

## Initial Statement of Reasons

### Title 13, Division 1, Chapter 1

#### Article 2.0. Driver Licenses and Identification Cards

##### § 20.03. Vision Screening.

Subsection (b) allows an applicant to comply with vision screening requirements by either submitting to a vision screening in a field office, as specified in subsection (b)(1), or by providing their vision screening results remotely by either submitting a form DL 62, as specified in subsection (b)(2)(A) or a letter from the optometrist or ophthalmologist, as specified in subsection (b)(2)(B).

Subsection (b)(2)(A) is amended to update the revision date of the Report of Vision Examination, form DL 62, from Rev. 7/2024 to 9/2025. The form DL 62 has been updated as follows:

##### Page 1 – Section 2 – 2. Visual Acuity

The field where the Best Corrected Visual Acuity is disclosed is removed. The current form has space on the left for the DMV measurement which includes an indication of the visual acuity for the right eye, the left eye, and both eyes. The form is amended on the right side to ensure the clinical measurements provided by a vision specialist are consistent with those on the department's portion of the form. Furthermore, Section 20.03(a) only requires an indication of the visual screening for each eye and then both eyes tested together. There is no requirement for a measurement of the best corrected visual acuity.

##### Page 2 – Section 2 – 4. Prognosis

The current version of the form allows the vision specialist to provide an indication of when, in their opinion, the department should require a new vision examination report from the applicant, as well as provides five check boxes named *Not Applicable*, *1 year*, *2 years*, *5 years*, and *Other*. The department is revising the form to remove all five check boxes as they cause confusion and are not conducive to the department's review process. For instance, if a vision specialist marks the "5 years" box, but the department's review and evaluation process shows the applicant only qualifies for a limited term driver's license, the applicant would likely question why the department is not issuing a full term license, as suggested by their vision specialist.

The department uses the information contained on the form DL 62 and the results of the Supplemental Driving Performance Evaluation to determine when the applicant should return for another assessment. Depending on the information collected, the department will either, 1) issue a full term driver's license, allowing the applicant to return in five years, 2) issue a limited term driver's license requiring the applicant to return in either one or two years for the vision condition to be reassessed, or 3) decline to renew the driver's license based on the information provided on the form and the results of the driving performance evaluation.

Subsection (b)(2)(B)(4) is amended to remove the name of the form DL 62. The form is incorporated by reference in subsection (b)(2)(A).

Subsection (c) requires an applicant who is unable to pass vision screening standards to submit a Report of Vision Screening, form DL 62, as specified in subsection (c)(1); successfully passing a vision drive test, as specified in subsection (c)(2); and submitting to more frequent vision screenings, as specified in subsection (c)(3).

Subsection (c)(2) is amended to remove reference to "vision drive test" and clarify that the applicant will be required to successfully pass a Supplemental Driving Performance Evaluation, or SDPE, as defined in Section 21.00. The purpose of the SDPE is to allow the department to assess whether the applicant can safely operate a motor vehicle and compensate for the vision condition. This amendment is necessary to remove a vague term, "vision drive test," and replace with the formal name of "Supplemental Driving Performance Evaluation." The citation to section 21.00 is also added as that section provides greater clarification related to the SDPE. The amendment also seeks to provide clarification related to actions the department will look for when administering the SDPE, specifically, whether the applicant can safely compensate for the vision condition while driving. This provision is authorized by Vehicle Code section 12804.9(a)(3), allowing the department to determine whether a physical impairment is compensated for to ensure safe driving.

Subsection (c)(3) is amended to add clarification to the process by which an applicant may be required to submit to more frequent vision screenings. As currently written, an individual who is unable to pass the department's vision screening standards must, among other things, submit to more frequent vision screenings that will allow the department to monitor progressive vision conditions. Frequent screenings are accomplished through the issuance of a one-year or two-year limited term driver's license. In determining the

appropriate duration of a limited term driver's license, the department considers the applicant's vision prognosis and the visual acuity, as provided by the applicant's eye specialist, as well as the results of the driving performance evaluation. The limited term driver's license allows the applicant to retain their driving privilege while allowing the department to safely monitor the progress of the applicant's vision condition over a period of time.

Subsection (e) is amended to remove the form name of the form DL 62. The form is incorporated by reference in subsection (b)(2)(A).

Subsection (f) is adopted to establish rules related to daytime driving restrictions and the circumstances under which the department will determine it necessary to issue the daytime driving restriction. A daytime driving restriction will limit a driver to operating a vehicle from sunrise to sunset.

Subsection (f)(1) is adopted to establish circumstances where the department will issue a daylight driving restriction. The department will issue such a restriction when the vision specialist makes that recommendation,

Subsection (f)(2) is adopted to make clear that the department will implement a daylight driving restriction when the driver wears bioptic telescopic lenses. Many states prohibit drivers from driving when they need bioptic telescopic lenses and those states that do allow the use of those specialized lenses, many impose daylight driving restrictions. While California is a state that allows drivers with bioptic telescopic lenses to drive, it does impose daylight driving restrictions for most drivers.

