COMMITTEE REPORT

February 6, 2013

**S. 151**

Introduced by Senators Grooms and Campbell

S. Printed 2/6/13--S. [SEC 2/7/13 10:24 AM]

Read the first time January 8, 2013.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (S. 151) to amend Section 56‑1‑2080 of the 1976 Code, relating to qualifications for a commercial driver’s license, to establish the intrastate vision waiver program, to provide that, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 56‑1‑2080 of the 1976 Code is amended by adding:

“(D)(1) For the purposes of this subsection, ‘intrastate commerce’ is the transportation of persons or property within the State of South Carolina where both the point of origin and the destination point are within the State and where no state line is crossed. The bill of lading will be conclusive evidence of whether a shipment or commodity is travelling intrastate.

(2) The department may institute and supervise an Intrastate Vision Waiver Program. Pursuant to the program, the department may waive the vision standards for a commercial driver’s license contained in 49 CFR, Part 391.41 (b)(10). A waiver may be granted if the applicant is applying for, or has been issued, a commercial driver’s license and will be driving commercially only within the State of South Carolina. The department may only issue a vision waiver if it finds that a waiver would achieve a level of safety that is equivalent to, or greater than, the level that would be achieved if such waiver were not granted. The department must promulgate regulations to implement the conditions, restrictions, issuance processes, and other matters related to the program.

(3) To be eligible to receive a waiver, an applicant must:

(a) not have on his driving record:

(i) any suspensions, revocations, or cancellations of his driver’s license;

(ii) any involvement in an accident for which he was convicted of a moving violation in any motor vehicle, including a personal vehicle;

(iii) any convictions of a disqualifying offense, as defined in 49 CFR 383.51(b)(2);

(iv) more than one serious traffic violation, as defined by 49 CFR, Part 385.5, while driving a commercial motor vehicle that disqualifies the applicant in accordance with the driver disqualification provisions of 49 CFR 383.51; and

(v) more than two convictions for any moving violations; and

(b) meet all other physical requirements set forth in 49 CFR, Part 391.41.

(4) The department may issue a waiver from the department if:

(a) the applicant:

(i) has 20/40 or better distant visual acuity with corrective lenses in the better eye and has a binocular horizontal visual field diameter of not less than one hundred twenty (120) degrees and a vertical field of not less than eighty (80) degrees without the use of visual field expanders. If the applicant is monocular, the horizontal visual field may not be less than seventy (70) degrees temporally and thirty‑five (35) degrees nasally; or

(ii) has vision that is uncorrectable in one eye and the applicant does not wear corrective lenses, then uncorrected vision must be at least 20/25 in the better eye;

(iii) has the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber; and

(iv) has a medical certificate required under Title 49, Code of Federal Regulations, Part 391.43; and

(b) the applicant meets the same requirements for interstate driving, except that:

(i) the applicant must have held a driver license for the previous seven years and must have held a commercial driver’s license with a classification A, B, or C, or was similarly licensed in ‘Excepted Interstate’ commerce, during the previous two years; and

(ii) the applicant must present the form specified by the department, signed by an optometrist or an ophthalmologist licensed in the State of South Carolina, in lieu of meeting the vision requirements of Title 49, Code of Federal Regulations Part 391.41, and must present a Medical Examination Report in which the medical safety officer has certified that he has found the applicant to be qualified under Part 391.41 in all other physical requirements set forth in 49 CFR, Part 391.41 and mark the medical certificate ‘Qualifies for Vision Waiver’ if the applicant meets the tolerance allowances for a waiver.

(5) If the waiver application is denied and the applicant currently holds a commercial driver’s license, the commercial driver’s license will be cancelled and the commercial driver’s license must be surrendered to the department.

(6) Waiver certificates are valid for a period not to exceed two years after the date of the applicant’s medical examiner’s physical examination.

(7) Waivers shall not be issued for passenger endorsement vehicles, school bus operation, or for vehicles transporting hazardous materials requiring placarding under 49 CFR Part 172, subpart F.

(8) All recipients of a waiver will be required to have a license with the appropriate ‘CDL’ restriction.

(9)(a) Applications for the renewal of the vision waiver endorsement will be granted, provided that:

(i) the applicant’s driving history continues to meet the requirements contained in this subsection; and

(ii) the applicant continues to meet the vision standards contained in this subsection and all other requirements of Title 49, Code of Federal Regulations, Part 391.41.

(b) If the holder of a South Carolina intrastate vision waiver fails to renew the waiver, the driver will be notified in writing by the department of this requirement via the most recent address on file. Failure to comply within a sixty-day period will result in the cancellation of their commercial driver’s license and it must be surrendered to the department.

(10) A person who does not qualify to drive in interstate commerce may still qualify to drive in intrastate commerce. In such cases the driver’s commercial driver’s license will contain a restriction that will indicate that the holder of the license is restricted to travel in intrastate commerce only.

(11) The department must promulgate regulations to implement the conditions, restrictions, and issuance processes and other matters related to the Intrastate Vision Waiver Program.”

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

Renumber sections to conform.

Amend title to conform.

LAWRENCE K. GROOMS for Committee.

