

CHAPTER 396 (HB 585)

AN ACT relating to the operation of a motor vehicle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 4 of this Act:

- (1) *"Applicant" means any person applying for an instruction permit or an operator's license who must use a bioptic telescopic device in order to operate a motor vehicle;*
- (2) *"Binocular vision" means visual acuity that is 20/200 or better in both eyes, with or without corrective lenses;*
- (3) *"Bioptic telescopic device" means a two (2) focus optical system used to magnify distant objects by including a small telescope that is mounted in a spectacle lens in a manner to allow an unobstructed view of the horizontal visual field through a person's normal distance corrective lens;*
- (4) *"Certified driver training program" means a program that provides and coordinates comprehensive assessment and training of driving skills and responses that emphasizes the vision, hearing, psychological, perceptual, orientation, and mobility skills of an applicant and that is certified by the department;*
- (5) *"Combined visual acuity" means visual acuity attained by using both eyes together where a person has binocular vision;*
- (6) *"Corrective lenses" means eyeglasses, contact lenses, and intraocular lenses, but does not mean a bioptic telescopic device;*
- (7) *"Daytime driving restriction" means operation of a motor vehicle is restricted to the period of time from between thirty (30) minutes after sunrise and thirty (30) minutes before sunset. Under this restriction, driving during adverse weather conditions that significantly reduce the visibility of the roadway, other traffic, and traffic control devices shall be prohibited;*
- (8) *"Department" means the Department for the Blind;*
- (9) *"Monocular vision" means visual acuity that is 20/200 or better in only one (1) eye, with or without corrective lenses;*
- (10) *"Restricted out-of-state driver" means a person who has been issued, by another state, a valid operator's license with a restriction requiring the use of a bioptic telescopic device;*
- (11) *"Vision specialist" means a licensed ophthalmologist or optometrist;*
- (12) *"Visual acuity" means the measure of a person's visual acuity based on the Snellen visual acuity scale; and*
- (13) *"Visual field" means the area of physical space visible to the eye in a given fixed position.*

SECTION 2. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

- (1) *All persons applying for an initial operator's license or an initial instruction permit shall submit to a test of visual acuity and visual field at the time of application.*

- (2) *Persons whose visual acuity is 20/40 or better without corrective lenses shall not have a restriction placed on their driving privileges. Persons whose visual acuity is 20/40 or better with corrective lenses shall have their driving privileges restricted to mandate the use of the corrective lenses. If a person fails to meet a 20/40 visual acuity standard, the State Police shall refer the person to a vision specialist for examination.*
- (3) *A person referred to a vision specialist by the State Police under subsection (2) of this section whose visual acuity is 20/60 or better shall be eligible to test for an instruction permit or operator's license. If corrective lenses were prescribed by the vision specialist, the person's driving privileges shall be restricted to mandate the use of the corrective lenses.*
- (4) *Persons who meet the requirements of Section 3 of this Act and are issued operator's licenses under Section 4 of this Act shall have their driving privileges restricted to the use of a bioptic telescopic device.*

SECTION 3. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

- (1) *Applicants accepted to participate in a certified driver training program shall meet the following minimum vision requirements:*
 - (a) *A distance visual acuity of 20/200 or better, with corrective lenses, in the applicant's better eye;*
 - (b) *A visual field of at least one hundred twenty (120) degrees horizontally and eighty (80) degrees vertically in the same eye as used in paragraph (a) of this subsection;*
 - (c) *A distance visual acuity of 20/60 or better using a bioptic telescopic device; and*
 - (d) *No ocular diagnosis or prognosis that indicates a likelihood that significant deterioration of visual acuity or visual field to levels below the minimum standards outlined in this subsection will occur.*
- (2) *Upon acceptance into a certified driver training program, an applicant shall be given an examination to test his or her knowledge of the motor vehicle laws of the Commonwealth. This examination may be taken orally. Upon successful completion of this examination, the applicant shall be issued a temporary instruction permit, that shall be valid only when the applicant is accompanied by an employee of a certified driver training program. Temporary instruction permits issued under this section shall be valid for one (1) year from the date of issue.*
- (3) *An applicant who successfully completes a certified driver training program shall be reexamined by a vision specialist upon completion of the program. The examination shall certify that the applicant continues to meet the visual acuity and visual field standards set forth in subsection (1) of this section.*
- (4) *An applicant who successfully completes a certified driving training program and passes the visual reexamination required by subsection (3) of this section shall be eligible to take a comprehensive operator's license examination administered by the State Police. The operator's license examination shall include testing of the applicant's driving skills over a route specifically designed to test the applicant's competency using a bioptic telescopic device.*

