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SENATE BILL NO. 402

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact §§ 46.2-311 and 46.2-330 of the Code of Virginia, relating to vision examinations of certain persons prior to issuance or renewal of driver's licenses or learner's permits.

Patron—O'Brien

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-311 and 46.2-330 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-311. Persons having defective vision; minimum standards of visual acuity and field of vision; tests of vision.

A. The Department shall not issue a driver's license or learner's permit (i) to any person unless he demonstrates a visual acuity of at least 20/40 in one or both eyes with or without corrective lenses or (ii) to any such person unless he demonstrates at least a field of 100 degrees of horizontal vision in one or both eyes. However, a license permitting the driving of motor vehicles during a period beginning one-half hour after sunrise and ending one-half hour before sunset, may be issued to a person who demonstrates a visual acuity of at least 20/70 in one or both eyes without or with corrective lenses provided he demonstrates at least a field of ~~seventy~~70 degrees of horizontal vision, and further provided that if such person has vision in one eye only, he demonstrates at least a field of ~~forty~~40 degrees temporal and ~~thirty~~30 degrees nasal horizontal vision.

B. The Department shall not issue a driver's license or learner's permit to any person authorizing the driving of a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.) unless he demonstrates a visual acuity of at least 20/40 in each eye and at least a field of 140 degrees of horizontal vision.

C. Every person applying to renew a driver's license and required to be reexamined as a prerequisite to the renewal of the license, shall:

1. Appear before a license examiner of the Department to demonstrate his visual acuity and horizontal field of vision, or

2. Accompany his application with a report of such examination made within ~~ninety~~90 days prior thereto by an ophthalmologist or optometrist.

D. The test of horizontal visual fields made by license examiners of the Department shall be performed at ~~thirty-three~~33 and one-third centimeters with a ~~ten~~10 millimeter round white test object or may, at the discretion of the Commissioner, be performed with electronic or other devices designed for the purpose of testing visual acuity and horizontal field of vision. The report of examination of visual acuity and horizontal field of vision made by an ophthalmologist or optometrist shall have precedence over an examination made by a license examiner of the Department in administrative determination as to the issuance of a license to drive. Any such report may, in the discretion of the Commissioner, be referred to a medical advisory board or to the State Health Commissioner for evaluation.

E. Notwithstanding the provisions of subsection B of this section, any person who is licensed to drive any motor vehicle may, on special application to the Department, be licensed to drive any vehicle, provided the operation of the vehicle would not unduly endanger the public safety, as determined by the Commissioner pursuant to regulations established by the Department.

No driver's license or learner's permit shall be issued to any person who is 65 years old or older unless he presents evidence acceptable to the Commissioner that he has been examined by a licensed physician who has found that his vision meets or exceeds the requirements of this section.

§ 46.2-330. Expiration and renewal of licenses; examinations required.

A. Every driver's license shall expire on the applicant's birthday in years in which the applicant attains an age equally divisible by five. At no time shall any driver's license be issued for less than three nor more than seven years. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for five years, expiring in the next year in which the licensee's age is equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall mail notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date.

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59 Any driver's license may be renewed by application, which shall include the applicant's certification
60 of Virginia residency, after the applicant has taken and successfully completed those parts of the
61 examination provided for in §§ 46.2-311, 46.2-325 and the Virginia Commercial Driver's License Act
62 (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination
63 requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license
64 shall take and successfully complete the examination each renewal year.

65 C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may
66 require any applicant for renewal to be fully examined as provided in §§ 46.2-311, 46.2-325 and the
67 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, *if the applicant is less*
68 *than 65 years old*, the Commissioner may waive the vision examination for any applicant for renewal of
69 a driver's license which is not a commercial driver's license, and the requirement or the taking of the
70 written test as provided in subsection B of this section, § 46.2-325 and the Virginia Commercial Driver's
71 License Act (§ 46.2-341.1 et seq.), for any applicant for renewal who is at least 21 years old if the
72 applicant's driver's license record on file at the Department contains, for the five years prior to the
73 expiration date of the license being renewed, a record of no more than one conviction for any offense
74 reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383. Such written test shall not be waived for an
75 applicant less than 21 years old if he has one or more such convictions. However, in no case shall there
76 be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of
77 the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous
78 materials endorsement on a commercial driver's license. *No driver's license or learner's permit issued to*
79 *any person who is 65 years old or older shall be renewed unless he presents evidence acceptable to the*
80 *Commissioner that he has been examined by a licensed physician who has found that his vision meets or*
81 *exceeds the requirements of §46.2-311.*

82 D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent
83 on any examination of the applicant, shall appear in person before the Department to apply for renewal,
84 unless specifically notified by the Department that renewal may be accomplished in another manner as
85 provided in the notice.

86 E. This section shall not modify the provisions of § 46.2-331.