

CR 87-91

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CERTIFICATE

APR 13 1988
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State of Wisconsin)
)
Department of Transportation) ss.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Ronald R. Fiedler, P.E. Secretary of the Wisconsin Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule Trans 103, relating to Vision Standards for Motor Vehicle Operators, was duly approved and adopted by this Department on April 13, 1988.
month day

I further certify that the annexed copy has been compared by me with the original on file in this Department and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereonto set my hand and affixed the official seal of the Department of Transportation, in the City of Madison, Wisconsin, this 13 day of April, 1988.

Ronald R. Fiedler
Ronald R. Fiedler, P.E., Secretary
Wisconsin Department of Transportation

6-1-88

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STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

In the matter of the Repeal of	—	
s. MVD 14.07 and ch. MVD 20 and	—	
Creation of ch. Trans 103, Wis.	—	
Admin. Code, Relating to Vision	—	ORDER ADOPTING
Standards for Motor Vehicle	—	RULE
Operators	—	

Statutory Authority: s. 85.16(1), Stats.
Statutes Interpreted: ch. 343., Stats.

ANALYSIS BY THE DEPARTMENT OF TRANSPORTATION

This rule creates Chapter Trans 103 relating to vision standards for motor vehicle operators. It does not deal with school bus, special restricted and instructor licenses, which are covered in other Trans rules. Chapters MVD 14 and MVD 20 will be repealed when Trans 103 takes effect.

The standards established in ch. Trans 103 result from reviewing the current rules (MVD 14 and MVD 20); considering policies of the department; reviewing the literature and other states licensing standards; and considering the views and recommendations of specialists. This rule sets the minimum vision standards for motor vehicle operator licensing; plus it provides for limited licensing, in some cases, for persons who are ineligible for an unrestricted license.

Good vision is essential for driving. The ability to safely guide a vehicle along a roadway, however, is affected not only by visual acuity. Field of vision plus other factors, such as, illumination, experience, training, kind of driving and familiarity with the road traveled, also affect one's ability to drive safely.

A person who uses corrective lenses to pass the eye test will be restricted to wearing glasses or contact lenses when driving. Also, if a person is referred to a vision specialist, and the specialist recommends wearing corrective lenses, the department will restrict that person to glasses or contact lenses. A person cannot use corrective lenses to meet the visual acuity requirement if they reduce the field of vision below the acceptable level in this chapter.

The minimum standard for visual acuity established by this rule is 20/40 in at least one eye. The previous standard was 20/40 but went on to say if one eye were less than 20/40 the other eye had to be 20/30 or better. This rule states that the person whose best vision is between 20/40 and 20/60 will be referred to a vision specialist. The person's license may be restricted after review of the vision specialist's recommendation. Possible license restrictions for these persons are listed in Trans 103.04 (2).

Persons whose vision is between 20/60 and 20/100 will also be referred to a vision specialist: after review of the vision specialist's recommendations, certain restrictions are required and others are optional. Restrictions for licensing persons having visual acuity of 20/60 to 20/100 are listed in Trans 103.04 (3). A person whose visual acuity in the best eye is less than 20/100 may not be licensed.

The horizontal field of vision standard established by this rule is 70 degrees in each eye. Field of vision is determined by measuring the horizontal arc from directly in front of the person to a point where an object disappears from view. The person being tested may not move his or her eyes during this measurement. The previous standard required only referral to a vision specialist when field of vision was less than 70 degrees. Section Trans 103.05(2) requires a mirror restriction but no referral if only one eye meets the standard. Section Trans 103.05(3) requires a referral to a vision specialist (and describes applicable restrictions) if neither eye meets the standard. A person whose field of vision is less than 20 degrees in each eye may not be licensed.

As under the previous rules, provision is made for referral to and a recommendation from a vision specialist if the person has a chronic or progressive eye condition.

The rule provides for advisory screening for color and stereopsis. A person who appears to be deficient in these will be advised but will not be referred to a specialist or have his or her license restricted or denied because of it.

A person with reduced vision or a progressive vision condition may be required to file periodic follow-up reports.

This rule also provides for a review of an individual case by a review board, when the person has been denied licensing due to visual impairment.

RULE TEXT

SECTION 1. Section MVD 14.07 and ch. MVD 20 are repealed.

SECTION 2. Chapter Trans 103 is created to read:

CHAPTER TRANS 103
VISION STANDARDS FOR MOTOR VEHICLE OPERATORS

Trans 103.01 Purpose and Scope	Trans 103.05 Field of Vision
Trans 103.02 Definitions	Trans 103.06 Other Conditions
Trans 103.03 Corrective Lenses	Trans 103.07 Periodic Reports
Trans 103.04 Visual Acuity	Trans 103.08 Review Boards

Trans 103.01 PURPOSE AND SCOPE. As authorized by s. 85.16(1), Stats., the purpose of this chapter is to establish vision standards for persons who apply for licenses to operate motor vehicles as authorized under ch. 343, Stats., except that school bus operator's, special restricted and driver school instructor's licenses are not subject to this rule. Vision standards for those licenses are covered under other administrative rules specific to the license.

