

SPEAKER BARRETT: Thank you. Senator Smith. Senator Jacklyn Smith, followed by Senators Moore and Lynch.

SENATOR SMITH: Thank you, Mr. Speaker. I'd like to have a conversation here with Senator Landis, if I might. Senator Landis, would you look, and I'm serious about this, would you look on pages 4 and 5 of the bill because I'd like to have you...I'm just reading this bill through again and can you, if you will quickly just read through, starting on line 6, section (b), all the way down to section (c) there.

SENATOR LANDIS: Let me see if my characterization agrees with yours. The Department of Motor Vehicles could require people who have defects to be tested at any time if they have reason to suspicion that they can't drive well. It is an act of discretion by the department that the department could exercise. Is that a characterization you agree with?

SENATOR SMITH: Do you agree with that? Okay.

SENATOR LANDIS: That is what I see when I read that.

SENATOR SMITH: All right, so that is how I read it also, and so I guess what I am trying to say here is that they already have the capability to require them to take the driving test.

SENATOR LANDIS: If I could just briefly respond. Number one, it is a discretionary act that is not mandatory and, secondly, if they start doing this, if I understand correctly, Ron Withem is going to be in here arguing that the Department of Motor Vehicles is doing too much legislating and not listening to our orders. If we think it's fair, I think we ought to put it into law that there is a mandatory road test.

SENATOR SMITH: Okay, now then look back on page 3, at the part we discussed a little while ago when I pointed out to you where it says, I guess starting on the bottom of page 2 where it says if a vision aid is used by the applicant to obtain the vision requirements pursuant to this section, the operator's license to the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the license examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision readings the applicant has obtained when testing the applicant within 90 days of the