Subsection (f)(2) is adopted to make clear that the department will implement a daylight driving restriction when the driver's vision is worse than 20/50 in both eyes. The department also imposes daylight driving restrictions on drivers who vision is 20/50 or worse in both eyes. The department determined the 20/50 threshold is sufficient after consulting with ophthalmologists and vision specialists while creating the vision conditions and action chart. The vision specialists noted that drivers with 20/50 vision have difficulties with night driving due to their inability to see low contrast objects and to effectively respond to roadway hazards. Nighttime driving requires clear vision to discern details, such as road edges and irregularities which is not possible with 20/50 vision.

Subsection (g) is adopted to allow low vision drivers, who would have a daylight driving restriction an opportunity to have that restriction removed. To have the restriction removed, the driver would have to meet both requirements proposed for adoption in subsections (g)(1) and (g)(2).

Subsection (g)(1) is adopted to make clear that the first requirement of having the daytime driving restriction removed is for the department to receive a recommendation from the vision specialist that night driving should be allowed.

Subsection (g)(2) is adopted to make clear that the second requirement for having the daytime driving restriction removed is for the driver to pass a nighttime driving examination.

The purpose and necessity of subsections (g)(1) and (g)(2) is to allow low vision drivers to demonstrate their ability, upon recommendation by their vision specialist, to safely operate a vehicle despite their vision condition. If the driver successfully completes the nighttime driving examination, the department will remove the restriction from their driving record, allowing them to drive at any time. The process of a nighttime driving tests is the same as the supplemental driving examination except the test will be conducted by the department after sunset.

The testing structure is consistent with those established in Section 21.01, related to driving performance evaluations. The adoption of subsection (f)(2) is necessary as it provides a driver who would usually be restricted, a means by which they can have an unrestricted driver's license.

#### § 21.00. Definitions Related to Driving Performance Evaluations.

The purpose of Section 21.00 is to identify and clarify the terms commonly used in the proposed regulations.

Subsection (a) is adopted to define an "Area Driving Performance Evaluation" or ADPE, as a department-administered driving performance evaluation within a specified area. The proposed definition also includes the purpose of an ADPE, as well as a description of what will occur if the applicant passes or fails the ADPE. If passed, the driver will have a limited term driver's license that will be valid only in the limited area in which the driving performance evaluation was given. The ADPE allows an applicant to retain their driving privilege, but in a limited, more familiar area. Area driving performance evaluation provisions are adopted in Section 21.01.

Subsection (b) is adopted to define a "full term license" as a driver's license that expires on the fifth birthday of the applicant following the date of issuance of the driver's license. This provision is consistent with Vehicle Code section 12816(a), requiring an original driver's license to expire on the fifth birthday of the applicant following the date of application for the driver's license and a renewal driver's license to expire on the fifth birthday of the applicant following

the expiration date of the renewed license. Full term driver's license is reference din Section 21.01.

Subsection (c) is adopted to define a "limited term license" as a driver's license that is valid for one or two years and expires on the first or second birthday of the applicant following the date of issuance of the driver's license. The department is authorized by Vehicle Code section 12816(e), to adjust the expiration of a driver's license. Limited term license is referenced in Sections 20.03 and 21.01.

Subsection (d) is adopted to define a "Critical driving error" as a dangerous driving maneuver that could potentially lead to an accident. The definition also provides examples of critical driving errors such as striking an object or curb, disobeying traffic signs or lights, speeding, lane violations, or a circumstance where the examiner must intervene. Lastly, the definition makes clear that a critical driving error made during a driving performance evaluation will result in an immediate failure. Critical driving error is referenced in Sections 21.01 and 21.02.

Subsection (e) is adopted to define "daylight driving restriction" as a restriction placed on a driver's license that allows the driver to operate a vehicle only during daylight hours. Daylight driving restriction are proposed in Section 20.03(f).

Subsection (f) is adopted to define "minor driving error" as a driving error that does not pose an immediate safety risk but does indicate an area where the driver could continue to improve their driving skill. Examples of minor driving errors can include failure to check mirrors prior to lane changes and late signaling. Minor driving error is referenced in Section 21.01.

Subsection (g) is adopted to define "nighttime driving examination" as a department-administered driving evaluation that is conducted after sunset. During this evaluation, the department will assess whether the driver can safety operate a motor vehicle during nighttime hours despite their vision condition. A nighttime driving examination will only be provided if the vision specialist provides the department with a recommendation that the driver can drive after dark. This requirement is proposed for adoption in Section 20.03 (g).

