
SENATE BILL 6021

State of Washington

61st Legislature

2009 Regular Session

By Senator Haugen

Read first time 02/16/09. Referred to Committee on Transportation.

1 AN ACT Relating to the certification of a driver's visual acuity by
2 an ophthalmologist or optometrist; amending RCW 46.20.041 and
3 46.20.305; and adding a new section to chapter 46.20 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.20.041 and 2005 c 274 s 306 are each amended to
6 read as follows:

7 (1) If the department has reason to believe that a person is
8 suffering from a physical or mental disability or disease that may
9 affect that person's ability to drive a motor vehicle, the department
10 must evaluate whether the person is able to safely drive a motor
11 vehicle. As part of the evaluation:

12 (a) The department shall permit the person to demonstrate
13 personally that notwithstanding the disability or disease he or she is
14 able to safely drive a motor vehicle.

15 (b) The department may require the person to obtain a statement
16 signed by a licensed physician or other proper authority designated by
17 the department certifying the person's condition.

18 (i) The department's authority to require the person to obtain a
19 statement signed by an ophthalmologist or optometrist is limited to

1 requiring the person to obtain a statement signed by the
2 ophthalmologist or optometrist certifying the person's visual acuity
3 and certifying whether the person has a visual condition that could
4 impair his or her ability to safely operate a motor vehicle at night.

5 (ii) The statement is for the confidential use of the director and
6 the chief of the Washington state patrol and for other public officials
7 designated by law. It is exempt from public inspection and copying
8 notwithstanding chapter 42.56 RCW.

9 ((+ii)) (iii) The statement may not be offered as evidence in any
10 court except when appeal is taken from the order of the director
11 canceling or withholding a person's driving privilege. However, the
12 department may make the statement available to the director of the
13 department of retirement systems for use in determining eligibility for
14 or continuance of disability benefits and it may be offered and
15 admitted as evidence in any administrative proceeding or court action
16 concerning the disability benefits.

17 (2) On the basis of the evaluation the department may:

18 (a) Issue or renew a driver's license to the person without
19 restrictions;

20 (b) Cancel or withhold the driving privilege from the person; or

21 (c) Issue a restricted driver's license to the person. The
22 restrictions must be suitable to the licensee's driving ability. The
23 restrictions may include:

24 (i) Special mechanical control devices on the motor vehicle
25 operated by the licensee;

26 (ii) Limitations on the type of motor vehicle that the licensee may
27 operate; or

28 (iii) Other restrictions determined by the department to be
29 appropriate to assure the licensee's safe operation of a motor vehicle.

30 (3) The department may either issue a special restricted license or
31 may set forth the restrictions upon the usual license form.

32 (4) The department may suspend or revoke a restricted license upon
33 receiving satisfactory evidence of any violation of the restrictions.
34 In that event the licensee is entitled to a driver improvement
35 interview and a hearing as provided by RCW 46.20.322 or 46.20.328.

36 (5) Operating a motor vehicle in violation of the restrictions
37 imposed in a restricted license is a traffic infraction.

1 **Sec. 2.** RCW 46.20.305 and 1999 c 351 s 3 are each amended to read
2 as follows:

3 (1) The department, having good cause to believe that a licensed
4 driver is incompetent or otherwise not qualified to be licensed may
5 upon notice require him or her to submit to an examination.

6 (2) The department shall require a driver reported under RCW
7 46.52.070 (2) and (3) to submit to an examination. The examination
8 must be completed no later than one hundred twenty days after the
9 accident report required under RCW 46.52.070(2) is received by the
10 department unless the department, at the request of the operator,
11 extends the time for examination.

12 (3)(a) The department may in addition to an examination under this
13 section require such person to obtain a certificate showing his or her
14 condition signed by a licensed physician or other proper authority
15 designated by the department.

16 (b) The department's authority to require the person to obtain a
17 certificate signed by an ophthalmologist or optometrist is limited to
18 requiring the person to obtain a certificate signed by the
19 ophthalmologist or optometrist certifying the person's visual acuity
20 and certifying whether the person has a visual condition that could
21 impair his or her ability to safely operate a motor vehicle at night.

22 (4) Upon the conclusion of an examination under this section the
23 department shall take driver improvement action as may be appropriate
24 and may suspend or revoke the license of such person or permit him or
25 her to retain such license, or may issue a license subject to
26 restrictions as permitted under RCW 46.20.041. The department may
27 suspend or revoke the license of such person who refuses or neglects to
28 submit to such examination.

29 (5) The department may require payment of a fee by a person subject
30 to examination under this section. The department shall set the fee in
31 an amount that is sufficient to cover the additional cost of
32 administering examinations required by this section.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW
34 to read as follows:

35 An eye care provider licensed under chapter 18.71 or 18.53 RCW is
36 not civilly or criminally liable for performing duties under this

1 chapter with regard to certifying a person's condition if the duties
2 were performed in good faith.

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