Purpose

The purpose of Chapter 83 is to set forth physical and mental criteria, including vision standards, for the licensing of drivers, formulated by the Medical Advisory Board (Board) under 75 Pa.C.S. §§ 1517 and 1518. In addition to their use by the Department in connection with its responsibilities under 75 Pa.C.S. (relating to the Vehicle Code), these physical and mental criteria are to be used by medical providers in conducting physical examinations of applicants for learner permits and driver licenses, and by physicians and other persons authorized to diagnose and treat disorders and disabilities covered in Chapter 83 to determine whether a person should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

Summary of Comments and Changes in the Final-Form Rulemaking

The proposed rulemaking was published at 33 Pa.B. 4171 (August 23, 2003). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.
IRRC also pointed out inconsistency in the phrasing in § 83.3 (relating to visual standards) describing visual acuity standards. In response, all references have been changed to "visual acuity of less than." IRRC also requested in § 83.3(c)(3) regarding drivers limited to roads other than freeways a cross-reference to the definition of "freeway" in 75 Pa.C.S. The cross-reference has been inserted.

IRRC also suggested that the language in § 83.3(5), regarding drivers limited to driving "within a specific geographic area," lacked clarity. The paragraph was clarified to read: "If determined by the Department to be appropriate, the person's driving privilege is limited to driving within a limited radius of the person's residence as recommended by a licensed physician." This language permits drivers with visual limitations to be permitted to drive in familiar territory near to their home as their physician may recommend.

In § 83.5(b)(2)(i) and (3)(i) (relating to other physical and medical standards), IRRC noted that the proposed rulemaking provided that the "provider shall inform the patient of the prohibition against driving due to the functional impairment" and questioned how the Department planned to enforce the requirement. There is no mechanism to enforce this provision and it was intended as a reminder to providers that, even if the functional impairment does not require reporting to the Department, patients should be advised that it is unlawful to drive. The subparagraphs have been made advisory by changing "shall" to "should."

IRRC also sought clarity in § 83.5(c) permitting the Department to require a driver to undergo a "special driving examination." IRRC questioned what a "special driving examination" would entail. There is no "special" driving examination intended by this section and the word "special" has been eliminated. The section now provides that, if the Department has reason to believe that a driver, otherwise apparently qualified to drive under Chapter 83, does not have the ability to safely operate a motor vehicle, the Department may require the driver to undergo a driving examination to determine competency.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION
Subpart A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 83. PHYSICAL AND MENTAL CRITERIA, INCLUDING VISION STANDARDS RELATING TO THE LICENSING OF DRIVERS

§ 83.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:


*Aura*--An epileptic episode, sometimes experienced before or in lieu of a seizure, which does not alter an individual's ability to think clearly or interfere with an individual's mechanical or sensory ability to operate a motor vehicle.

*CRNP*--Certified registered nurse practitioner--A registered nurse licensed in this Commonwealth who is certified, by both the State Board of Nursing and the State Board of Medicine, in a particular clinical specialty area and who, while functioning in the expanded role as a professional nurse, performs acts of medical diagnosis or prescription of medical therapeutic or corrective measures in collaboration with and under the direction of a physician licensed to practice medicine in this Commonwealth.

*Daylight*--Hours between sunrise and sunset.

*Department*--The Department of Transportation of the Commonwealth.

*Licensed optometrist*--A doctor of optometry licensed by the State Board of Optometry.

*Licensed physician*--A doctor of medicine licensed by the State Board of Medicine or a doctor of osteopathy licensed by the State Board of Osteopathic Medical Examiners.

*Nocturnal*--As used in relation to seizures, the term means occurring during sleep.
Seizure--A paroxysmal disruption of cerebral function characterized by altered consciousness, altered motor activity or behavior identified by a licensed physician as inappropriate for the individual.

Seizure disorder--Condition in which an individual has experienced a single seizure of electrically diagnosed epilepsy, or has experienced more than one seizure not including seizures resulting from an acute illness, intoxication, metabolic disorder, or trauma.

Telescopic lens--A telescopic low vision device.

§ 83.3. Visual standards.

(a) Driving without corrective lenses. A person with visual acuity of 20/40 or better combined vision may drive without corrective lenses.

(1) If a person with visual acuity of 20/40 or better combined vision, however, has visual acuity of less than 20/40 in one eye, the vision in that eye shall be corrected to its best visual acuity.

(2) A person with visual acuity of 20/40 or better combined vision and who has visual acuity of less than 20/40 in one eye, may drive without corrective lenses upon determination by a licensed optometrist or ophthalmologist that the person's combined vision would not be improved by the use of corrective lenses.

(b) Driving with corrective lenses. A person with visual acuity of less than 20/40 combined vision shall wear lenses correcting combined vision to 20/40 or better while driving, except that if correction to 20/40 is not possible, the person may drive in daylight hours only if one of the following are met:

(1) The combined vision has been corrected to 20/60 or better.

(2) Visual acuity is less than 20/60 combined vision but at least 20/70 combined vision with best correction, but only upon recommendation of a licensed optometrist or licensed physician who has equipment to properly evaluate visual acuity.

(c) Visual acuity of less than 20/70.

(1) A person with visual acuity of less than 20/70 combined vision but at least 20/100 combined vision with best correction may apply for and may be
issued a restricted license only upon recommendation of a licensed optometrist or ophthalmologist or licensed physician who has equipment to properly evaluate visual acuity, and only if the following conditions or limitations are satisfied:

(i) The person takes and successfully passes a complete vision examination, including plotted visual fields, upon application and annually thereafter.

(ii) The person takes and successfully passes a driver's examination upon application.

(iii) The person's driving privilege is limited to roads other than freeways, as defined in 75 Pa.C.S. § 102 (relating to definitions).

(iv) The person's driving privilege is limited to passenger vehicles weighing no more than 10,000 pounds, and excludes operation of a motorcycle.

(v) If determined by the Department to be appropriate, the person's driving privilege is limited to driving within a limited radius of the person's residence as recommended by a licensed physician.

(2) Violation of these conditions or limitations shall result in the recall of the restricted license. In addition, an annual review of the person's accident and violation history will be conducted by the Department and the restricted license may be recalled if the Department determines that the person was involved in an at fault accident or convicted of two moving violations committed within a 1-year period.

(d) Visual acuity of less than 20/100. A person with visual acuity of less than 20/100 combined vision with best correction will not be qualified to drive.

(e) Vision requirements. A person shall have a combined field of vision of at least 120° in the horizontal meridian, excepting the normal blind spots.

(f) Sight in one eye. A person may be adequately sighted in only one eye and still meet the requirements of this section. The person's driving privilege will be restricted to vehicles having mirrors so located as to reflect to the person a view of the highway for a distance of at least 200 feet to the rear.

(g) Telescopic lenses. Correction through the use of telescopic lenses is not acceptable for purposes of meeting acuity requirements.
§ 83.6. Providers to report unqualified persons.

Physicians and other persons authorized to diagnose and treat disorders and disabilities defined by the Medical Advisory Board shall report to the Department, in writing, the full name, date of birth and address of every person 16 years of age and older diagnosed as having any specified disorder or disability within 10 days, under 75 Pa.C.S. § 1518 (relating to reports on mental or physical disabilities or disorders).


Your best corrected central vision is _______ and your visual fields are greater/equal/less than 120°