
By: **Senator Munson**

Introduced and read first time: January 28, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of repealing the termination date for certain provisions of law that
4 authorized 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 certain individuals meeting certain vision standards; making a technical
9 change; and generally relating to vision requirements for obtaining a driver's
10 license.

11 BY repealing and reenacting, without amendments,
12 Article - Transportation
13 Section 16-110.1
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2001 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Transportation
18 Section 16-110.3
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2001 Supplement)

21 BY repealing
22 Chapter 346 of the Acts of the General Assembly of 1997
23 Section 2 and 4

24 BY repealing and reenacting, with amendments,
25 Chapter 346 of the Acts of the General Assembly of 1997
26 Section 3

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

Article - Transportation

16-110.1.

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

(1) Simultaneously:

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

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

(2) Binocular vision.

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

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

(i) A visual acuity of at least 20/40 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) To qualify for a restricted license under this subsection, the Administration may require an applicant to submit a report of examination by a licensed ophthalmologist or optometrist for evaluation by the Administration or its Medical Advisory Board.

(3) 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.

(d) (1) The Administration may only issue a restricted noncommercial driver's license to an applicant who does not otherwise meet the vision standards under this section but 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) To qualify for a restricted license under this subsection, the Administration may require an applicant to submit a report of examination by a

1 licensed ophthalmologist or optometrist for evaluation by the Administration or its
2 Medical Advisory Board.

3 (3) A license issued under this subsection:

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

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

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

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

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

15 (2) Until the time of a license renewal or issuance of a corrected license,
16 carry written certification from a licensed ophthalmologist that the individual meets
17 the vision requirements for an unrestricted license under this section.

18 16-110.3.

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

22 (1) Has simultaneously:

23 (i) A visual acuity of [less] WORSE than 20/70, but no worse than
24 20/100, in one or both eyes AS DETERMINED BY THE ADMINISTRATION IN
25 CONSULTATION WITH THE MEDICAL ADVISORY BOARD; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (iii) Maximum driving distances; and

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

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

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

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

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

9 (iii) Has passed a nighttime vision test prescribed by the
10 Administration; and

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

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

17 **Chapter 346 of the Acts of 1997**

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

20 **Article - Transportation**

21 16-110.1.

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

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

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

27 (2) A license issued under this subsection:

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

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

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

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

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

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