

PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 83]

Physical and Mental Criteria, Including Vision Standards, Relating to the Licensing of Drivers; Field of Vision; Loss of Consciousness

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 1504, 1508, 1508.1, 1517, 1518 and 6103, proposes to amend Chapter 83 (relating to physical and mental criteria, including vision standards relating to the licensing of drivers) to read as set forth in Annex A.

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 under 75 Pa.C.S. §§ 1517 and 1518 (relating to Medical Advisory Board; and reports on mental or physical disabilities or disorders). In addition to their use by the Department in connection with its responsibilities under 75 Pa.C.S. (relating to 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.

Purpose of the Proposed Rulemaking

The purpose of this proposed rulemaking is to update the field of vision requirements and standards for drivers to ensure they meet the required field of vision standards and update the medical requirements and standards for license holders that have had more than one episode of loss of consciousness of unknown or uncategorized etiology within a 12-month period. Since medical testing and treatment methods continue to evolve, the Department is updating its minimum standards to ensure that only drivers that meet the required medical standards in these areas are licensed to operate a motor vehicle.

These regulations reflect consultation with the Department's Medical Advisory Board as required under 75 Pa.C.S. §§ 1517 and 1518. The Medical Advisory Board, after conducting in-depth reviews and discussions, has determined that these regulations require amendments to make them consistent with existing medical practice and improved technology and so that individuals that do not present a safety risk are not unnecessarily recalled.

Summary of Significant Amendments

Section 83.3(e) (relating to visual standards) is proposed to be amended to clarify that this subsection is specific to the field of vision standard.

Section 83.3(e)(1) and (2) is proposed to be amended to disqualify an individual that has a binocular visual field defect of 30 contiguous degrees or more. The Department will make an exception to this disqualification if the individual's health care provider verifies in writing that the individual is capable of driving safely despite the

condition and the individual has demonstrated appropriate visual compensation through a knowledge and driving skills evaluation administered by the Department.

Section 83.3(h) is proposed to be added to clarify that correction through the use of prism lenses is not acceptable for purposes of meeting field of vision requirements.

Section 83.5(a)(4) (relating to other physical and medical standards) is proposed to be amended to clarify that automatic disqualification will only occur when the individual has had more than one episode of loss of consciousness in the preceding 12-month period which are of unknown etiology or not otherwise categorized.

In addition, § 83.5(b)(6) is proposed to be amended to authorize the disqualification by a health care provider of anyone that has had more than one episode of loss of attention or awareness in the preceding 12-month period which are of unknown etiology or not otherwise categorized.

Persons and Entities Affected

This proposed rulemaking affects persons qualified or intending to be qualified to drive and health care providers.

Fiscal Impact

Implementation of this proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. This proposed rulemaking will not impose additional costs on the medical community and may reduce costs by providing clearer medical criteria and thus reduce unnecessary reporting by physicians and the need for follow-up medical examinations for drivers.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 9, 2015, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Effective Date

This proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* following the appropriate evaluation of comments, suggestions or objections received during the public comment period.

Sunset Date

The Department is not establishing a sunset date for these regulations, as the regulations are needed to administer provisions required under 75 Pa.C.S. The Department will continue to closely monitor these regulations for their effectiveness, in coordination with the Medical Advisory Board.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Kara N. Templeton, Director, Bureau of Driver Licensing, P. O. Box 68676, Harrisburg, PA 17106-8676, ktempleton@pa.gov within 30 days of the publication of this proposed rulemaking in the Pennsylvania Bulletin.

Contact Person

The contact person for technical questions about the proposed rulemaking is Laura Krol, Acting Manager, Driver Safety Division, Department of Transportation, Bureau of Driver Licensing, P. O. Box 68676, Harrisburg, PA 17106-8676, (717) 787-2977, lkrol@pa.gov.

LESLIE S. RICHARDS, Secretary

Fiscal Note: 18-436. No fiscal impact; (8) recommends adoption.

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

§ 83.3. Visual standards.

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(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.] Field of vision requirements.

(1) Only an individual with a combined field of vision of at least 120 degrees in extent along the horizontal meridian may drive.

(2) An individual with a binocular visual field defect of 30 contiguous degrees or more may not drive unless the following conditions are satisfied:

(i) The individual's health care provider verifies in writing that the individual's condition does not pose a risk to the individual's ability to safely drive.

(ii) The individual demonstrates appropriate visual compensation through a knowledge and driving skills evaluation administered by the Department.

(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.

(h) Prism lenses. Correction through the use of prism lenses is not acceptable for purposes of meeting field of vision requirements.

§ 83.5. Other physical and medical standards.

(a) General disqualifications. [A person] An individual who has any of the following conditions will not be qualified to drive:

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(4) [Periodic episodes of loss of consciousness which are of unknown etiology or not otherwise categorized, unless the person has been free from episode for the year immediately preceding.] More than one episode of loss of consciousness that is of unknown etiology or not otherwise categorized, until the person has been episode-free for 1 year.

(b) Disqualification on provider's recommendation. [A person] An individual who has any of the following conditions will not be qualified to drive if, in the opinion of the provider, the condition is likely to impair the ability to control and safely operate a motor vehicle:

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(6) [Periodic episodes of loss of attention or awareness which are of unknown etiology or not otherwise categorized, unless the person has been free from episode for the year immediately preceding, as reported by a licensed physician.] More than one episode of loss of attention or awareness that is of unknown etiology or not otherwise categorized, until the person has been episode-free for 1 year, as reported by a licensed health care provider.

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