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S*21

Session 121 (2015-2016)

S*0021(Rat #0210, Act #0196 of 2016) General Bill, By Grooms and Campbell

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-222 SO AS TO PROVIDE THAT A PERSON DIAGNOSED WITH LOW VISION ACUITY WHO USES BIOPTIC TELESCOPIC LENSES FOR VISION ASSISTANCE MAY BE ISSUED A DRIVER'S LICENSE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE RENEWAL OF THE DRIVER'S LICENSE, TO PROVIDE FOR THE REVOCATION OF THE DRIVER'S LICENSE, TO PROVIDE THAT THE PERSON MAY NOT BE ISSUED A LICENSE TO OPERATE A MOTORCYCLE OR A COMMERCIAL DRIVER'S LICENSE, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS CONTAINED IN THIS SECTION. - ratified title

12/03/14	Senate	Prefiled
12/03/14	Senate	Referred to Committee on Transportation
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01/13/15	Senate	Referred to Committee on Transportation (Senate Journal-page 44)
02/04/15	Senate	Committee report: Favorable Transportation (Senate Journal-page 43)
02/11/15	Senate	Amended (Senate Journal-page 16)
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02/11/15	Senate	Roll call Ayes-40 Nays-0 (Senate Journal-page 16)
02/12/15	Senate	Read third time and sent to House (Senate Journal-page 15)
02/17/15	House	Introduced and read first time (House Journal-page 30)
02/17/15	House	Referred to Committee on Education and Public Works (House Journal-page 30)
05/19/16	House	Committee report: Favorable Education and Public Works (House Journal-page 7)
05/24/16	House	Requests for debate-Rep(s). Daning, Crosby, Clary, Hiott, Allison, Felder, RL Brown, Kirby, Ridgeway, George, Cobb-Hunter, Williams, Jefferson, Willis, Johnson, Duckworth, Rivers, Anderson, Neal, Hosey, Hicks, Douglas, Henegan (House Journal-page 42)
05/31/16	House	Debate adjourned until Wed., 6-1-16 (House Journal-page 29)
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06/02/16		Ratified R 210
06/03/16		Signed By Governor
06/09/16		Effective date 06/03/17
06/09/16		Act No. 196

VERSIONS OF THIS BILL**12/3/2014****2/4/2015****2/11/2015****5/19/2016****S. 21****(A196, R210, S21)**

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-222 SO AS TO PROVIDE THAT A PERSON DIAGNOSED WITH LOW VISION ACUITY WHO USES BIOPTIC TELESCOPIC LENSES FOR VISION ASSISTANCE MAY BE ISSUED A DRIVER'S LICENSE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE RENEWAL OF THE DRIVER'S LICENSE, TO PROVIDE FOR THE REVOCATION OF THE DRIVER'S LICENSE, TO PROVIDE THAT THE PERSON MAY NOT BE ISSUED A LICENSE TO OPERATE A MOTORCYCLE OR A COMMERCIAL DRIVER'S LICENSE, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS CONTAINED IN THIS SECTION.

Be it enacted by the General Assembly of the State of South Carolina:

Driver's licenses issued to wearers of bioptic telescopic lenses

SECTION 1. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

"Section 56-1-222. (A) Notwithstanding the provisions contained in Section 56-1-220, a person diagnosed with low vision acuity who uses bioptic telescopic lenses for vision assistance may be issued a driver's license by the Department of Motor Vehicles if he:

- (1) submits a vision report form that complies with subsection (B);
- (2) submits proof that he has been trained to operate a motor vehicle while wearing bioptic telescopic lenses as evidenced by having completed successfully a driver-training course or program that meets the criteria listed in subsection (C) for these programs; and
- (3) meets all other qualifications for obtaining a driver's license, including passing the department-administered road test while wearing bioptic telescopic lenses. A person applying for a driver's license pursuant to this section who fails to pass the road test after three attempts must present certification of repeat completion of a driver-training course or program that meets the criteria listed in subsection (C).

(B) An applicant for a driver's license who will use bioptic telescopic lenses for vision assistance while driving must submit a vision report form supplied by the department. The report must be completed by an optometrist or ophthalmologist. The report must include:

- (1) the applicant's vital data;
- (2) the bioptic telescopic system vendor's name and type, strength (in X-power), and the date the bioptic telescopic system was dispensed to the applicant;
- (3) a statement regarding whether the applicant has a potentially progressive condition; and
- (4) certification by an optometrist or ophthalmologist that the applicant:
 - (a) is not impaired in the movement of his eyes, head, or neck;

