

Title 247 -- NEBRASKA DEPARTMENT OF MOTOR VEHICLES

Chapter 7 -- Rules and Regulations Pertaining to the Vision and Medical Requirements for Class A and B Licenses, Learner's and School Permits and School Bus Driver's Permit.

The following rules and regulations promulgated by the Department of Motor Vehicles are for the specific purpose of implementing the vision, physical and mental requirements for issuance of the Class A and B license, and learner's and school permits and the school bus driver's permit.

001 Definitions

001.01 Applicant - Any person who appears before an examiner for the purpose of acquiring or renewing a license or permit.

001.02 Bioptic or Telescopic Lenses - Specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens.

001.03 Class A License - The driver's license issued by the Nebraska Department of Motor Vehicles authorizing the person to whom it is issued to operate on public roads any motor vehicle except motorcycles, school busses, and tractor-trailer combinations registered for over twenty-four thousand pounds gross vehicle weight.

001.04 Class B License - The driver's license or endorsement on a driver's license authorizing the person to whom it is issued to operate a motorcycle on the public roads.

001.05 Corrective Lens - An ophthalmic lense made to a prescription for the purpose of improving or correcting the user's visual acuity or visual function.

001.06 Department - The Nebraska Department of Motor Vehicles.

001.07 Director - The Director of the Department of Motor Vehicles.

001.08 Examiner - A person appointed by the Director to conduct the examination of applicants for the purpose of determining the qualification of such applicants for the license or permit.

001.09 LPD-Learner's Permit - A permit issued by the Department to a person at least fifteen years of age authorizing that person to operate a motor vehicle for learning purposes when accompanied by a Nebraska licensed driver who is nineteen years of age or older.

001.10 LPE-Learner's Permit - A Permit issued by the Department to a person at least fourteen years of age for the purpose of operating a motor vehicle while learning to drive in preparation for the application for a School Permit.

001.11 Health Advisory Board - A group of health care professionals appointed by the Director for the purpose of advising on questions of medical qualification of applicants.

001.12 Motor Vehicles - Includes all motor vehicles propelled by any power other than muscular power, except self-propelled invalid chairs, farm tractors, farm tractors used occasionally outside of general farm usage, road rollers, and any vehicles which run only on rails or tracks, and all off-road vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, all terrain vehicles, and snowmobiles.

001.13 Ophthalmologist - A physician that is board certified in ophthalmology.

001.14 Optometrist - A person licensed by Nebraska or other states to practice optometry.

001.15 Peripheral Vision - That portion of the field of vision that is away from a central fixation point (i.e., to the side or periphery).

001.16 Physician - A person licensed by Nebraska or other states to practice medicine and surgery.

001.17 Request for Statement of Physician - A form approved by the Department for the purpose of recording the results of a physical examination and medical history by a medical doctor on the condition of an applicant to assist in determining the qualification of the applicant for a license or permit.

001.18 Restriction Codes - Instructions printed on a license or permit limiting the driving privilege of the licensee. The restriction codes used by the Department include the following:

- Code 1: Must wear spectacle lenses (glasses), contact lenses, or bioptic or telescopic lenses.
- Code 2: Must have right and left outside mirrors on any vehicle driven.
- Code 3: Must have automatic turn indicators on any vehicle driven.
- Code 4: Must operate vehicles with automatic transmission only.
- Code 5: Must operate a vehicle within a specified geographic area or designated roadway

- only.
- Code 6: Must operate a vehicle only during daylight hours; that is, between sunrise and sunset.
- Code 7: Must not operate a motor vehicle on any public streets marked for one-way traffic or marked for more than one lane of traffic in each direction.
- Code 8: Must drive vehicles equipped with specified controls for operating the steering, brakes and/or speed functions of the vehicle only.
- Code 9: Must operate a vehicle only with specified speed limitations.
- Code 10: Must not operate a vehicle on any divided arterial highway designed primarily for through traffic with full control of access.
- Code 11: Special: as specified by the Department.

001.19 School Bus - Shall mean a motor vehicle with motive power, except a trailer, designed or modified by the manufacturer, distributor or dealer for carrying eleven (11) or more passengers, excluding the driver, meeting or exceeding Nebraska Student Vehicle Minimum Standards (92 NAC93); which at any time is used to carry school children and school personnel exclusively. Such transportation service must be sponsored and approved by the local school governing board. Vehicles that only carry school children along with other passengers as a part of the operation of a common carrier under the jurisdiction of Interstate Commerce Commission or Nebraska Public Services Commission are not included with the definition of school bus.

