

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 685

(Delegate Mandel, *et al.*)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Drivers' Licenses - Suspension, Revocation, or Refusal for Epilepsy

This bill authorizes the Motor Vehicle Administration (MVA) to suspend or revoke an individual's driver's license, or refuse to issue or renew a license, for longer than 90 days if the individual's driving may be adversely affected by epilepsy.

Fiscal Summary

State Effect: None. The bill would not materially affect State activities or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Applicants for a driver's license must affirm that they are medically fit to drive. The Medical Advisory Board (MAB), created in 1947, serves as a review board to assist the MVA in evaluating drivers with certain physical or mental disabilities that could interfere with their fitness to drive. MAB, comprised of about 20 physicians, investigates referrals and recommends to the MVA whether a person is able to drive or whether a driver requires certain restrictions, such as daylight driving only. If a medical condition is deemed severe, MAB may recommend a temporary emergency suspension of a license.

The MVA may suspend an individual's license indefinitely, after notifying the driver and conducting a hearing, if the individual cannot drive safely because of a physical or mental condition. However, if the individual's driving ability is adversely affected by epilepsy,

the MVA may not suspend or revoke the individual's license for more than 90 days unless the individual experiences a seizure within 90 days after the suspension or revocation began.

If the MVA refuses to issue or renew a person's license upon evaluation of competent evidence that an individual's driving may be affected by epilepsy, the refusal to issue or renew may not exceed 90 days unless another seizure occurs within those 90 days. The MVA must issue a driver's license after the 90-day period; before it issues a license other than a noncommercial Class C or Class M license, it may require the driver to be tested and place restrictions on his or her license.

Background: About half of the board's cases involve alcohol or drug dependency, while conditions that affect the endocrine system, such as diabetes, comprise almost a quarter of the cases. Vision problems due to cataracts, glaucoma, or other conditions account for 11% of circumstances that prompt a review of driver fitness. The smallest portion of review cases (approximately 3%) relate to neurological problems such as multiple sclerosis, Parkinson's disease, or epilepsy. Of the 12,000 referrals related to driver fitness received in 2002, 739 resulted in an emergency suspension due to a medical condition. The MVA also suspended 549 licenses of drivers who failed to comply with certain requirements.

Until the late 1940s, no one with epilepsy was allowed to drive because of the potential to lose consciousness. Due to advances in medication and technology, that prohibition was modified to allow individuals with epilepsy to drive under certain conditions.

According to the Epilepsy Foundation, licensing and reporting requirements for epileptic drivers vary across the United States. Six states (California, Delaware, Nevada, New Jersey, Oregon, and Pennsylvania) require physicians to report all patients with seizures to regulatory authorities. Most states require a seizure-free interval, ranging from 3 to 24 months, in order for a license to be reinstated once suspended or revoked.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Transportation, Epilepsy Foundation, Department of Legislative Services

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