- (b) possesses sound cognitive and perceptual skills, reaction time, range of motion, and coordination of upper and lower extremities needed to operate a motor vehicle;
 - (c) is able to detect and recognize the colors of traffic signals and devices showing standard red, green, and amber colors or passes the large disc D-15 color test, or both;
 - (d) has visual acuity of at least 20/120 in the better functioning eye when looking through the carrier lens of a bioptic telescopic aid;
 - (e) has improved visual acuity of at least 20/40 using the bioptic telescopic aid in the better functioning eye;
 - (f) has a binocular horizontal visual field diameter of not less than one hundred twenty degrees and a vertical field of not less than eighty degrees without the use of visual field expanders. If the applicant is monocular, the horizontal visual field may not be less than seventy degrees temporally and thirty-five degrees nasally;
 - (g) has the signed approval of an optometrist or ophthalmologist to apply for driving privileges using a bioptic telescope;
 - (h) has successfully completed an In-Clinic Pre-Driver Bioptic Evaluation and Training Program as contained in subsection (C) that was provided by a doctorate level Eye Care Professional (ECP), Certified Driving Rehabilitation Specialist (CDRS), Certified Low Vision Therapist (CLVT), or Certified Orientation and Mobility Specialist (COMS), or such other designations of qualification as may be recognized by the department who are certified in Bioptic Driving Training; and
 - (i) has successfully completed a recognized Bioptic Driving Behind-the-Wheel Training Program provided by an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department who has certification in Bioptic Driving Training recognized by the department.
- (C) A person applying for a driver's license pursuant to this section must complete successfully a bioptic driver training course or program certified to train individuals to use bioptic telescopic glasses while operating a motor vehicle. The applicant must pass this training before he is eligible to take the behind-the-wheel driver's test administered by the department. This program shall consist of the following two parts:
- (1) Part 1 is the In-Clinic Pre-Driver Bioptic Evaluation and Training Program and is supervised or reviewed by the optometrist or ophthalmologist that prescribed the bioptic telescope. This portion of the program is conducted by an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department who has certification in Bioptic Driving Training recognized by the department. An applicant must satisfactorily complete all components of Part 1 prior to advancing to the behind-the-wheel aspect of the Bioptic Training Program.
 - (a) The evaluation portion of Part 1 includes a preliminary interview, an assessment of cognitive and perceptual skills, a commentary drive screening, a reaction time screening, and a preliminary in-car driver's evaluation (including an upper and lower extremities and range of motion skills screening) by an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department.
 - (b) The training portion of Part 1 requires a minimum of ten hours of commentary driving skills training as a front seat passenger. Commentary driver training must include, but is not limited to, instruction and reinforcement in the following areas:
 - (i) space cushion driving skills;
 - (ii) critical object awareness skills;

- (iii) basic bioptic utilization skills;
- (iv) joining and leaving traffic formations; and
- (v) lane changing skills (including mirror and blind spot awareness skills).

(2) Part 2 is the Behind-the-Wheel Bioptic Driving Program. This program is conducted on-road by an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department who has certification in Bioptic Driving Training. The course or program must consist of the following minimum training requirements:

(a) for a person with no previous driving experience, the course shall consist of at least thirty hours of behind-the-wheel driving skills with a bioptic telescopic lens system in place and under the supervision of an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department who has certification in Bioptic Driving Training. For a person with previous driving experience, the course shall consist of at least twenty hours behind-the-wheel driving skills under the supervision of an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department who has certification in Bioptic Driving Training;

(b) review and integrated reinforcement of the proper and appropriate use of the bioptic telescopic lens system while driving a motor vehicle, including cleaning and focusing procedures and vertical spotting exercises; and

(c) the award of a Certificate of Completion of Training to a trainee when he successfully completes the Behind-the-Wheel Bioptic Driver's Training Program. He must present this certificate to the department in order to take the on-the-road portion of the driver's license test with his bioptic telescope system in place. He also shall provide a copy of the certificate to the supervising optometrist or ophthalmologist.

The applicant must apply for a driver's license and take the department road test within twelve months of having completed the Behind-the-Wheel Bioptic Driving Program. The road test is the same standard road test taken by all other persons applying for a regular driver's license.

(D) A person who is licensed to drive using bioptic telescopic aid is subject to restrictions placed on his license. Restrictions may include, but are not limited to:

- (1) driving only during daylight hours;
- (2) the vehicle being operated by the bioptic driver must be equipped with both left and right side mirrors;
- (3) the bioptic driver shall not be permitted to operate a motorcycle, moped, or motor scooter;
- (4) the bioptic driver may not drive during adverse weather conditions that significantly reduce the visibility of the roadway or other traffic and traffic control devices;
- (5) a maximum speed of fifty miles per hour;
- (6) no other mental or physical handicaps; and
- (7) no driving on an interstate highway.

Any restrictions must be confirmed and finalized by the department's certified driver licensing examining officer. Any restrictions must be eligible for review and reconsideration after one year, as determined and recommended by the examining optometrist or ophthalmologist and approved by the department.

(E) An applicant who is issued a driver's license pursuant to this section must have the low vision report updated annually within sixty days of the annual anniversary date of driver's licensure by an optometrist or ophthalmologist and submit it to the department for review. The eye care professional that examines the

applicant and completes the report shall indicate at the top of the report whether the applicant's vision condition has deteriorated so that the applicant no longer meets the requirements of subsection (B)(4). The department shall review the report.

(F) If the report indicates a progressive loss of vision but the applicant still meets the vision requirements of subsection (B)(4), the applicant may be required to take additional driver training and additional on-road testing before his license may be renewed.

(G) If the report indicates that the applicant no longer meets the requirements of subsection (B)(4), the department immediately shall revoke the license held by the applicant. To be issued a new valid license, the applicant must retake the department-administered road test and meet the requirements of subsection (B)(4).

(H) Nothing in this section permits an applicant who uses bioptic telescopic lenses for vision assistance to apply for a license to operate a motorcycle or a commercial driver's license."

Promulgation of regulations

SECTION 2. The department shall promulgate any regulations as may be necessary to implement the provisions of Section 1.

Time effective

SECTION 3. This act takes effect one year after approval by the Governor.

Ratified the 2nd day of June, 2016.

Approved the 3rd day of June, 2016.