

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

5

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

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

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

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

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

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

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

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

14 16-110.3.

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

18 (1) HAS SIMULTANEOUSLY:

19 (I) A VISUAL ACUITY OF LESS THAN 20/70, BUT NO WORSE THAN
20 ~~20/425~~ 20/100, IN ONE OR BOTH EYES; AND

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

23 (2) IS RECOMMENDED FOR CONSIDERATION FOR LICENSURE BY THE
24 APPLICANT'S LICENSED OPHTHALMOLOGIST OR OPTOMETRIST IN ACCORDANCE
25 WITH SUBSECTION (B) OF THIS SECTION AND REGULATIONS OF THE
26 ADMINISTRATION CONCERNING LIMITED VISION LICENSES.

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

31 (C) (1) THE ADMINISTRATION SHALL REFER ANY APPLICATION FOR A
32 LICENSE UNDER THIS SECTION TO THE MEDICAL ADVISORY BOARD APPOINTED
33 UNDER § 16-118 OF THIS SUBTITLE FOR REVIEW.

34 (2) UNLESS THE MEDICAL ADVISORY BOARD DETERMINES THAT IT CAN
35 MAKE A FAVORABLE RECOMMENDATION TO THE ADMINISTRATION BASED ON THE
36 RECORD BEFORE IT, THE BOARD SHALL OFFER THE APPLICANT AN OPPORTUNITY
37 TO APPEAR BEFORE THE BOARD TO PRESENT MEDICAL INFORMATION PERTINENT
38 TO THE BOARD'S REVIEW.

1 (3) AN APPLICANT WHO CHOOSES TO APPEAR BEFORE THE MEDICAL
2 ADVISORY BOARD MAY BE ACCOMPANIED BY THE APPLICANT'S
3 OPHTHALMOLOGIST OR OPTOMETRIST OR BY ANY OTHER INDIVIDUAL TO ASSIST
4 THE APPLICANT IN PRESENTING PERTINENT MEDICAL INFORMATION TO THE
5 BOARD.

6 (4) AN APPEARANCE BEFORE THE MEDICAL ADVISORY BOARD IS NOT A
7 MATTER SUBJECT TO THE CONTESTED CASE PROVISIONS UNDER TITLE 10, SUBTITLE
8 2 OF THE STATE GOVERNMENT ARTICLE.

9 ~~(C)~~ (D) (1) AN APPLICANT SEEKING A LICENSE UNDER THIS SECTION
10 SHALL SUCCESSFULLY COMPLETE A DRIVER'S TRAINING COURSE IN ACCORDANCE
11 WITH REGULATIONS OF THE ADMINISTRATION.

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

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

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

16 (3) IF THE OPHTHALMOLOGIST OR OPTOMETRIST RECOMMENDS THAT
17 THE APPLICANT USE A BIOPTIC TELESCOPIC LENS WHILE DRIVING, THE
18 ADMINISTRATION MAY REQUIRE ADDITIONAL DRIVER'S TRAINING USING THE
19 BIOPTIC TELESCOPIC LENS.

20 ~~(D)~~ (E) (1) A LICENSE GRANTED UNDER THIS SECTION:

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

22 (II) SUBJECT TO SUBSECTION ~~(E)~~ (F) OF THIS SECTION, SHALL BE
23 ENDORSED "DAYLIGHT DRIVING ONLY"; AND

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

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

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

31 (II) MAXIMUM SPEED LIMITS UNDER WHICH DRIVING IS
32 ALLOWED;

33 (III) MAXIMUM DRIVING DISTANCES; AND

34 (IV) OTHER FACTORS THAT THE ADMINISTRATION DETERMINES
35 APPROPRIATE.

36 (3) A LICENSE ENDORSED "DAYLIGHT DRIVING ONLY" AUTHORIZES
37 THE LICENSEE TO OPERATE A MOTOR VEHICLE ONLY DURING THE PERIOD

7

1 BEGINNING ONE-HALF HOUR AFTER SUNRISE AND ENDING ONE-HALF HOUR
2 BEFORE SUNSET.

3 ~~(E)~~ (F) (1) AN INDIVIDUAL LICENSED UNDER THIS SECTION MAY APPLY
4 TO ELIMINATE THE DAYLIGHT ONLY RESTRICTION IF THE INDIVIDUAL:

5 (I) HAS BEEN LICENSED UNDER THIS SECTION FOR AT LEAST 1
6 YEAR;

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

10 (III) HAS PASSED A NIGHTTIME VISION TEST PRESCRIBED BY THE
11 ADMINISTRATION; AND

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 1991. [It shall remain effective for a period of eight years and, at the end of June
22 30, 1999, with no further action required by the General Assembly, this Act shall be
23 abrogated and of no further force and effect.]

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

26 **Article - Transportation**

27 16-110.1.

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

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

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

8

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

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

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

8 (2) A LICENSE ISSUED UNDER THIS SUBSECTION:

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

10 (II) MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS IMPOSED BY
11 THE ADMINISTRATION, BASED ON RECOMMENDATIONS OF THE APPLICANT'S
12 OPHTHALMOLOGIST OR OPTOMETRIST, OR ANY OTHER EVALUATION THAT THE
13 ADMINISTRATION DETERMINES APPROPRIATE.

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

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

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