001.20 S.P.-School Permit - A permit issued to a student between the ages of fourteen and sixteen for the purpose of driving to and from school in compliance with the laws of the state.

001.21 Vision Statement - An optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination.

001.22 Visual Acuity - The level of visual ability to recognize/discern objects, forms and figures as expressed in the standard Snellen form.

002 Vision Requirements

002.01 Class A, B and all permits excluding school bus.

002.01A Acuity standards established by the Department are represented in the following table. The required restriction code for each acuity reading is shown in the right hand column. An applicant may be issued a license or permit only when these standards are met as determined using vision testing equipment approved by the Department or as recorded on the Vision Statement.

VISUAL ACUITY

<u>BO</u> <u>TH</u>	<u>LEFT</u>	<u>RIGHT</u>	<u>RESTRICTIONS</u>
With or Without Correc- tive Lens			Corrective Lens: Code 1 Without Corrective Lens: None
20/40	20/40-50-60	20/40	NONE
20/40	20/40	NR	2
20/40	20/60	20/40	NONE
20/40	20/70 or worse	20/40-50-60	2
20/40	20/40-50-60	20/70 or worse	2
20/50	20/40-50-60	better than 20/70	6
20/50	20/70 or worse	not applicable	2, 6
20/50	blind	20/40 or 50 (only possible reading)	2, 6
20/60	20/60	20/60 or worse, but not blind	6
20/60	20/70 or worse	20/60	2, 6
20/60	blind	20/60	license denied
20/60	20/60	blind	license denied
20/70	20/40-50-60	20/40-50-60-70-80	2, 6, 9
20/70	20/70	20/70 or worse, but not blind	2, 6, 9
20/70	20/70 or worse, but not blind	20/70	2, 6, 9
20/70	blind	20/70	license denied
20/70	20/70	blind	license denied
20/70	20/70	20/70	2, 6, 9
20/80	any reading	any reading	license denied

002.01B Peripheral vision standards established by the Department are presented below. The required restriction codes for each value are shown in the right hand column. An applicant may be issued a license or permit only when these standards are met as determined using vision testing equipment approved by the Department or as recorded on the Vision Statement.

TOTAL FIELD OF VISION BASED ON VISUAL FIELD RECOGNITION THROUGH AN UNINTERRUPTED ARC OF:

A.	140 degrees or greater	No Restrictions
B.	120 to 139 degrees	Restriction 2
C.	100 to 119 degrees	Restrictions 2, 5, 6, 9
D.	Less than 100 degrees	License Denied

002.02 School Bus Operator's Permit

002.02A Acuity standards established by the Department require that an applicant for a school bus permit possess at least 20/40 vision in each of both eyes with or without spectacle lenses (glasses) or contact lenses only. If the 20/40 or better reading is achieved with the aid of standard lenses or contacts, those glasses or contacts must be worn when operating the bus. No permit will be issued to an applicant who does not meet these requirements as determined with vision testing equipment and procedures approved by the Department or as recorded on a Vision Statement.

002.02B Peripheral vision standards established by the Department require that an applicant for a school bus permit possess a peripheral vision of at least seventy degrees (70°) in each of both eyes. No permit will be issued to any applicant who does not meet this requirement as determined with vision testing equipment and procedures approved by the Department or as recorded on a Vision Statement.

002.02C No School Bus Permit may be issued to any applicant who does not possess the ability to distinguish the colors of traffic signals or devices showing standard red, green and amber.

002.03 Statement of Vision

002.03A Applicants for a license or permit who fail to perform satisfactorily on the vision test administered by the examiner will be issued a Statement of Vision by the examiner.

002.03B The Statement of Vision shall be a form approved by the Director and shall be the only form accepted by the examiner for the recording of the results of an eye examination by an optometrist or ophthalmologist.

002.03C The results of the eye examination of the optometrist or ophthalmologist as reported on the Statement of Vision will be used by the examiner in lieu of the results of the examiner's examination in determining the qualification of the applicant for a license or permit.

002.03D The Statement of Vision must show that the doctor's examination was conducted within 90 days of the applicant's license examination in order for the Statement of Vision to be considered valid.

002.03E A Statement of Vision indicating that the applicant suffers from constant diplopia will be cause to deny the issuance of the license or permit.

002.04 Special Lenses

002.04A Dark tinted glasses may not be used on the station eye exam unless the applicant presents a signed statement by an optometrist or ophthalmologist indicating that the dark tinted lenses are to be worn by the applicant for night driving.

