Henry Burns **HB No. 174**

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

MTR VEHICLE/COMMERCIAL. Allows for certain commercial drivers with physical disabilities to drive intrastate only.

DIGEST

Present law requires all commercial motor vehicle drivers to meet 49 CFR 391.41(b)(10) relative to vision requirements in order to drive commercial motor vehicles interstate and intrastate.

Proposed law allows commercial motor vehicle drivers who do not meet the vision requirements in 49 CFR 391.41(b)(10) to drive certain commercial motor vehicles in La. only if the driver meets certain qualifications, including but not limited to the following:

(1) Distant visual acuity of at least 20/40 (Snellen) or better in at least one eye with or without corrective lenses;

(2) Field of vision of a least 70 degrees in one direction and 35 in other direction of the horizontal meridian of the applicant's best eye;

(3) The ability to distinguish colors of signals and devices showing standard red, green, and amber as demonstrated by ishihara color plates or its equivalent;

(4) Two years commercial driving experience within the five years immediately preceding the application date for the class of vehicle indicated; and

(5) Successfully passing a skills test administered by an authorized third party for the class of vehicle which the driver will drive if granted a waiver pursuant to proposed law.

Proposed law provides that a waiver to an applicant if the department finds that the applicant meets the proposed minimum vision requirements and granting the waiver would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such waiver.

Proposed law also requires as a condition of the waiver a medical evaluation by an optometrist certified by Louisiana State Board of Optometry Examiners to treat diseases and disorders of the eye and its adnexa or an ophthalmologist certified by the American Board of Ophthalmology. Further requires that If the visual impairment is a progressive disorder, such a medical evaluation must be completed and supplied to the department every six months for the duration of the waiver.

Proposed law permits applicants granted a waiver pursuant to proposed law to only drive within the territorial limits of La.

Proposed law prohibits applicants granted a waiver pursuant to proposed law from transporting passengers for hire and manifested hazardous wastes or hazardous material required to be placarded.

Proposed law provides that waivers granted pursuant to proposed law shall be valid for the duration of the applicant's commercial driver's license and that an applicant desiring a waiver granted pursuant to proposed law shall reapply for the waiver each time he renews his commercial driver's license.

Proposed law permits, to promulgate rules and regulations, in accordance with the APA for the efficient implementation and enforcement of proposed law.

(Adds R.S. 32:408(B)(7))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the reengrossed bill.

1. Corrects the name of the professional association of Louisiana optometrists who are to perform the medical evaluation for the waiver.

2. Removes from the medical evaluation an assessment of the driver's "functional capabilities" to operate a motor vehicle.

3. Adds the requirement an applicant file with the department a medical evaluation every six months if the visual impairment is a progressive disorder.