Subsection (h) is adopted to define "Progressive vision condition" as the status of an eye condition where the visual acuity, peripheral vision, and/or visual perception gradually worsen over time leading to the continued loss of vision. Examples of progressive vision conditions include, but are not limited to,

decreased peripheral vision, keratoconus, macular degeneration, and myopia. Progressive vision condition is referenced in Sections 20.03 and 21.01.

Subsection (i) is adopted to define “Severe vision condition” as the status of an eye condition where the visual acuity is worst than 20/50 with both eyes.. This term is used in Section 20.03(f)(3). j

Subsection (j) is adopted to define “Stable vision condition” as the status of an eye condition where the visual acuity, peripheral vision, and/or visual perception changes little over a period of time. Examples of stable vision conditions include, but are not limited to, aphakia, pseudophakia, and strabismus. The word “static” is also used frequently used in the proposed regulations and is synonymous with the word “stable.” Stable vision condition is referenced in Section 21.01.

Subsection (k) is adopted to define “Supplemental Driving Performance Evaluation” or SDPE, as a department-administered driving performance evaluation the department uses to determine whether the driver can safely operate a motor vehicle and to assess the driver’s ability to compensate for the vision condition. Supplemental driving performance evaluation is referenced in Sections 20.03 and 21.01.

#### § 21.01. Driving Performance Evaluations.

The purpose of Section 21.01 is to identify procedures when a driver does not meet the vision screening standards provided in Section 20.03 and to provide details related to the driving performance evaluations given to drivers with documented vision conditions.

Subsection (a) is adopted to make clear that the department follows guidance in the Vision Conditions and Action Chart when determining whether a vision condition is progressive or stable and the steps taken thereafter to determine whether a driver’s license should be issued. The chart is posted on the department’s website and provides transparency to drivers who have vision conditions.

The VCAC identifies 28 different vision conditions, provides the definition of each condition, provides an indication of whether the condition is progressive or stable, and identifies functional impairments that are common to each vision condition. The chart then provides a flow chart identifying the actions the department will take as it assesses whether an applicant should be issued a driver’s license and the potential term of the driver’s license. The department uses the information the vision specialist provides on the form DL 62 to identify the vision condition. Once the vision condition is identified, the department

references the VCAC to determine whether the condition is progressive or stable.

If the vision screening standards are not met, the department will require the applicant to provide a Report of Vision Examination, form DL 62, and submit to a Supplementary Driving Performance Evaluation, or SDPE. A SDPE will allow the applicant to demonstrate their ability to compensate for the vision condition while safely operating a motor vehicle. If the applicant passes the SDPE and the vision condition is stable, the applicant will be issued a full term driver's license, as proposed in subsection (a)(1). This provision will allow an applicant who has a vision condition that changes very little over time to enjoy the benefits of a full term driver's license without having to submit to more frequent vision screenings. If the applicant passes the SDPE and the vision condition is progressive, the department will issue a limited term driver's license with the duration being based on the applicant's performance during the SDPE and on the information provided on the DL 62, as proposed in subsection (a)(2).

Subsection (a)(2)(A) is adopted to make clear that an applicant who passes the SDPE with zero to ten minor errors having been made during the driving performance evaluation will be granted a limited term driver's license of two years. Subsection (a)(2)(B) is adopted to make clear that an applicant who passes the SDPE with 11 to 10 minor errors having been made during the driving performance evaluation will be granted a limited term driver's license of one year. Subsection (a)(2)(C) is adopted to make clear that an applicant who makes twenty or more minor errors or one critical error will have failed the SDPE. The department currently has no guideline that clarifies the standards it will use to determine whether an applicant will receive a one year or a two year limited term license, nor does the department have clear rules identifying the errors that will cause an immediate failure. Subsections (a)(2)(A) through (C) are necessary as they clearly establish the criteria the department will use to consider issuing a one year or two year limited term driver's license and clearly establish the error count that will lead to a failed driving performance evaluation.

Subsection (a)(2)(C)1. is adopted to make clear that, if an applicant fails the SDPE, they can either take another SDPE or they can choose to take an Area Driving Performance Evaluation (ADPE). An ADPE allows an applicant to take the driving performance evaluation in a limited area that is familiar to the applicant. This option will allow them to continue to access local locations such as grocery stores, churches, schools, and parks, while preventing them from accessing areas in which their driving skills may not be as strong.

Subsection (a)(3) is adopted to make clear that an applicant with a stable vision condition who meets the vision screening in the better eye need not submit a Report of Vision Examination if the department has that vision condition on record with the department. This provision is necessary as it allows a person who meets the vision screening standard, despite their vision condition, to be issued a full term license.

