

ENROLLED BILL

-- Environmental Matters/Judicial Proceedings --

Introduced by **Delegate McIntosh**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Administration - Restricted Driver's License - Requirements**
3 **Vision Standards**

4 FOR the purpose of authorizing the Motor Vehicle Administration to issue a restricted
5 license subject to certain restrictions to a certain applicant who does not meet
6 certain ~~requirements for a restricted license~~ vision standards under certain
7 circumstances; and generally relating to requirements for a restricted driver's
8 license.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 16-110.1
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2005 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Transportation

1 Section 16-110.3
2 Annotated Code of Maryland
3 (2002 Replacement Volume and 2005 Supplement)

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

6 **Article - Transportation**

7 16-110.1.

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

9 (1) Simultaneously:

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

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

12 (2) Binocular vision.

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

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

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

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

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

25 (3) A license issued under this subsection:

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

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

30 ~~(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF AN~~
31 ~~INDIVIDUAL IS EVALUATED AND RECOMMENDED FOR APPROVAL BY THE MEDICAL~~
32 ~~ADVISORY BOARD, THE ADMINISTRATION MAY ISSUE A RESTRICTED LICENSE TO AN~~

1 ~~INDIVIDUAL WHO DOES NOT MEET THE REQUIREMENTS FOR A RESTRICTED LICENSE~~
 2 ~~UNDER THIS SECTION.~~

3 (d) (1) ~~[The] EXCEPT AS PROVIDED IN SUBSECTION (C)(4) OF THIS SECTION,~~
 4 ~~THE~~ Administration may only issue a restricted noncommercial driver's license to an
 5 applicant who does not otherwise meet the vision standards under this section but
 6 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] EXCEPT AS PROVIDED IN SUBSECTION (C)(4) OF THIS SECTION, THE~~
 20 ~~IF AN Administration may not issue any driver's license if the applicant does not meet~~
 21 ~~the vision standards under this subtitle, THE ADMINISTRATION MAY ISSUE A~~
 22 ~~RESTRICTED LICENSE TO THE APPLICANT SUBJECT TO ANY RESTRICTIONS THE~~
 23 ~~ADMINISTRATION DETERMINES APPROPRIATE FOR PUBLIC SAFETY, INCLUDING ANY~~
 24 ~~RESTRICTION DESCRIBED IN § 16-110.3 OF THIS SUBTITLE, IF:~~

25 (1) THE APPLICANT IS EVALUATED AND RECOMMENDED FOR APPROVAL
 26 BY THE MEDICAL ADVISORY BOARD; AND

27 (2) THE APPLICANT SUCCESSFULLY COMPLETES A DRIVER'S TRAINING
 28 COURSE REQUIRED BY THE ADMINISTRATION.

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

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

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

1 16-110.3.

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

5 (1) Has simultaneously:

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

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

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

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

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

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

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

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

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

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

35 (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' 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.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ July 1, 2006.