VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 279

An Act to amend and reenact § 46.2-311 of the Code of Virginia, relating to issuance of a driver's license or learner's permit; minimum standards for vision tests.

[S 1229]

Approved March 3, 2017

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-311 of the Code of Virginia is 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~~ *110* degrees of horizontal vision in one or both eyes or a comparable measurement that demonstrates a visual field within this range. 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 70 degrees of horizontal vision or a comparable measurement that demonstrates a visual field within this range, and further provided that if such person has vision in one eye only, he demonstrates at least a field of 40 degrees temporal and 30 degrees nasal horizontal vision or a comparable measurement that demonstrates a visual field within this range.

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 or a comparable measurement that demonstrates a visual field within this range.

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 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 and one-third centimeters with a 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.

The Commissioner may waive the vision requirements of subsection B for any commercial driver's license applicant who either (i) is subject to the Federal Motor Carrier Safety Regulations but is exempt from the vision standards of 49 C.F.R. Part 391 or (ii) is not required to meet the vision standards specified in 49 C.F.R. § 391.41 of the regulations.

In order to determine whether such a waiver would unduly endanger the public safety, the Commissioner shall require such commercial driver's license applicant to submit a special waiver application and to provide all medical information relating to his vision that may be requested by the Department. The Department may require such commercial driver's license applicant to take a road test administered by the Department before determining whether to grant a waiver. If a waiver is granted, the Department may subject the applicant's use of a commercial motor vehicle to reasonable restrictions, which shall be noted on the commercial driver's license. If a waiver is granted, the Department may also limit the validity period of the commercial driver's license, and the expiration date shall be noted on the commercial driver's license.