

CHAPTER 116**(HB 46)**

AN ACT relating to the operation of a motor vehicle using a bioptic device.

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

➔Section 1. KRS 186.578 is amended 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)
 - (a) 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 Department of Kentucky State Police.
 - (b) 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.
 - (c) *If the applicant is a new driver, the applicant shall take a daytime and nighttime operator's license examination, which may be given on the same day.*
 - (d) *If the applicant is a currently licensed driver, the applicant may take either a daytime or a nighttime operator's license examination, but if the applicant chooses a daytime operator's license examination, any license granted shall be subject to a daytime restriction.*
- (5)
 - (a) An applicant who is a restricted out-of-state driver establishing residence in Kentucky shall be required to take and pass a ~~knowledge~~^{temporary instruction permit} examination before being eligible to take the operator's license examination.
 - (b) 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.
 - (c) *If an applicant moving to Kentucky from another state possesses a valid bioptic operator's license from the applicant's previous state:*
 1. *Without a daytime-only restriction the applicant may take a daytime operator's license examination, and upon passage of the examination, be granted a license without a daytime-only restriction;*
 2. *With a daytime-only restriction and wishes to have it removed, the applicant shall take a nighttime operator's license examination, and upon passage of the examination, be granted a license without a daytime-only restriction; or*

3. ***With a daytime-only restriction and does not wish to have it removed, the applicant shall take a daytime operator's license examination, and upon passage of the examination, be granted a license with a daytime-only restriction.***

- (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 or bioptic driving instructor recommending that the applicant or restricted out-of-state driver be allowed to retake the examination.
- (7) The Office of Vocational Rehabilitation in the Education and Workforce Development Cabinet 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 2. KRS 186.579 is amended to read as follows:

- (1) The Transportation Cabinet shall issue, to an applicant who successfully passes the operator's license examination outlined in KRS 186.578(4), an operator's license with the following restrictions:
- (a) Required use of a bioptic telescopic device;
 - (b) Restricted to daytime driving upon the recommendation of a vision specialist ***or upon failure of a nighttime examination administered under Section 1 of this Act***; and
 - (c) Restricted to vehicles with left and right outside mirrors.
- (2) A restriction to daytime driving in accordance with subsection (1) of this section shall be removed if the ***applicant or*** licensed driver:
- (a) Obtains a recommendation from a vision specialist;
 - (b) Successfully completes ~~an additional~~ evaluation ***by the Office of Vocational Rehabilitation's bioptic driving program*** and training specifically designed for night driving from a certified driver training program; and
 - (c) Passes a comprehensive night driving examination.
- (3) (a) ***Subject to the requirements of paragraph (b) of this subsection***, an operator's license issued under KRS 186.578 and 186.579 shall be ***valid for four (4) years or (8) years at the discretion of the applicant as outlined in KRS 186.4101.***
- (b) ***The holder of a license issued in accordance with this section and Section 1 of this Act shall submit the results of a comprehensive visual examination to Kentucky Office of Vocational Rehabilitation each year before the last day of the birth month of the license holder. An operator's license shall be subject to suspension if the license holder does not submit results of the comprehensive visual examination required under this paragraph***~~[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].~~
- (c) If the vision specialist ***completing the examination required under paragraph (b) of this subsection*** certifies that the conditions causing the visual impairment are stable, then the ***license shall remain valid***~~[cabinet 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 ***and may have his or her operator's license suspended if he or she cannot successfully pass the tests***~~[before a renewal license may be issued].~~

Signed by Governor April 8, 2022.