Note: Refer to chs. Trans 105, 110 and 111, Wis. Admin. Code, and s. 343.63, Stats.

Trans 103.02 DEFINITIONS. In this chapter:

(1) "Advisory recommendation" means a vision specialist's non-binding recommendation about licensing or about licensing restrictions based on an examination conducted within the past 3 months prior to the date the recommendation is received by the department.

(2) "Corrective Lens" means an ophthalmic lens, whether an eyeglass or a contact lens, that corrects the refraction error or other optically correctable deficiency of the eye.

(3) "Denied licensing" means a license shall be cancelled or not be issued.

(4) "Department" means the Wisconsin department of transportation.

(5) "Driving Evaluation" means an evaluation to determine if a person's actual ability to operate a motor vehicle compensates adequately for the person's medical, mental or physical condition, or functional impairment with or without correction.

(6) "Field of Vision" means the entire horizontal, temporal plane a person has for each eye without shifting the gaze.

(7) "Review board" means a review board established under s. 343.16(2), Stats.

(8) "Vision specialist" means a person who practices optometry as defined by s. 449.01(1), Stats., or a physician as defined by s. 448.01(5), Stats.

Trans 103.03 CORRECTIVE LENSES.

(1) A person needing corrective lenses to meet the standards in this chapter shall be restricted to use of those lenses while driving.

(2) If a person meets the standards in this chapter without corrective lenses yet a vision specialist's report recommends the person wear corrective lenses for driving, the person shall be restricted to use of those corrective lenses while driving.

(3) A bioptic telescopic or similar lens which reduces the field of vision below the standards in this chapter may not be used to meet the visual acuity standards in this chapter.

Trans 103.04 VISUAL ACUITY. (1) A person with unaided visual acuity of at least 20/40 in one eye may be eligible for an unrestricted operator's license. When a corrective lens is used to meet this standard, the license shall be restricted to require the use of those corrective lenses while driving.

(2) A person with uncorrected or corrected visual acuity of less than 20/40 in each eye, but at least 20/60 in one eye is subject to the following:

(a) Referral to a vision specialist for examination and an advisory recommendation.

(b) Completion of a driving evaluation when one is recommended by a vision specialist.

(c) Assignment of restrictions, such as driving only during daylight hours or driving in a limited area, dependent upon a recommendation from a vision specialist or based on the results of a driving evaluation demonstrating adequate compensation for the loss of vision.

(d) A chauffeur's license may be further restricted as follows:

1. No transporting persons for hire;
2. No hauling of hazardous material; and
3. No driving an authorized emergency vehicle.

(3) A person having uncorrected or corrected visual acuity of less than 20/60 in each eye but 20/100 or better in one eye is subject to the following:

(a) Referral to a vision specialist for examination and an advisory recommendation.

(b) Completion of a driving evaluation.

(c) Assignment of restrictions, such as driving only during daylight hours or driving in a limited area, dependent upon a recommendation from a vision specialist and based on the results of a driving evaluation demonstrating adequate compensation for the loss of vision.

(d) A chauffeur's license may be further restricted as follows:

1. No transporting persons for hire;
2. No hauling of hazardous material; and

3. No driving an authorized emergency vehicle.
- (4) A person having corrected visual acuity of less than 20/100 in each eye shall be denied licensing.

NOTE: The following visual acuity chart outlines the requirements set forth in s. Trans 103.04.

Visual Acuity Chart

VA	20/20	20/30	20/40	20/50	20/60	20/70	20/80	20/90	20/100	Less Than 20/100
20/20	U	U	U	U	U	U	U	U	U	U
20/30	U	U	U	U	U	U	U	U	U	U
20/40	U	U	U	U	U	U	U	U	U	U
20/50	U	U	U	R1	R1	R1	R1	R1	R1	R1
20/60	U	U	U	R1	R1	R1	R1	R1	R1	R1
20/70	U	U	U	R1	R1	R2	R2	R2	R2	R2
20/80	U	U	U	R1	R1	R2	R2	R2	R2	R2
20/90	U	U	U	R1	R1	R2	R2	R2	R2	R2
20/100	U	U	U	R1	R1	R2	R2	R2	R2	R2
Less Than 20/100	U	U	U	R1	R1	R2	R2	R2	R2	D

U = May be eligible for unrestricted license. (If corrective lenses are needed to meet the visual acuity standards, then the operator's license shall be restricted to wearing required corrective lenses. (Sec. Trans 103.03)

R1 = Shall be referred to a vision specialist. Driving evaluation shall be required when recommended by a vision specialist. Chauffeur licenses may be restricted as follows: no transporting persons for hire; no hauling hazardous materials; no driving emergency vehicles; and other restrictions as appropriate. (Sec. Trans 103.04(2))

R2 = Shall be referred to a vision specialist. Shall have a driving evaluation. Chauffeur licenses shall be restricted to the following: no transporting persons for hire; no hauling hazardous materials; no driving authorized emergency vehicles. Other restrictions as appropriate. (Sec. Trans 103.04(3))

D = Denial of licensing. (Sec. Trans 103.04(4))

VA = Uncorrected or, if correction is required, corrected visual acuity.

