

SUBJECT: Waiver of visual standards for commercial driver's license

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 6 ayes — Oakley, Bailey, Allen, Carter, Edwards, Luna

0 nays

2 present, not voting — Driver, McCoulskey

1 absent — Madden

SENATE VOTE: On final passage, March 21 — 30-0

WITNESSES: None

BACKGROUND: The Texas Department of Public Safety (DPS) adopted, by rule, 49 C.F.R. Part 391 of the Federal Motor Carrier Safety Regulations. These regulations provide minimum physical qualifications for commercial driver's license applicants.

The minimum vision standard is at least 20/40 in both eyes with or without corrective lenses. Between September 1, 1989 and December 31, 1989, the federal government allowed waivers from vision requirements.

DIGEST: SB 472 would allow the DPS, by rule, to provide for a waiver of the visual standards for a commercial driver's license set forth in Subpart E of 49 C.F.R. Part 391, if the person drives a commercial motor vehicle only in this state.

The bill would take immediate effect if approved by two thirds of the membership of each house.

SUPPORTERS SAY: Although the DPS was allowed by the federal government to grant vision waivers in 1989, the DPS was not able to distribute that information to all the commercial drivers affected by the vision requirements. After the window closed, many otherwise qualified commercial drivers became unemployed due to these requirements.

The U.S. Department of Transportation (DOT) is now conducting studies to assess the effect advances in medical science and technology may have had on the vision standards. The Department of Transportation has found that specifying a precise level of visual capability necessary for safe driving is problematic because of the lack of data from the medical community on which to base a measure of acceptable visual performance. To accumulate the necessary data for these studies, the DOT is granting federal waivers to otherwise qualified individuals who do not meet the vision requirements.

With the federal government calling into question the safety benefits of its own vision requirements, the state should not continue to keep otherwise qualified commercial drivers from their livelihood based on suspect requirements. SB 472 would waive the special vision requirements for commercial drivers operating solely within the state. The state licensing mechanism is more than adequate to prevent a dangerously impaired person from operating a commercial vehicle.

**OPPONENTS  
SAY:**

The purpose of establishing vision standards for drivers of commercial motor vehicles is to prevent truck drivers with vision problems who would present an unreasonable and avoidable safety risk to other highway users from being allowed to operate vehicles which, because of their size or hazardous cargo, present a special hazard. SB 472 could thwart that purpose.