Subsection (b) is adopted to make clear that, if the applicant has both a stable condition and a progressive condition, the department will proceed with screening based on the progressive condition. This provision is necessary as it will allow the department to apply the more stringent assessment process that includes the driving performance evaluation. Regardless of whether the applicant has a stable condition, the fact that a progressive condition also exists demonstrates the continue need for more frequent assessments to ensure the applicant is still capable of safely operating a motor vehicle.

#### § 21.02. Suspension and/or Revocation.

The purpose of Section 21.02 is to identify the suspension and revocation provisions related to a failed driving evaluation.

Subsection (a) is adopted to make clear that an order of suspension or revocation will be warranted if the SDPE is failed three times or if the ADPE is failed once. This provision is necessary as it caps the amount of times a person can take a SDPE. The department determined that three attempts at passing the SDPE is sufficient as it is consistent with the department's process of allowing a new driver to have three attempts at a behind-the-wheel driving examination. If the applicant fails the SDPE three times, they will be issued an order of suspension or revocation that will become effective thirty days after the day that it's issued to the driver. Alternatively, if the driver fails the first or second SDPE, they can choose to take an area driving performance evaluation, or ADPE. An ADPE allows the driver to take the evaluation in a limited area. If the applicant passes the ADPE, they will be limited to driving in the area in which the evaluation was given. If the driver fails the ADPE, they will immediately be provided with an order of suspension or revocation. Because the ADPE is limited to an area that would be most familiar to the driver, only one ADPE will be given.

Subsection (b) is adopted to make clear that an immediate revocation will be imposed pursuant to Vehicle Code section 13953 after an examiner administers a SDPE or an ADPE to a low-vision driver who has failed the evaluation. This provision is a safety measure that allows the department to immediately suspend or revoke a person's driving privilege if the driving examiner, on behalf of the department, determines the applicant's driving is so poor that an

immediate suspension is necessary to protect the safety of the applicant, other drivers, and pedestrians. Vehicle Code section 13953 authorizes the department to, without hearing, suspend or revoke a person's driving privilege and allows the department to make that suspension or revocation immediate upon giving notice to the driver, because of a mental or physical condition of the person such immediate action is required for the safety of the driver or other persons upon the highways.

Subsection (c) is adopted to provide that a driver who receives an order of suspension or revocation may request a hearing after receiving the order.

### **ECONOMIC AND FISCAL IMPACT DETERMINATIONS**

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This proposed action clarifies procedures related to vision screening and driving performance evaluations due to vision conditions. There are no costs associated with this proposed action.
- Effect on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Small Business Impact: This proposed action will not impact small businesses. This proposed action clarifies procedures related to vision screening and driving performance evaluations due to vision conditions. The provisions only impact individual drivers. There are no impacts to small businesses.
- Potential significant statewide adverse economic impact: The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposed

action is related to vision screenings and driving performance evaluations for California drivers. There is no impact on businesses.

## **ECONOMIC IMPACT ASSESSMENT**

### **(Government Code section 11346.3)**

In considering this proposed regulatory action, the department has made the following determinations:

- Creation or elimination of jobs within the state of California

This action will neither create nor eliminate jobs within the state of California. This action establishes rules related to vision screening requirements for a driver's license and the driving performance evaluation process for certain drivers with vision conditions. None of the provisions impact jobs.

- Creation of new businesses or the elimination of existing businesses within the state of California

This action will not create new businesses nor will it eliminate existing businesses within California. This action establishes rules related to vision screening requirements for a driver's license and the driving performance evaluation process for certain drivers with vision conditions. None of the provision impact businesses.

- Expansion of businesses currently doing business within the state of California

This action will not expand businesses currently doing business within the state of California. This action establishes rules related to vision screening requirements for a driver's license and the driving performance evaluation process for certain drivers with vision conditions. None of the provisions impact businesses.

- Benefits to the health and welfare of California residents, worker safety or the state's environment

This action will not impact the health of California residents, worker safety, or the state's environment. This action will benefit the welfare and safety of California residents by establishing guidelines that strengthen the department's vision screening and evaluation process, ensuring applicants with vision conditions are sufficiently screened prior to being issued a driver's license.

**DEPARTMENTAL DOCUMENTATION SUPPORTING GOVERNMENT CODE SECTIONS  
11346.2(b)(3) THROUGH (b)(5)**

- Studies, Reports or Documents - Government Code section 11346.2(b)(3): None.
- Reasonable Alternatives and Department's Response – Government Code section 11346.2(b)(4)(A): No alternatives were presented that would be as effective.
- Reasonable Alternatives That Would Lessen Any Adverse Impact on Small Business – Government Code section 11346.2(b)(4)(B): No alternatives were presented that would lessen any adverse impact on small businesses.
- Evidence Supporting Determination of No Significant Adverse Economic Impact on Business – Government Code section 11346.2(b)(5): The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This action establishes vision screening and driving performance evaluation requirements for applicants with vision conditions. None of the provisions impact businesses.