Trans 103.05 FIELD OF VISION. (1) A person with a horizontal, temporal field of vision of 70 degrees or more from center in each eye has met the field of vision requirements for an unrestricted operator's license.

(2) Any person with a horizontal, temporal field of vision of less than 70 degrees from center in one eye and 70 degrees or more from center in the other eye shall be restricted to driving with an outside rear view mirror to compensate for the loss of field of vision. A person restricted to driving with a right outside rear view mirror may have this restriction waived based on a driving evaluation demonstrating adequate compensation for the loss of field of vision.

(3) Any person with less than a 70 degree horizontal, temporal field of vision from center in each eye is subject to the following:

(a) Shall be referred to a vision specialist for an examination and an advisory recommendation.

(b) Shall complete a driving evaluation.

(c) Shall be restricted to driving with outside rear view mirrors to compensate for the loss of field of vision.

(d) May be subject to license restrictions, such as driving only during daylight hours or driving in a limited area, but these restrictions may be waived based on a recommendation from a vision specialist and driving evaluation demonstrating adequate compensation for the loss of field of vision.

(e) A chauffeur's license shall be subject to the following restrictions:

1. No transporting persons for hire;

2. No hauling hazardous material; and

3. No driving authorized emergency vehicles.

(4) Any person with a horizontal, temporal field of vision of 20 degrees or less from center in each eye shall be denied licensing.

(5) The department shall determine a person's field of vision using a vision screening device. A vision specialist shall determine field of vision by using a 3 millimeter target at a distance of one-third meter or a 10^{*} millimeter target at a distance of 1 meter.

Trans 103.06 OTHER CONDITIONS.

(1) Any person who has a chronic or progressive eye condition shall be referred to a vision specialist for an examination and an advisory recommendation.

(2) Any person deficient in color vision or stereopsis will be advised of the finding, but will not for that reason be denied licensing.

Trans 103.07 PERIODIC REPORTS. Follow-up examinations and reports by a vision specialist may be required for reduced vision or other chronic or progressive conditions that are

likely to result in the loss of visual acuity or field of vision.

Trans 103.08 REVIEW BOARDS. (1) (a) Persons who have been denied licensing under this chapter may request a review of the licensing action by a review board under s. 343.16(2), Stats.

(b) If a person requesting review under para. (a) questions the application of secs. Trans 103.04(2)(d) or (3)(d) or Trans 103.05(3)(e), the review board may assess the person's vision history. The review board may recommend that an exception to those paragraphs be granted by the department if, in the review board's opinion, the person's visual acuity, field or vision, or eye condition does not impair the person's ability to operate safely as a chauffeur.

(2) Within 10 working days after the department receives the review board's recommendation, the department shall give notice to the person affected. The notice shall include the review board's recommendation and the department's decision.

(END OF TEXT)

REGULATORY FLEXIBILITY ANALYSIS

This proposed rule has no significant impact on small business.

FISCAL IMPACT

No fiscal impact is anticipated from the promulgation of these rule changes.

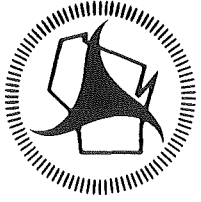
CONTACT PERSON

The person to contact for further information on this rule is Anna Biermeier, (608) 266-0194.

The rule shall take effect upon the first day of the month following publication in accordance with s. 227.22(2) (intro.), Stats.

Signed at Madison, Wisconsin
this 13 day of April,
1988.

Ronald Fiedler
Ronald Fiedler, P.E.
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

April 13, 1988

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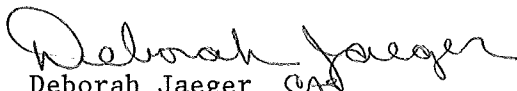
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Re: Clearinghouse Rule 87-91
Relating to vision standards for motor vehicle operators;
Trans 103.

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.20, Wis. Stats., is a certified copy of CR 87-91, an administrative rule relating to vision standards for motor vehicle operators. An additional, uncertified copy of CR 87-91 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Deborah Jaeger
Program Analyst

↓
Enclosures

cc: Thomas Walker
Public Affairs Office
Jim Thiel