

Initial Statement of Reasons

Title 13, Division 1, Chapter 1

Article 2.0 – Driver's Licenses and Identification Cards

§ 20.03. Vision Tests.

The purpose of Section 20.03 is to identify the department's vision test standards and to establish a process by which an applicant can meet the vision screening standards remotely or virtually. While the regulations allow vision screening results to be submitted to the department electronically, these regulations do not mandate the electronic submission of documents. The applicant may continue to submit vision screening directly to the department at a field office.

Subsections (a) is adopted to make clear that applicants applying for or renewing a driver's license must meet the vision screening standards provided in subsections (a)(1) through (a)(3). Subsections (a)(1) through (a)(3) identify the vision standards an applicant must meet as part of the application process for an original driver's license or driver's license renewal. The department requires a visual acuity of 20/40 with both eyes tested together, or 20/40 in one eye and at least 20/70 in the other eye, for an unrestricted driver's license. This acuity standard is consistent with the measurement used by most other states and will likely ensure drivers are able to see roadway signs or hazards.

Subsection (b) is adopted to set forth the methods by which an applicant may submit their vision screening results to the department. The department has determined the new procedures established in subsection (b) are necessary to provide customers alternative, and potentially more convenient, methods by which they can choose to interact with the department.

Subsection (b)(1) is adopted to make clear than an applicant may submit their vision screening results in person at the department. As already stated, this proposed action is not mandating the electronic submission of documents, it is allowing for additional service methods. The department recognizes that there are customers who prefer to handle transactions in person at a field office. The adoption of subsection (b)(1) is necessary to make clear that an applicant who prefers to conduct their transaction at a field office may continue do so.

Subsection (b)(2) is adopted to make clear that an applicant may submit their vision screening results virtually or remotely. The department has two options available to a customer who would rather submit their documents electronically without having to visit a field office. A customer may submit a Report of Vision Examination, as specified in subsection (b)(2)(A), or a letter from an optometrist or ophthalmologist, as specified in subsection (b)(2)(B). Regardless of whether the applicant chooses to submit a form DL 62 or a letter from the vision examiner, the information required to be provided on both documents will be consistent. When the customer is submitting the documents provided in subsection (b)(2)(A) or (b)(2)(B), they will submit the documents by either taking a photo of the completed document with their mobile device or by

scanning the completed document and uploading the image or electronic copy of the document to the department.

Subsection (b)(2)(A) is adopted to allow an applicant to submit their vision screening results to the department by providing a Report of Vision Examination, form DL 62, dated within six months of the date of the driver's license application, to the department.

Currently, the form DL 62 is used by drivers who do not meet the vision screening standards. The driver is referred to an ophthalmologist or optometrist who examines the applicant and completes the form DL 62. The driver submits the form to the department and the department will issue or not issue the driver's license using the vision specialist's suggestion. The department has reviewed the form DL 62 and has determined the information collected by the completed form will allow the department to use the results as part of the vision screening requirements for all original driver's license applications and driver's license renewals.

Subsection (b)(2)(A)1. is adopted to instruct an applicant how to complete a form DL 62 when they meet the vision screening standards identified in subsection (a). The applicant is required to complete section 1 of the form DL 62 that includes the driver's name, date of birth, driver's license number, address, and telephone number, and a signature that serves as an authorization to allow their vision specialist to provide the department with information contained in Section 2 of the form that allows the department to evaluate whether the applicant has the ability to safely operate a motor vehicle. This information is necessary to ensure the department attaches the DL 62 to the correct driver's license record and to establish proof that the applicant has allowed their vision specialist to provide vision results to the department.

Subsection (b)(2)(A)1. also requires the visual acuity and signature portions of the DL 62 to be completed by an ophthalmologist or optometrist. The visual acuity measures a person's ability to see details at a specific distance and is necessary to ensure the measurement meets the vision screening requirements of subsection (a). The department is only requiring the visual acuity portion of the form DL 62 to be completed as that is the only measurement collected when an applicant submits to vision screening in an office. The signature portion of the form DL 62 provides space for the ophthalmologist or optometrist to provide their printed name, signature, and medical license number that will serve as validation of the report results. The information provided in this section will allow the department to verify the applicant meets the vision screening standards.

