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By: **Delegate McIntosh**

Introduced and read first time: February 10, 2006

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

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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  
16 Section 16-110.3  
17 Annotated Code of Maryland  
18 (2002 Replacement Volume and 2005 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 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.

~~(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF AN INDIVIDUAL IS EVALUATED AND RECOMMENDED FOR APPROVAL BY THE MEDICAL ADVISORY BOARD, THE ADMINISTRATION MAY ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO DOES NOT MEET THE REQUIREMENTS FOR A RESTRICTED LICENSE UNDER THIS SECTION.~~

(d) (1) ~~{The} EXCEPT AS PROVIDED IN SUBSECTION (C)(4) OF THIS SECTION,~~ 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

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

3 (2) To qualify for a restricted license under this subsection, the  
4 Administration may require an applicant to submit a report of examination by a  
5 licensed ophthalmologist or optometrist for evaluation by the Administration or its  
6 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 the  
10 Administration, based on recommendations of the applicant's ophthalmologist or  
11 optometrist, or any other evaluation that the Administration determines appropriate.

12 (e) ~~[The] EXCEPT AS PROVIDED IN SUBSECTION (C)(4) OF THIS SECTION, THE~~  
13 ~~IF AN~~ Administration may not issue any driver's license if the applicant does not meet  
14 the vision standards under this subtitle, THE ADMINISTRATION MAY ISSUE A  
15 RESTRICTED LICENSE TO THE APPLICANT SUBJECT TO ANY RESTRICTIONS THE  
16 ADMINISTRATION DETERMINES APPROPRIATE FOR PUBLIC SAFETY, INCLUDING ANY  
17 RESTRICTION DESCRIBED IN § 16-110.3 OF THIS SUBTITLE, IF:

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

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

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

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

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

31 16-110.3.

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

35 (1) Has simultaneously:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (i) Shall be endorsed "outside mirrors each side";
- 2 (ii) Subject to subsection (f) of this section, shall be endorsed  
3 "daylight driving only"; and
- 4 (iii) May be subject to additional restrictions imposed by the  
5 Administration, based on recommendations of the applicant's ophthalmologist or  
6 optometrist, or any other evaluation that the Administration determines appropriate.
- 7 (2) Restrictions that may be imposed under paragraph (1)(iii) of this  
8 section include:
- 9 (i) Type of highways where the licensee may drive;
- 10 (ii) Maximum speed limits under which driving is allowed;
- 11 (iii) Maximum driving distances; and
- 12 (iv) Other factors that the Administration determines appropriate.
- 13 (3) A license endorsed "daylight driving only" authorizes the licensee to  
14 operate a motor vehicle only during the period beginning one-half hour after sunrise  
15 and ending one-half hour before sunset.
- 16 (f) (1) An individual licensed under this section may apply to eliminate the  
17 daylight only restriction if the individual:
- 18 (i) Has been licensed under this section for at least 1 year;
- 19 (ii) During the previous year, has not committed a traffic infraction  
20 or been involved in a traffic accident where the licensee was at fault;
- 21 (iii) Has passed a nighttime vision test prescribed by the  
22 Administration; and
- 23 (iv) Has received a driver' training certificate based on nighttime  
24 driving skills, from an entity that the Administration has determined is qualified to  
25 evaluate drivers under this section.
- 26 (2) Before the elimination of the daytime only restriction, an applicant  
27 who meets the requirements of paragraph (1) of this subsection shall pass a nighttime  
28 driving test administered by at least two Administration examiners.

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

