

## Driving and Dementia

by Charles G. Warner

Driving provides independence from others. It is the freedom to go where you please, when you please. If, however, if you have been diagnosed with Alzheimer's Disease or a related dementia, at some point you should stop driving.

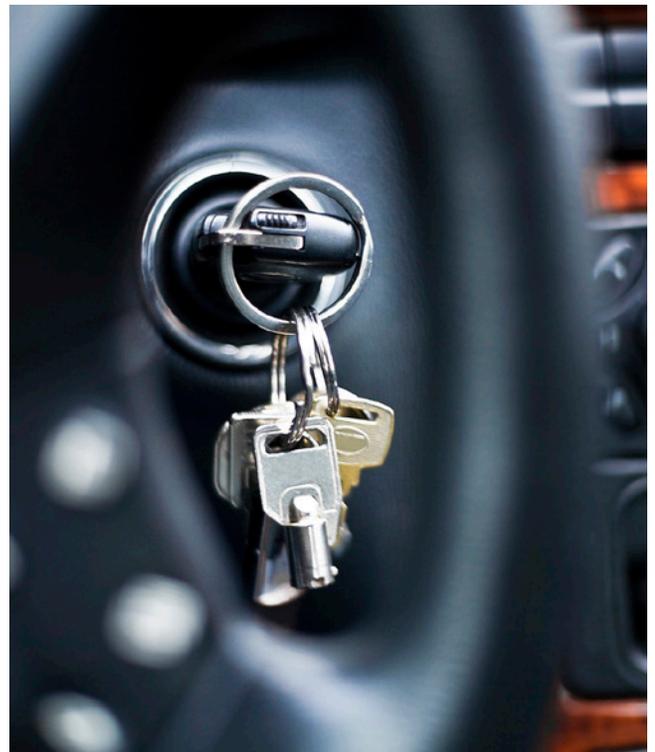
### **The Position of the California Department of Motor Vehicles**

The California Department of Motor Vehicles (the "DMV") has specific rules and regulations for persons who have been diagnosed with Alzheimer's disease, Mild Cognitive Impairment, and a long list of related conditions and/or diseases that might affect one's ability to drive.

[[www.dmv.ca.gov/dl/driversafety/dementia.htm](http://www.dmv.ca.gov/dl/driversafety/dementia.htm)]

### ***How would the DMV know what happened between my physician and me?***

When your physician diagnoses anyone with Alzheimer's disease he or she is required by law to file a report with the County Health Department of your county of residence. The County Health Department then forwards the report with the diagnosis to the DMV. Upon receipt of the report the DMV will take certain actions that will affect your ability to drive without restriction, or to drive at all.



The DMV will, at some point, send you a notice to come in for new testing and/or a current driving evaluation. This examination is not the usual one given to new drivers or drivers renewing their license. The exam given by the DMV to early stage patients is more extensive than the usual driving test you took in the past. It may include an interview as well as a written test and a driving examination, during which you would be accompanied by a DMV examiner. If you pass the driving test, the DMV may impose restrictions on your driving such as no night driving and/or other restrictions. In addition, if you have been diagnosed with anything beyond “early stage” Alzheimer’s Disease, such as middle or later stage, you are not even allowed to take the oral and/or driving evaluation and your “driving privileges” cannot be renewed. If you fail to show up for the test, your license will be suspended or revoked.



If there is no physician’s report a concerned family member may submit his or her own report to the DMV. The report should be made to the “Regional Driver Safety Officer” at the DMV office in your community. The DMV will request a reexamination of the driver who has been reported. The request may only be made once. The person making the report must have directly observed the family member while driving. The family member making the report need not give their name.

It is a crime to drive without a valid driver’s license. If caught, the offender may face a fine, or, in aggravated cases, time in jail.

### **The Risks of Driving With Dementia**

Anyone who drives, with or without a reason or reasons not to, runs the risk of having an accident. If you have an accident and unfortunately hurt another person, a claim may be made against you by any party who is injured or sustains property damage due to the accident, if the accident is your fault. “Fault”, however, depends on a number of factors.

One of the steps often taken in auto accident litigation is to obtain medical records of the injured party. If there was any reason to believe any person involved in the accident was impaired in any way (such as with dementia) the medical records of that party may be obtained by legal processes. If you have been driving with a diagnosis of any type of dementia, you run a significant risk that fault for the accident may be assessed, in full or in part, against you. If you are driving and have not advised your insurance carrier of your dementia, there is reason to believe that they may not extend coverage to you under your own policy.

Under ordinary circumstances, your automobile insurance company has the obligation to pay for any settlement or judgment against you up to your policy limits. The “policy limit” means the maximum amount of liability coverage you have. Any judgment rendered against you for an amount over your insurance policy limit is your personal obligation to pay. Rightly or wrongly, it is not uncommon at this time to see damages awards in automobile accident cases of a million dollar or more. There was a recent jury verdict in Southern California in which an automobile collided with bicycle and the cyclist was killed. The jury awarded \$17,000,000 dollars to the family of the cyclist. A large auto policy is, generally, one with a limit of \$1,000,000.

***If you have been diagnosed with any form of dementia, the safest course of conduct for you is simply not to drive. As the signs near the school crossings say, “Be Safe Not Sorry”.***

\* The author is a retired lawyer as well as an early stage Alzheimer’s patient. Nothing in this article is intended to provide any person with legal advice. If you believe something in this article may apply to you and you wish to seek legal advice, call a lawyer in your area. For assistance in finding a lawyer, See Perspectives newsletter, Summer 2012, Vol 17, No 4 article on how to find a lawyer. Contact Lisa Snyder at [lsnyder@ucsd.edu](mailto:lsnyder@ucsd.edu) to receive.

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