Subsection (b)(2)(A)2. is adopted to instruct an applicant how to complete a form DL 62 when they are unable to meet the vision screening standards provided in subsection (a). The applicant is required to complete section 1 of the form DL 62 that includes the driver's name, date of birth, driver's license number, address, and telephone number, and a signature that serves as an authorization to allow their vision specialist to provide the department with information contained in Section 2 of the form that allows the department to evaluate whether the applicant has the ability to safely operate a motor vehicle. This information is necessary to ensure the department attaches the DL 62 to the correct driver's license record and to establish proof that the applicant has allowed their vision specialist to provide vision results to the department.

Subsection (b)(2)(A)2. also requires section 2 of the form to be completed in its entirety and includes a report on the visual acuity, as well as the refraction, any diagnosis/ prognosis, visual fields, and visual abnormalities. The refraction section allows the ophthalmologist or optometrist to report on the applicant's prescription for eyeglasses or contact lenses, whether nighttime driving can be employed, whether monovision is employed, and information related to bioptic lenses. Completing the diagnosis portion of the form will allow the ophthalmologist or optometrist to identify any vision condition that was detected, which eye the condition was detected in, and information related to previous eye surgeries, if applicable. A report on the prognosis of the condition is required and will allow the ophthalmologist or optometrist to identify whether the condition is static or progressive and provide a recommendation as to when the department should require the applicant to submit another vision examination report. The report requires information related to the visual field in each eye and other visual abnormalities. The DL 62 also provides space for the ophthalmologist or optometrist to provide an indication of whether they have given the applicant any advice about driving and provides additional space for the specialist to provide additional information that will, with all other information provided on the form DL 62, assist the department in considering whether the applicant can safely operate a motor vehicle with the reported vision conditions. The signature portion of the form DL 62 provides space for the ophthalmologist or optometrist to provide their printed name, signature, and medical license number that will serve as validation of the report results. The information provided in this section will allow the department to verify the applicant's ability to safely operate a vehicle, to determine when future vision examinations should be required, and to place restrictions on the applicant's driving record, if necessary.

Subsection (b)(2)(B) is adopted to allow an applicant to submit their vision screening results to the department by providing a letter from their optometrist or ophthalmologist, on their letterhead, that includes all requirements specified in subsections (b)(2)(B)1 through 5.

The address or telephone of the optometrist or ophthalmologist, as specified in subsection (b)(2)(B)1. This information is necessary for the department to verify the optometrist or ophthalmologist and contact them, if needed, and is consistent with the information provided in Section 9 of the form DL 62.

The driver's full name and date of birth, as specified in subsection (b)(2)(B)2. This information will allow the department to verify the information is a match to the person applying for or renewing a driver's license and is consistent with the information provided by the applicant in Section 1 of the form DL 62.

The date the examination was given, which must be within six months of the date of the driver's license application, as specified in subsection (b)(2)(B)3. The date on the letter is necessary to ensure the examination was given within the required time frame of six months and is consistent with Section 9 of the form DL 62, where the vision examiner is required to provide the date of exam which must be within the last six months.

The visual acuity measurement, verified to meet the vision screening standards established in subsection (a)(1) through (a)(3), as specified in subsection (b)(2)(B)4. This subsection also

makes clear that, if the person does not meet the vision screening standard, they are required to submit a form DL 62 to the department. This subsection also adds reference to subsection (b)(2)(B)2. to instruct the applicant which sections of the DL 62 must be completed. This provision is necessary for the department to have documentation from the optometrist or ophthalmologist reporting on the applicant's visual screening results. This information is consistent with Section 2 of the form DL 62 where the vision examiner provides an indication of the applicant's visual acuity.

The optometrist or ophthalmologist's signature and their O.D. or M.D. license number, as specified in subsection (b)(2)(B)5. This provision is necessary for the department to verify the optometrist or ophthalmologist's medical standing. This provision is consistent with the information provided in Section 9 of the form DL 62, where the optometrist or ophthalmologist provides their signature and license number.

Subsection (c) is adopted to establish requirements when an applicant is unable to pass the vision screening standards.