002.04B When any specially constructed vision correction device includes a lens system attached to or used in conjunction with a carrier lens, the applicant's acuity through the bioptic or telescopic lenses must meet the acuity standards set forth in 002.01A and the applicant's field of vision through the carrier lens must meet peripheral vision standards set forth in 002.01B.

002.04C Licenses issued to persons required to use bioptic or telescopic lenses shall expire annually on the licensee's birthday. Any such person shall be required to appear annually before an examiner to demonstrate his or her ability to drive and maneuver a motor vehicle as a condition of renewal of his or her operator's license.

03 Physical and Mental Requirements

003.01 Class A, B, and all permits (excluding school bus) - No applicant shall be issued a license or permit to operate a motor vehicle on the streets and highways of the State of Nebraska until such person has satisfied the examiner and/or the Director that he/she possesses a sufficient physical and mental capacity to operate a motor vehicle with a reasonable degree of safety.

If through information revealed on the application for the license or permit, through observation or personal knowledge of the examiner, or through information revealed in the driving record of the applicant it is determined by the examiner that an applicant may suffer from any physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license or permit should be granted and the license shall not be issued until such cause is shown.

003.01A The examiner may require that the applicant be issued a Request For Statement Of Physician when he/she has reason to believe that a physical or mental condition exists in the applicant which may impair the safe operation of a motor vehicle.

003.01A1 The examination documented on the Request For Statement Of Physician must have been conducted no more than 90 days prior to the date of the application for the license. However, the examiner at his or her discretion, may request that a more current examination be conducted and recorded on a Statement Of Physician if in his or her judgment there has been a significant change in the health condition of the applicant since the last documented examination.

003.01A2 If the examining physician indicates on the Request for Statement of Physician that the applicant is not physically and/or mentally capable of safely operating a motor vehicle, the issuance of the license or permit shall be denied.

003.01A3 If the examining physician indicates on the Statement Of Physician that the applicant meets the physical and mental standards established by the Department through Policies and Procedures of the Director, and if the examining physician answers in the affirmative that the applicant is physically and mentally qualified to operate a motor vehicle, then such applicant will be considered qualified to continue with the examination process.

003.01A4 If the examining physician indicates on the Request for Statement of Physician that the applicant should operate a motor vehicle only under certain specific restrictions, the examiner may consider this recommendation along with the results of other parts of the examination for license in deciding whether to issue a license or permit subject to such specific limitations.

003.01B In addition to any other inquiries into the physical and mental capacity of an applicant to safely operate a motor vehicle, the examiner may require that the applicant demonstrate his/her ability to safely operate the motor vehicle for which a license is being sought.

003.01C In addition to any other inquiries into the physical and mental capacity of an applicant to safely operate a motor vehicle, the examiner may require that the applicant demonstrate his/her knowledge of the traffic laws and safe driving principles of the State of Nebraska -- unless exempted from this portion of the examination by the provisions of 60-411.01(3).

003.01D After considering the results of all phases of the examination, the examiner may issue a limited license restricted to such driving conditions and/or special control apparatus as the examiner may determine is reasonable to insure that the applicant will be able to safely operate a motor vehicle. The restriction(s) shall be printed on the license using the following code

system:

- Code 1: Must wear spectacle lenses (glasses), contact lenses, or bioptic or telescopic lenses.
- Code 2: Must have right and left outside mirrors on any vehicle driven.
- Code 3: Must have automatic turn indicators on any vehicle driven.
- Code 4: Must operate vehicles with automatic transmission only.
- Code 5: Must operate a vehicle within a specified geographic area or designated roadway only.
- Code 6: Must operate a vehicle only during daylight hours; that is, between sunrise and sunset.
- Code 7: Must not operate a motor vehicle on any public streets marked for one-way traffic or marked for more than one lane of traffic in each direction.
- Code 8: Must drive vehicles equipped with specified controls for operating the steering, brakes and/or speed functions of the vehicle only.
- Code 9: Must operate a vehicle only with specified speed limitations.
- Code 10: Must not operate a vehicle on any divided arterial highway designed primarily for through traffic with full control of access.
- Code 11: Special: as specified by the Department.

003.02 School Bus Permits - No person shall be issued a permit to operate a school bus until that person has satisfied the examiner and/or the Director that he/she possesses a sufficient physical and mental capacity to safely operate a school bus.

