COMMITTEE REPORT

February 15, 2012

**S. 922**

Introduced by Senators Campbell and Grooms

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Read the first time May 25, 2011.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (S. 922) to amend the Code of Laws of South Carolina, 1976, by adding Section 56‑1‑222 so as to allow certain persons who wear bioptic telescopic lenses for vision, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LAWRENCE K. GROOMS for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑222 SO AS TO ALLOW CERTAIN PERSONS WHO WEAR BIOPTIC TELESCOPIC LENSES FOR VISION ASSISTANCE TO OBTAIN A DRIVER’S LICENSE.

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

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 successfully completed 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 wearing the bioptic telescopic lenses. A person applying for a driver’s license pursuant to this section who fails to pass the road test after two 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 a low vision clinician (MD or OD) approved by the department and who has completed the professional training program in ‘Bioptic Driving and Licensure Protocols’ offered by the Medical University of South Carolina. The report must include:

(1) the applicant’s vital data;

(2) a diagnosis of the applicant’s visual condition and the date of the onset of his visual impairment;

(3) the date the bioptic telescopic system was dispensed to the applicant;

(4) a statement concerning the stability of the applicant’s condition over the last six months; and

(5) certification, by a low vision clinician (MD or OD) approved by the department and who has completed the professional training program in ‘Bioptic Driving and Licensure Protocols’ offered by the Medical University of South Carolina, that the applicant:

(a) is not impaired in the movement of his eyes, head, or neck;

(b) is able to recognize the colors of traffic signals and devices showing standard red, green, and amber, has sufficient color recognition to detect red, green, and amber traffic signals or passes the large disc D‑15 color test or both;

(c) has visual acuity of at least 10/80 (Snellen 20/160) with the best conventional nontelescopic corrective lenses;

(d) has visual acuity of at least 20/50 using the bioptic telescopic lenses;

(e) has a horizontal visual field diameter of not less than one hundred forty degrees without the use of field expanders;

(f) has the support of a low vision clinician (MD or OD) recognized by the department to apply for driving privileges using a bioptic telescope (the doctor’s part of the vision report);

(g) has completed the In‑Clinic Bioptic Driver’s Training Program certified by a Certified Low Vision Therapist (CLVT), who has completed the professional training program in ‘Bioptic Driving and Licensure Protocols’ offered by the Medical University of South Carolina (the in‑office course completion part of the vision report) as contained in subsection (C); and

(h) has successfully completed a recognized Behind‑the‑Wheel instructional program signed by a recognized Behind‑the‑Wheel instructor certified by the department (the Behind‑the‑Wheel course completion part of the vision report). (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 Bioptic Telescope Training Program and is supervised by the Optometrist or Ophthalmologist that prescribed the bioptic telescope, and who has been previously certified to prescribe the bioptic telescope for driving, and has demonstrated the knowledge of the training protocols needed for successful use of the bioptic telescope for driving. This portion of the program is conducted by the clinic’s Certified Low Vision Therapist (CLVT), with supervision by the prescribing MD or OD. This portion of the training program typically takes about three to four weeks and averages about thirty hours with a minimum of six hours driving as a passenger. The bioptic driver training should consist of instruction in focusing, scanning, and tracking with the bioptic, and instruction in learning to spot and scan and track while a passenger in a motor vehicle;

(2) Part 2 is the Behind‑the‑Wheel Bioptic Driving Program. This program is conducted outside of the doctor’s office by a State Certified Bioptic Driver Rehabilitation Specialist. To be certified as a Behind‑the‑Wheel Bioptic Telescopic lens driver training course or program, the course or program must be administered by a state certified driver rehabilitation specialist. 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 thirty hours of bioptic driver’s training with a minimum of eighteen hours operating a motor vehicle Behind‑the‑Wheel under the supervision of a driving instructor. For a person with previous driving experience, the course shall consist of twelve hours of biotic training with a minimum of eight hours of Behind‑the‑Wheel supervised instruction;

(b) instruction in focusing, scanning, and tracking with the bioptic, while actually driving a motor vehicle; and

(c) the award of a certificate 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. He also shall provide a copy of the certificate to the supervising low vision doctor or the department before he completes the vision report form described in subsection (B).

The applicant must apply for a driver’s license and take the department road test within six months of having completed the Behind‑the‑Wheel Bioptic Driving Program.

(D) A person who is licensed to drive using bioptic telescope is subject to restrictions placed on his license as determined and recommended by the prescribing optometrist or ophthalmologist and confirmed and finalized by the department certified driver’s license examining officer. Any recommended restrictions must be reported to the department in writing at the time the person presents himself for a driver’s test examination. Restrictions may include, but are not limited to:

(1) driving only during daylight hours;

(2) the vehicle being operated by the driver must be equipped with both left and right side mirrors; and

(3) the driver may be restricted to driving only at certain times of day or only in certain areas, or both.

Any restrictions must be eligible for review and reconsideration after one year, as determined and recommended by the examining optometrist or ophthalmologist and approved the department.

(E) An applicant who is issued a driver’s license pursuant to this section must have the low vision report updated annually by an optometrist or ophthalmologist approved by the department who has completed the low vision professional training program in ‘Bioptic Driving and Licensure Protocols’ offered by the Medical University of South Carolina, 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 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).

(G) 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.”

SECTION 2. This act takes effect upon approval by the Governor.

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