- (5) *An applicant who is a restricted out-of-state driver establishing residence in Kentucky shall be required to take and pass a temporary instruction permit examination before being eligible to take the operator's license examination. An applicant who is a restricted out-of-state driver establishing residence in Kentucky shall not be required to complete a certified driver training program, but shall be required to take and pass the visual examination outlined in subsection (3) of this section before taking the operator's license examination.*
- (6) *If an applicant or restricted out-of-state driver fails the operator's license examination three (3) times, he or she shall not be eligible to retake the examination until successfully completing additional training from a certified driver training program and obtaining an affidavit from the program director recommending that the applicant or restricted out-of-state driver be allowed to retake the examination.*
- (7) *The Department for the Blind shall promulgate administrative regulations in accordance with KRS Chapter 13A to set standards for a certified driver training program and to otherwise carry out the provisions of this section.*

SECTION 4. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

- (1) *The circuit clerk shall issue, to an applicant who successfully passes the operator's license examination outlined in subsection (4) of Section 3 of this Act, an operator's license with the following restrictions:*
 - (a) *Required use of a bioptic telescopic device; and (b) Restricted to daytime driving.*
- (2) *A restriction to daytime driving in accordance with subsection (1) of this section shall be removed if the licensed driver:*
 - (a) *Drives for thirty-six (36) months without any at-fault accidents and without any license suspensions;*
 - (b) *Successfully completes additional evaluation and training specifically designed for night driving from a certified driver training program; and (c) Passes a comprehensive night driving examination.*
- (3) *An operator's license issued under Sections 3 and 4 of this Act shall be effective for one (1) year and shall expire on the last day of the birth month of the license holder. The license holder shall undergo a comprehensive visual examination by a vision specialist before a license can be renewed. If the vision specialist certifies that the conditions causing the visual impairment are stable, then the circuit clerk shall issue a renewal license. If the conditions causing the visual impairment are unstable or deteriorating, the license holder may be required to undergo additional testing as required by the department before a renewal license may be issued.* Section 5. KRS 186.480 is amended to read as follows:

- (1) The State Police may examine every unlicensed applicant for an operator's license except as otherwise provided in this section. The examination shall be held in the county where the applicant resides unless:
 - (a) The applicant is granted written permission by the circuit clerk of the county in which he resides to take the examination in another county, and the State Police agree to arrange for the examination in the other county; *or*
 - (b) *The applicant is tested using a bioptic telescopic device.*

- (2) The examination ~~shall~~^{may} include a test of the applicant's eyesight *to ensure compliance with the visual acuity standards set forth in Section 2 of this Act. The examination shall also include a test of the applicant's*~~his~~ ability to read and understand highway signs regulating, warning and directing traffic, *the applicant's*~~his~~ knowledge of traffic laws and an actual demonstration of *the applicant's* ability to exercise ordinary and reasonable control in the operation of a motor vehicle. An applicant for a motorcycle operator's license shall be required to show his ability to operate a motorcycle, in addition to other requirements of this section. The provisions of this subsection shall not apply to an applicant who:
- (a) At the time of application, holds a valid operator's license from another state, provided that state affords a reciprocal exemption to a Kentucky resident; or
 - (b) Is a citizen of the Commonwealth who has been serving in the United States military and has allowed his operator's license to expire.
- (3)~~(2)~~ Any person whose operator's license is denied, suspended, or revoked for cause shall apply for reinstatement at the termination of the period for which the license was denied, suspended, or revoked by submitting to the examination. The provisions of this subsection shall not apply to any person whose license was suspended for failure to meet the conditions described in KRS 186.411 when, within one (1) year of suspension, the driving privileges of such individuals are reinstated.

Section 6. This Act takes effect January 1, 2001.

Approved April 10, 2000