

TITLE 13: DEPARTMENT OF MOTOR VEHICLES
Division 1, Chapter 1
Article 2.0 – Driver’s Licenses and Identification Cards

TITLE 13: DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to adopt Section 20.03 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to vision examinations for driver’s license issuance and renewal.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **September 30, 2024**, the final day of the written comment period, to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt/amend/repeal these regulations under the authority granted by Vehicle Code section 1651, to implement, interpret, or make specific Vehicle Code sections 12804.9, 12805, and 12814.4.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 12804.9 requires a driver’s license applicant to successfully complete the following:

- An examination of their knowledge and understanding of operating vehicles upon roadways,
- Demonstrate their ability to read and understand simple English used in traffic and directional signs and their understanding of traffic signs and signals,
- Demonstrate their ability to exercise ordinary and reasonable control in operating a motor vehicle, and
- Pass a vision examination.

Applicants who are renewing their driver’s license are also required to pass a vision examination when notified by the department. 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 in that person’s better eye.

Currently, a driver's license applicant, at the time of an original application or at the time of renewal, is required to take a vision examination in the field office. The vision examination ensures the applicant meets the department's visual acuity standards of 20/40 with both eyes tested together, 20/40 in one eye, and at least 20/70 in the other eye.

Assembly Bill 1606 [Chapter 373; Statutes of 2023] added Vehicle Code section 12814.4 requiring the department to evaluate the traffic safety and other effects of renewing driver's licenses by virtual or other remote processes. The department has determined that allowing an applicant to provide their vision examination results remotely will move the department towards a process that will be effective in allowing drivers to renew their driver's license electronically. Currently, drivers who are renewing their driver's license are required to appear at a department field office and take the vision examination as part of the renewal process. This proposed action will allow the applicant two additional options by which they can submit their vision examination results without having to appear at a field office.

The first option allows the applicant to provide a Report of Vision Examination, that has been signed and dated by an optometrist or ophthalmologist, to the department electronically. The second option will allow the applicant to provide the department with a letter from their optometrist or ophthalmologist that includes the applicant's visual acuity measurement. When submitting the either document electronically, the applicant can either take a snapshot of the document on their mobile device and upload to the department's internet portal or they can scan the document and upload the scanned document to the department's internet portal. This proposed action will not mandate the electronic submission of vision examination results. An applicant who wants to take their vision screening at a field office may continue to do so.

BENEFITS OF THE PROPOSED REGULATION

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.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other regulations and has determined there are no other regulations related to the issuance or renewal of driver's licenses or the criteria under which a renewal is issued. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

There are no comparable federal statutes or regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The following document is incorporated by reference:

- Report of Vision Examination, form DS 62 (Rev. 7/2024)

This form is not published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the document is readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:*
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action as it only impacts driver's license holders and applicants. The proposed rule will not have a cost impact on private persons. An applicant who is applying for a driver's license or renewing their driver's license will be required to pay the applicable issuance fees, however, this action does not contain any additional fees.
- *Small Business Impact:* This action will not impact small businesses. The proposed action only applies to applicants applying for a driver's license or renewing an existing driver's license.
- *Local Agency/School District Mandate:* 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.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* This proposed action will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. This proposed action only impacts individuals.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has made the initial determination that this action will not impact any of the following:

- 1) the creation or elimination of jobs within the State of California,

- 2) the creation or elimination of existing businesses within the State of California,
- 3) the expansion of businesses currently doing business within the State of California, or
- 4) worker safety or the state's environment.

This proposed action will benefit the health and welfare of California residents and the motoring public, in general, 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.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Specialist
Department of Motor Vehicles
Legal Affairs Division
PO Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 282-7294
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Peggy Gibson, Attorney IV
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person

identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.