

CALIFORNIA DRIVER'S LICENSE POLICY

California is one of the few states in which physicians are required by law to report a lapse of consciousness to the State Department of Health. That office in turn reports to the DMV which then notifies the driver's licensee of a possible suspension of driving privilege. In the case of a first-time application for the license, the applicant will be required to complete a medical form IF there has been a "lapse of consciousness or control" (for any reason) within the previous three years. There is **not** a mandatory period of time that a person must have been seizure free before being issued a driver's license. The DMV looks at each case and determines eligibility on the basis of several factors.

According to CA Vehicle Code #12806c, "The department may refuse to issue to, or renew a driver's license of, any person who has a disorder characterized by lapses of consciousness or who has experienced, within the last three years, either a lapse of consciousness or an episode of marked confusion caused by any condition which may bring about recurrent lapses." Seizure-free periods of 3, 6, and 12 months are now considered when reviewing each driver's case individually. The applicant **may** be issued a license with restrictions such as daylight driving only, periodic medical reports, etc. (#12813). The DMV considers the following factors when evaluating a driver with a seizure disorder:

- Length of time driver has been seizure free
- Type & frequency of seizures; reliability of "warning"
- Compliance with prescribed medical treatment
- Scope of driver's employment
- The driving history

A person whose license is denied, suspended or revoked for medical reasons may appeal the decision by requesting a formal hearing within 10 days after the decision. The DMV's final decision may be appealed by filing a petition in Superior Court within 90 days. **Individuals who have experienced a first or isolated lapse of consciousness episode, nocturnal seizures only, or seizures caused by a physician-directed medication change will not have their driving privileges suspended.** However, they may be placed on medical probation.

A person whose lapse of consciousness disorder is not ever likely to be brought under control may have his/her license revoked. A person whose condition is expected to become controlled may have his/her license suspended until such time that the DMV believes the condition will not interfere with the ability to operate a car. California has adopted the federal medical qualifications for all commercial licenses, which prohibit issuance of a commercial license to a person who has a medical history or clinical diagnosis of epilepsy or other disorder characterized by lapses of consciousness or control.

In San Diego County, the DMV regularly schedules training in all aspects of epilepsy for its Driver Safety Referees (conducted by our Director of Client Services). The Department's foremost objective is to assure the safety of the driver and of the others who could be put at risk by unsafe driving practices. Again, the actual circumstances of each individual case will be of utmost importance in the decision made by the DMV when evaluating applications for driving privileges. Therefore, the accuracy of reporting by both the prospective driver and by the physician will be the significant factor in all cases. More questions? Call 619-296-0161.