

## CHAPTER 126

( HB 439 )

AN ACT relating to vision testing for motor vehicle operators and making an appropriation therefor.

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

➔Section 1. KRS 186.577 is amended to read as follows:

- (1) (a) ***The following persons shall submit to a test of visual acuity and visual field at the time of application or renewal:***
  1. All persons applying for an initial ***or renewal*** operator's license;
  2. ***All persons applying for***~~or~~ an initial ***or renewal*** instruction permit; ***and***
  3. ***Any person required to complete an examination under KRS 186.635*** ~~[shall submit to a test of visual acuity and visual field at the time of application].~~
- (2) ***Vision testing under this section shall be administered to any person:***
  - (a) ***Applying for an initial operator's license, an initial instruction permit, or reinstatement of a license when vision must be tested as required in Section 2 of this Act:***
    1. ***Prior to the time of application under subsection (5) of this section; or***
    2. ***By Kentucky State Police at the time of application;***
  - (b) ***Applying for operator's license renewal or instruction permit renewal:***
    1. ***Prior to the time of application under subsection (5) of this section; or***
    2. ***By the Transportation Cabinet at the time of application; or***
  - (c) ***Identified in Kentucky administrative regulations promulgated by the Transportation Cabinet or the Kentucky State Police as being required to undergo the exam required by Section 2 of this Act.***
- (3)~~(2)~~ (a) Persons whose visual acuity is 20/40 or better ***and who meet or exceed the visual field standard established by the Transportation Cabinet*** without corrective lenses shall not have a restriction placed on their driving privileges.
- (b) Persons whose visual acuity is 20/40 or better ***and who meet or exceed the visual field standard established by the Transportation Cabinet*** with corrective lenses shall have their driving privileges restricted to mandate the use of the corrective lenses.
- (c) If a person fails to meet a 20/40 visual acuity standard ***or the visual field standard established by the cabinet,*** ~~[the Department of Kentucky State Police shall refer]~~ the person ***shall be referred*** to a vision specialist for examination.
- (4)~~(3)~~ A person referred to a vision specialist~~[by the Department of Kentucky State Police]~~ under subsection (3)~~(2)~~ of this section whose visual acuity is 20/60 or better ***and who meets or exceeds the visual field standard established by the cabinet*** shall be eligible to test for an instruction permit or operator's license, ***or shall be eligible for operator's license renewal.*** 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.
- (5) ***Vision tests administered under subsection (2)(a) of this section shall be deemed to meet the testing provisions outlined in subsection (3) or (4) of this section, if the person submits a driver vision testing form that complies with the provisions of subsection (6) of this section and the form has been completed by:***
  - (a) ***A vision specialist; or***
  - (b) ***An osteopath, physician, or advanced practice registered nurse who is credentialed by the cabinet to perform vision testing under this section.***
- (6) ***All driver vision testing forms completed under subsection (5) of this section shall:***

- (a) *Attest that the applicant meets or exceeds the visual acuity standard and visual field standard established by the cabinet;*
  - (b) *Only be valid if the vision specialist or the credentialed osteopath, credentialed physician, or credentialed advanced practice registered nurse signed and completed the vision testing form less than twelve (12) months prior to the date of application or renewal;*
  - (c) *State whether the driving privileges of the applicant shall be restricted to mandate the use of corrective lenses; and*
  - (d) *Clearly indicate that the vision testing under this section is a screening for minimum vision standards established in this section and is not a complete eye examination.*
- (7) *Any person seeking application or permit under subsection (1) of this section shall attest that he or she has submitted to and passed the visual acuity and visual field tests required under this section.*
- (8) *Any person renewing an operator's license under KRS 186.416 shall be exempt from the vision testing requirements outlined in this section.*
- (9)~~(4)~~ Persons who meet the requirements of KRS 186.578 and are issued operator's licenses under KRS 186.579 shall:
- (a) Have their driving privileges restricted to the use of a bioptic telescopic device; *and*
  - (b) *Be exempt from this section.*
- (10) *The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section, including but not limited to establishing visual field standards, the creation of a driver vision testing form, and establishing a credentialing process for osteopaths, physicians, and advanced practice registered nurses to conduct vision testing under this section.*
- (11) *The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to:*
- (a) *Implement a system for electronic transmission of driver vision testing forms and accompanying documentation; and*
  - (b) *Assess a fee to an applicant to cover the administrative costs of performing on-site vision testing. Any funds received from this fee shall be deposited into the photo license account established in Section 3 of this Act.*

➔Section 2. KRS 186.480 is amended to read as follows:

- (1) The Department of Kentucky State Police shall examine every applicant for an operator's license as identified in KRS 186.635, 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 Transportation Cabinet to take the examination in another county~~, and the Department of Kentucky 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 include a test of the applicant's eyesight to ensure compliance with the visual acuity *and visual field* standards set forth in *Section 1 of this Act*~~[KRS 186.577]~~. *The vision testing outlined in this subsection shall be administered under the provisions established in Section 1 of this Act at, or prior to, the time of application.* The examination shall also include a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, the applicant's 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 or her 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 or her operator's license to expire.

(3) Any person whose intermediate license or 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.

(4) An applicant shall not use an autocycle for road skills testing administered under the provisions of this section.

➔Section 3. KRS 174.056 is amended to read as follows:

(1) The KYTC photo license account is created within the road fund, to be administered by the Transportation Cabinet. The account shall consist of the portion of fees directed to the account under KRS 186.531, *Section 1 of this Act*, and any other proceeds from grants, contributions, appropriations, or other moneys made available for the purposes of the account.

(2) Notwithstanding KRS 45.229, any moneys remaining in the account not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.

(3) Any interest earnings of the account shall become a part of the account and shall not lapse.

(4) Moneys in the account shall be used for the purposes of verifying, creating, and distributing secure photo instruction permits, operator's licenses, and personal identification cards and are hereby appropriated for these purposes.

➔Section 4. This Act takes effect July 1, 2024.

**Signed by Governor March 25, 2021.**