

Iowa Administrative Code Chapter 761

604.13(4)

Discretionary issuance.

a.

An applicant whose license is restricted under rule [761—604.11\(321\)](#) or who cannot meet the vision standards in subrule [604.13\(2\)](#) may submit a written request for review by an informal settlement officer.

b.

Based upon consideration of the applicant's vision screening results or vision report, driving test and driving record, the written recommendation of the applicant's licensed vision specialist, and traffic conditions in the vicinity of the applicant's residence, the officer may recommend issuing a license with restrictions suitable to the applicant's capabilities. However:

(1)

An applicant who cannot attain a visual acuity of 20/100 with both eyes or with the better eye may be considered for licensing only after recommendation by the medical advisory board.

(2)

An applicant who cannot attain a visual acuity of 20/199 with both eyes or with the better eye shall not be licensed.

(3)

If an applicant's binocular field of vision or monocular field of vision is less than 75 degrees, the applicant may be considered for licensing only after recommendation by the medical advisory board.

(4)

An applicant who cannot attain a binocular or monocular field of vision of 21 degrees shall not be licensed.

c.

The officer's recommendation denying discretionary issuance or regarding the extent and nature of restrictions is subject to reversal or modification upon review or appeal only if it is clearly characterized by an abuse of discretion.

This rule is intended to implement Iowa Code sections [321.186](#), [321.186A](#), [321.193](#) and [321.196](#).

[[ARC 9991B](#), IAB 2/8/12, effective 3/14/12]