003.02A An applicant for a school bus permit must meet the qualifications set forth by Department of Education Rule 91 as per N.R.S. 79-328.01(13), and;

003.02B An applicant for a school bus permit must present to the examiner a current physical examination form completed by a licensed physician not more than 90 days prior to permit application indicating that the applicant is physically and mentally qualified to safely operate a school bus. The physical examination must be documented on a form approved by the Department. The examiner may require that a more current examination be conducted and documented if he/she has reason to believe that there has been a significant change in the health condition of the applicant since the last examination.

003.02C An applicant is physically qualified to operate a school bus if he/she meets all of the following requirements:

003.02C1 Has no loss of a foot, a leg, a hand, or an arm, or has been granted a waiver pursuant to Section 391.49 of the Bureau of Motor Carrier Safety of the United States Department of Transportation, or granted a waiver by the Department of Motor Vehicles.

The waiver must accompany the physical form when applying for a school bus permit.

003.02C2 Has no impairment of a hand or finger which interferes with prehension or power grasping, or, impairment of an arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a school bus; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a school bus; or, has been granted a waiver pursuant to Section 391.49 of the Bureau of Motor Carrier Safety of the United States Department of Transportation, or granted a waiver by the Department of Motor Vehicles. The waiver must accompany the physical form when applying for a school bus permit.

003.02C3 Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

003.02C4 Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

003.02C5 Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a school bus safely.

003.02C6 Has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a school bus safely.

003.02C7 Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and operate a school bus.

003.02C8 Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a school bus.

003.02C9 Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to operate a school bus.

003.02C10 Must first perceive a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested, by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500Hz., 1000Hz., and 2000Hz. with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA standard) Z24.5-1951.

003.02C11 Must not use an amphetamine, narcotic, or any other habit-forming drug.

003.02C12 Must have no current clinical diagnosis of alcoholism.

003.2D Waiver of Certain Physical Requirements

003.02D1 Request for Waiver - The applicant must submit a request for a waiver under Section 003.02C1 or 003.02C2 of these rules and regulations in writing to the Director. The request must be on a form prescribed by the Director and must state the reason or reasons why the applicant feels a waiver should be granted. The Director may require additional medical information and may also require the applicant to demonstrate that he/she can safely operate a school bus.

003.02D2 Revocation of Waiver - Any waiver granted by the Director shall be valid for a period of two years from the date of issuance. A waiver may be revoked by the Director only after notice to the person to whom it is issued is given by the Department by mailing such notice by registered or certified mail to the last known address of such person and an opportunity for an appeal in the manner set forth in Section 005 of these rules and regulations has been afforded to such person.

004 Health Advisory Board The Department may assemble in regular meetings a group of physicians and/or any other health care professionals as it may determine would be helpful in reviewing the medical and/or vision qualifications of applicants for a license or permit.

004.01 Purpose - The purpose of the Health Advisory Board shall be limited to providing advice to the Director on the health qualifications of individuals applying for driver's licenses or permits. The Health Advisory Board shall not have the final decision making authority in such cases and shall not have authority to promulgate any public policy concerning the issuance of licenses or permits.

004.02 Membership - The membership of the Health Advisory Board shall be determined by the Director but should include at least one optometrist, one ophthalmologist, one psychiatrist, one neurologist and one family practitioner.

004.03 Procedure, Meetings - The Health Advisory Board shall meet at such time and place as may be determined by the Director. The meetings shall be governed by rules of procedure established by the Director.

004.04 Closed Meetings - The meetings of the Health Advisory Board shall not be open to the public or to the applicant whose qualifications are being considered.

004.05 Access to Board - Any applicant who is denied a license or permit on the basis of medical

or vision qualifications may request of the examiner that their case be reviewed at a meeting of the Health Advisory Board.

004.06 Supplemental Information - An applicant may submit for consideration by the Health Advisory Board such medical records, documents, or other written statements as he or she may consider pertinent to more fully describe the medical condition under question.

004.07 Expenses - The members of the Health Advisory Board shall not be paid a fee or stipend for their services but shall be reimbursed for any actual expenses incurred in the performance of their advisory function.

005 Appeal

005.01 Appeal to Director - Any applicant refused or denied a certificate for a license or permit by the examiners shall have the right to an immediate appeal to the Director in the manner prescribed in Neb. Rev. Stat. 60-408.

005.02 Appeal to District Court - Any applicant who feels aggrieved because of an order by the Director to refuse to issue a license or permit, may appeal to the District Court in the manner prescribed by Neb. Rev. Stat. 60-420.

006 Policies and Procedures

006.01 Established by Director - The Director may establish such Policies and Procedures as he/she may determine are appropriate to fairly and effectively implement these Rules and Regulations.

Statutory Authority:
60-406.06, LB 742