

4501:1-1-33 **Vision and examination standards for persons using bioptic/telescopic devices.**

(A) As used in this rule and in rule 4501:1-1-20 of the Administrative Code:

- (1) "Bioptic/telescopic device" or "bioptic/telescopic lenses" means a two-focus optical system used to magnify distant objects by including a small telescope which is mounted in a spectacle lens in a manner to allow an unobstructed view of the horizontal visual field through the person's normal distance corrective lens.
- (2) "Certified driving training and evaluation program" means a program which provides or coordinates comprehensive vision assessment relating to driving skills including, without limitation, vision, hearing, and mobility, and training designed to improve those skills and is approved by the registrar of motor vehicles and the director of public safety in compliance with rule 4501:1-1-34 of the Administrative Code.
- (3) "A restricted out-of-state driver" means a person who presents an unexpired license of another state with a restriction requiring the use of a bioptic/telescopic device.

(B) A person who attempts but fails to qualify for a driver's license under the vision standards set forth in rule 4501:1-1-20 of the Administrative Code, may qualify for a driver's license by the use of a bioptic/telescopic device if all of the requirements of this rule are met. No commercial driver's license, motorcycle license or endorsement, or motorized bicycle license or endorsement, or motorized bicycle license shall be issued under this rule.

(C) After it is determined that a person cannot qualify for a driver's license without the use of a bioptic/telescopic device under the vision standards set forth in rule 4501:1-1-20 of the Administrative Code, the person may be referred to a certified driving training and evaluation program approved by the registrar and the director. The person shall first be examined to determine whether his or her vision can be corrected with the use of a bioptic/telescopic device to meet the standards set forth in rule 4501:1-1-20 of the Administrative Code. If the certified driving training and evaluation program determines that the person will be able to meet all of the assessment standards of the program as delineated in paragraph (A)(2) of this rule with regard to the use of a bioptic/telescopic device, the person shall then be given examinations for knowledge of the motor vehicle laws of the state of Ohio and for recognition of road signs and signals pursuant to paragraph (A) of rule 4501:1-1-07 of the Administrative Code at ~~ana highway patrol~~ examination station. The assessment of a restricted out-of-state driver shall exclude the mobility assessment. The foregoing examinations may be taken orally. The examination for recognition of road signs and signals may be administered using facsimiles of road signs and

signals enlarged to no larger than four images per eight-and-one-half by eleven inch field in size. Upon successful completion of the foregoing examinations, the person may be issued a restricted temporary instruction permit identification card which shall be valid only when the person is accompanied by an appropriate employee of a certified driving training and evaluation program or a trained examiner of the ~~Ohio highway patrol~~ bureau of motor vehicles. Such a permit shall not be required of a restricted out-of-state driver. When issued, the restricted temporary instruction permit identification card shall be sent to the certified driving training and evaluation program to be held for the applicant during the evaluation and training process.

- (D) No person shall be eligible to take the comprehensive driver examination provided for in this rule until that person first successfully demonstrates that the applicant's visual acuity as measured through the bioptic/telescopic device and the applicant's visual fields as measured with the bioptic/telescopic device in place meet the vision standards set forth in rule 4501:1-1-20 of the Administrative Code.
- (E) A person who has obtained a certificate of successful completion and recommendation for a comprehensive driver examination and a restricted out-of-state driver who has successfully completed the ~~highway patrol~~ bureau of motor vehicles examinations in paragraph (C) of this rule shall be eligible to take a comprehensive driver examination administered by the ~~Ohio highway patrol~~ certified bioptic exam station. A person who has an Ohio driver's license restricted to daytime driving only pursuant to paragraph (C)(2)(b) or (D)(1)(b) of rule 4501:1-1-20 of the Administrative Code shall be eligible to take a comprehensive night driving examination after complying with paragraphs (K)(1) and (K)(2) of this rule.
- (F) The comprehensive driver examination shall be administered by at least two examiners employed by the ~~highway patrol~~ bureau of motor vehicles each of whom shall be trained to administer a comprehensive driver examination in accordance with this rule.
- (G) The comprehensive driver examination shall be over a route or routes which are specifically designated for examination purposes under this rule, shall be sufficiently comprehensive to adequately test the driving skills and perception abilities of a person using a bioptic/telescopic device, and shall test the person's ability to operate and react appropriately to various traffic conditions.
- (H) A person who fails the comprehensive driver examination three times (or, in the case of a restricted out-of-state driver, two times) shall not be eligible to retake the comprehensive driver examination until that person has received further evaluation and training and has been issued a new certificate of successful completion and recommendation for a comprehensive driver examination from a certified driving

training and evaluation program. ~~A person who fails the comprehensive driver examination four times will need to wait at least six months before retesting.~~

- (I) If the person passes the comprehensive driving examination, a driver's license shall be issued subject to any restrictions suitable to the licensee's driving ability as determined by the ~~highway patrol~~ bureau of motor vehicles examiners unless those restrictions are modified or disapproved, in writing, by the registrar or his or her authorized designee. The person's first license shall be restricted to driving during daylight hours only unless the person is eligible to take a comprehensive night driving examination under paragraph (E) of this rule and complies with paragraphs (K)(1) and (K)(2) of this rule.

If the person fails the night driving examination, the daytime driving privileges shall not be revoked unless determined and documented by a physician, ~~highway patrol~~ bureau of motor vehicles examiner or the registrar that the person cannot operate during daylight hours without the appropriate bioptic/telescopic device.

- (J) If a person has not been convicted of any traffic offenses and has not been involved in any at-fault accidents in the previous twelve months after first being licensed in this state or another state (with or without restriction), he may then apply for driving privileges during unrestricted hours.

- (K) The daylight driving only restriction, including such a restriction on an unexpired license of another state, may be removed from a person's driver's license under this rule if the person does all of the following:

- (1) Meets with the use of a bioptic/telescopic device the vision standards set forth in rule 4501:1-1-20 of the Administrative Code for driving during unrestricted hours;
- (2) Successfully completes additional evaluation and training for night driving at a certified driving training and evaluation program unless the person has presented an unexpired license of another state with a restriction allowing daytime and nighttime driving with the use of a bioptic/telescopic device; and
- (3) Passes a comprehensive night driving examination which shall be conducted between at least one-half hour after sundown and one-half hour before sunrise by at least two examiners of the ~~Ohio highway patrol~~ bureau of motor vehicles.

- (L) No more than two restricted temporary instruction permits shall be issued to a person within any twenty-four month period.

Effective:

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Certification

Date

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