

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 758

(Senator Frosh, *et al.*)

Judicial Proceedings

Environmental Matters

Motor Vehicle Administration - Restricted Driver's License - Vision Standards

This bill authorizes the Motor Vehicle Administration (MVA) to issue a restricted driver's license, subject to any restrictions the MVA determines necessary, to an applicant regardless of the individual's visual acuity or field of vision if the applicant: (1) is evaluated and recommended for approval by the Medical Advisory Board (MAB); and (2) successfully completes a driver's training course.

The bill takes effect July 1, 2006.

Fiscal Summary

State Effect: None. The number of additional cases is likely to be minimal and could be handled with existing resources.

Local Effect: None.

Small Business Effect: Low vision drivers' schools could see an increase in students seeking to learn how to drive, increasing revenues and expenditures nominally.

Analysis

Current Law: In order to receive an unrestricted driver's license, an individual must possess binocular vision, and both a minimal visual acuity of 20/40 in each eye, and a continuous field of vision of at least 140 degrees. If the applicant's vision can be corrected by glasses or contact lenses, the MVA may issue a restricted license, endorsed "corrective lenses."

The MVA may also issue a restricted driver's license to an individual who has a visual acuity of at least 20/40 in one or both eyes, and a continuous field of vision of at least 110 degrees, and with at least 35 degrees lateral to the midline of each side. In addition, the MVA may issue a restricted noncommercial license to an individual who has 20/70 vision in one or both eyes, and a continuous field of vision of at least 110 degrees, and with at least 35 degrees lateral to the midline of each side. The MVA may require the applicant to submit a report of examination by a licensed ophthalmologist or optometrist for evaluation by the MVA or MAB. A restricted license issued under either of these provisions must be endorsed "outside mirrors each side," and may be subject to additional restrictions imposed by the MVA.

The MVA may only issue a restricted Class C noncommercial driver's license to an applicant who does not meet the vision standards described above, if the person (1) simultaneously has a visual acuity worse than 20/70, but no worse than 20/100 in one or both eyes, and a continuous field of vision of at least 110 degrees with at least 35 degrees lateral to the midline of each side; and (2) is recommended for consideration for licensure by the applicant's licensed ophthalmologist or optometrist.

The MVA must refer any application for a restricted noncommercial Class C driver's license with lower vision standards to MAB. Unless MAB determines that it can make a favorable recommendation to the MVA based on the written record, MAB must offer an applicant the chance to appear before it to present pertinent medical information.

An applicant seeking a license with lower vision standards must complete a driver's training course of at least 20 hours. The course content may vary depending on the applicant's previous driving experience or the trainer's recommendation. If an ophthalmologist or optometrist recommends that the applicant use a bioptic telescopic lens while driving, the MVA may require additional driver training using the bioptic telescopic lens.

A license granted with lower vision standards must be endorsed "outside mirrors on each side" and "daylight driving only" and may be subject to additional restrictions, based on recommendations of the applicant's ophthalmologist or optometrist, or any other evaluation the MVA determines appropriate. The additional restrictions may include: (1) type of highways where the licensee may drive; (2) maximum speed limits; (3) maximum driving distances; and (4) other factors that the MVA determines appropriate.

An individual who receives a driver's license with lower vision standards may apply to eliminate the "daylight driving only" restriction if the individual has been licensed for at least one year, and has not committed a traffic infraction or been involved in a traffic accident where the licensee was at fault. The licensee must also pass a nighttime vision test, receive a driver's training certificate based on nighttime driving skills from a

qualified entity, and pass a nighttime driving test administered by at least two MVA examiners.

The MVA may not issue any license to an individual who does not meet any of these requirements.

An applicant for a driver's license must affirm that he or she is medically fit to drive. The administrator of the MVA may appoint a MAB of qualified physicians and optometrists to advise the MVA on the fitness of an individual to operate a motor vehicle. The administrator may refer to MAB, for an advisory opinion, the case of any licensee or license applicant with an existing or suspected mental or physical disability if the administrator has good cause to believe that it would be contrary to public safety and welfare if that individual operates a vehicle.

Background: The Maryland MAB has been in operation since 1947. It is one of the oldest in the country. It is composed of 16 members, currently all physicians. Physicians on the board include surgeons, ophthalmologists, general practitioners, neurologists, psychiatrists, and internists. One board member is a full-time employee, while others are paid by the hour on a contractual basis.

MAB handles approximately 32,000 cases annually. In fiscal 2005, MAB handled 32,071 cases, of which 16,245 were medical cases. Four hundred and twenty-one cases resulted in an emergency suspension (*i.e.*, the privilege to drive is taken away immediately and the licensee can appeal in seven days), while 1,561 resulted in a formal suspension (the privilege is held in abeyance until a formal hearing is held).

Additional Information

Prior Introductions: None.

Cross File: HB 1375 (Delegate McIntosh) – Environmental Matters.

Information Source(s): Office of Administrative Hearings, Maryland Department of Transportation, Department of Legislative Services

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