Subsection (c)(1) is adopted to require an applicant to submit a form DL 62 that has been completed as required by subsection (b)(2)(A)2, and includes section 1 of the form as well as all the fields provided in section 2 that includes, refraction, visual acuity, condition diagnosis and prognosis, visual fields, visual abnormalities, advice, and signature.

Subsection (c)(2) is adopted to require an applicant to successfully pass a vision drive test that is administered by the department to ensure the applicant can safely operate a vehicle with the reported vision loss. This provision is necessary to allow the applicant a means by which they can demonstrate their driving ability to the department.

Subsection (c)(3) is adopted to require the applicant submit to more frequent vision screenings to monitor a progressive vision condition. The department will require the applicant to submit to screenings on a schedule that will be determined by the department. This provision is necessary to ensure the department is provided with consistent information related to the applicant's current vision which will allow it to change the screening requirements to a more frequent or less frequent basis, if needed.

Subsection (d) is adopted to make clear that the department will not issue or renew a driver's license to a person whose best corrected visual acuity is 20/200 or worse in that person's better eye, as verified by an optometrist or ophthalmologist. A person whose visual acuity is measured at 20/200 is considered legally blind and Vehicle Code section 12805 prohibits the department from issuing or renewing a driver's license to a person whose best corrected visual acuity is 20/200 or worse. Vehicle Code section 12805 also prohibits a person from using bioptic telescopic or similar lens to meet the 20/200 visual acuity standards. While this section is a restatement of statute, the department has determined the duplication necessary to ensure the applicant is aware that the department will not issue or renew a driver's license to applicants who fail to meet these standards.

DEPARTMENTAL DETERMINATIONS SUPPORTING GOVERNMENT CODE SECTIONS 11346.2(b)(3) THROUGH (b)(5)

Studies, Reports or Documents – Gov. Code Sec. 11346.2(b)(3)

- No studies, reports or other documents were relied upon.

Reasonable Alternatives and Department's Response – Gov. Code Sec. 11346.2(b)(4)(A)

- No alternatives have yet been presented that would be as effective.

Reasonable Alternatives that Would Lessen Any Adverse Impact on Small Businesses – Gov. Code Sec. 11346.2(b)(4)(B)

- No alternatives have yet been presented that would lessen any adverse impact on small businesses.

Evidence Supporting Determination of No Significant Adverse Economic Impact on Business – Gov. Code Sec. 11346.2(b)(5)

- This regulation will not have a significant adverse economic impact on businesses. This action allows additional methods by which an applicant can submit vision examination results. The provisions are unrelated to businesses.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

Cost or Savings to Any State Agency

- None.

Other Non-Discretionary Cost or Savings to Local Agencies

- None.

Costs or Savings in Federal Funding to the State

- None.

Cost Impact on Representative Private Persons or Businesses

- The department is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

- None.

Local Agency/School District Mandates

- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Small Business Impact

- This proposed action will not impact small businesses. The proposed amendments are related to driver's license issuance and renewals and are unrelated to small businesses.

Potential significant statewide adverse economic impact

- The department does not anticipate a significant statewide adverse economic impact, nor would the provisions impact businesses or California's ability to compete with other businesses.

ECONOMIC IMPACT ASSESSMENT

(Government Code section 11346.3)

The department has made the following determinations related to this proposed regulatory action:

- Creation or Elimination of Jobs Within the State of California

This regulatory proposal will not impact the creation or elimination of jobs in the State of California. The proposed regulation provides another means by which a person can comply with vision screening standards and reduce the need to appear in person at the department.

- Creation or Elimination of Existing Businesses Within the State of California

This regulatory proposal will not impact the creation of new businesses or the elimination of existing businesses in the State of California. The proposed regulation provides another means by which a person can comply with vision screening standards and reduce the need to appear in person at the department.

- Expansion of Businesses Currently Doing Business Within the State of California

This regulatory proposal will not result in the expansion of businesses currently doing business in California. The proposed regulation provides another means by which a person can comply with vision screening standards and reduce the need to appear in person at the department.

- Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and State's Environment

This proposed action will benefit residents of California by allowing additional convenient methods by which to submit vision screening results to the department without having to appear in person at a field office.