**A** **BILL**

TO AMEND SECTION 56‑1‑2080 OF THE 1976 CODE, RELATING TO QUALIFICATIONS FOR A COMMERCIAL DRIVER’S LICENSE, TO ESTABLISH THE INTRASTATE VISION WAIVER PROGRAM, TO PROVIDE THAT CERTAIN VISUALLY IMPAIRED INDIVIDUALS MAY OBTAIN A WAIVER FROM THE SIGHT REQUIREMENTS ASSOCIATED WITH A COMMERCIAL DRIVER’S LICENSE, AND TO PROVIDE FOR THE WAIVER’S ELIGIBILITY REQUIREMENTS FOR THE WAIVER, THE CIRCUMSTANCES UNDER WHICH A WAIVER MAY GRANTED, AND THE PROCEDURES FOR OBTAINING A WAIVER.

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

SECTION 1. Section 56‑1‑2080 of the 1976 Code is amended by adding:

“(D)(1) For the purposes of this subsection, ‘intrastate commerce’ is the transportation of persons or property within the State of South Carolina where both the point of origin and the destination point are within the State and where no state line is crossed. The bill of lading will be conclusive evidence of whether a shipment or commodity is travelling intrastate.

(2) The department may institute and supervise an Intrastate Vision Waiver Program. Pursuant to the program, the department may waive the vision standards for a commercial driver’s license contained in 49 CFR, Part 391.41 (b)(10). A waiver may be granted if the applicant is applying for, or has been issued, a commercial driver’s license and will be driving commercially only within the State of South Carolina. The department may only issue a vision waiver if it finds that a waiver would achieve a level of safety that is equivalent to, or greater than, the level that would be achieved if such waiver were not granted. The department must promulgate regulations to implement the conditions, restrictions, issuance processes, and other matters related to the program.

(3) To be eligible to receive a waiver, an applicant must:

(a) not have on his driving record:

(i) any suspensions, revocations or cancellations of his driver’s license;

(ii) any involvement in an accident for which he was convicted of a moving violation in any motor vehicle, including a personnel vehicle;

(iii) any convictions of a disqualifying offense, as defined in 49 CFR 383.51(b)(2);

(iv) more than one serious traffic violation, as defined by 49 CFR, Part 385.5, while driving a commercial motor vehicle that disqualifies the applicant in accordance with the driver disqualification provisions of 49 CFR 383.51; and

(v) more than two convictions for any moving violations; and

(b) meet all other physical requirements set forth in 49 CFR, Part 391.41.

(4) The department may issue a waiver from the department if:

(a) the applicant:

(i) has 20/40 or better distant visual acuity with corrective lenses in the better eye; or

(ii) has vision that is uncorrectable in one eye and the applicant does not wear corrective lenses, then uncorrected vision must be at least 20/25 in the better eye;

(iii) has the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber; and

(iv) has a medical certificate required under Title 49, Code of Federal Regulations, Part 391.43; and

(b) the applicant meets the same requirements for interstate driving, except that:

(i) the applicant must have held a driver license for the previous seven years and must have held a commercial driver’s license with a classification A, B, or C, or was similarly licensed in ‘Excepted Interstate’ commerce, during the previous two years; and

(ii) the applicant must present the form specified by the department, signed by an ophthalmologist licensed in the State of South Carolina, in lieu of meeting the vision requirements of Title 49, Code of Federal Regulations Part 391.41, and must present a Medical Examination Report in which the medical safety officer has certified that he has found the applicant to be qualified under Part 391.41 in all other physical requirements set forth in 49 CFR, Part 391.41 and mark the medical certificate ‘Qualifies for Vision Waiver’ if the applicant meets the tolerance allowances for a waiver;

(5) If the waiver application is denied and the applicant currently holds a commercial driver’s license, the commercial driver’s license will be cancelled and the commercial driver’s license must be surrendered to the department.

(6) Waiver certificates are valid for a period not to exceed two years after the date of the applicant’s medical examiner’s physical examination.

(7) Waivers shall not be issued for passenger endorsement vehicles, school bus operation, or for vehicles transporting hazardous materials requiring placarding under 49 CFR Part 172, subpart F.

(8) All recipients of a waiver will be required to have a license with the appropriate ‘TBD’ restriction.

(9)(a) Applications for the renewal of the vision waiver endorsement will be granted, provided that:

(i) the applicant’s driving history continues to meet the requirements contained in this subsection; and

(ii) the applicant continues to meet the vision standards contained in this subsection and all other requirements of Title 49, Code of Federal Regulations, Part 391.41.

(b) If the holder of a South Carolina intrastate vision waiver fails to renew the waiver, the driver will be notified in writing by the department of this requirement via the most recent address on file. Failure to comply within a sixty day period will result in the cancellation of their commercial driver’s license and it must be surrendered to the department.

(10) A person who does not qualify to drive in interstate commerce may still qualify to drive in intrastate commerce. In such cases the driver’s commercial driver’s license will contain a restriction that will indicate that the holder of the license is restricted to travel in intrastate commerce only.

(11) The department must promulgate regulations to implement the conditions, restrictions, and issuance processes and other matters related to the Intrastate Vision Waiver Program.”

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

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