Driving has become almost a necessity in our society and no-one should be unfairly prevented from obtaining a licence. Losing your driver’s licence can have a significant impact on aspects such as employment, getting to and from work, maintaining social contact and accessing every day needs.

**Driving - why is your health important?**

Driving any motor vehicle requires:

- constant attention;
- good judgement;
- appropriate responsiveness; and
- reasonable perception and physical capability
- good senses eg sight and hearing

All of these can be affected by a driver’s physical and psychological health. In someone with epilepsy, these factors can also be altered before, during and after a seizure.

*Commercial* vehicle driving involves extra demands due to the vehicle itself (size, load etc), the responsibility for passengers, the demands of work schedules, the distances travelled and so on. Health is therefore important for public and personal safety on the road.

**What type of health problems might affect our fitness to drive?**

A number of medical conditions, including epilepsy, could affect one’s ability to drive safely – examples include; sleep disorders, vision problems, heart disease, diabetes, fainting, psychiatric disorders, and age-related decline.

The good news is that most of these conditions can be effectively treated so that people can often continue to drive. The important thing is to see the doctor and have any health problems diagnosed and managed early.

Medical standards for drivers exist in order to help monitor drivers’ health and consequently support road safety. They are used by general practitioners and medical specialists when assessing someone’s fitness to drive.

**Epilepsy and seizures**

Sudden loss or alteration of consciousness that can happen during a seizure clearly impairs a person’s ability to control a vehicle.

**Your first ever seizure**

When you have your first seizure, the doctor should inform you that you cannot drive – and for how long. This period will depend on many things including; what has caused the seizure, what type of seizure you had, if it is epilepsy, and what type of epilepsy. Ultimately the decision to suspend or return a driver’s licence rests with the driver licensing authorities (DLAs).
It is important to remember that the suspension of your licence may only be temporary and, once you have met certain criteria you will be able to drive again - safely and legally. Unfortunately, not everyone will get their licence returned, and others may be issued a conditional licence.

Factors considered when returning your licence include response to treatment, previous frequency of seizures, EEG findings and the type of epilepsy.

**What about a seizure that isn’t epilepsy?**

Temporary health problems can occur at any time and may prevent you from driving in the short term. For example, you may have a seizure that is provoked by a known cause, eg alcohol or low blood sugar level and is not considered epilepsy.

In these circumstances your doctor will advise you to restrict your driving in the short term and to tell your employer. Your employer may request a health assessment to determine your fitness for work.

**Can I keep my licence?**

This depends on the circumstances of the seizure and the diagnosis. Not all seizures or seizure types will pose a risk to driving. You may be able to retain your licence card for identification purposes and to use when you are safe to drive again.

**Who makes the rules about whether or not you are well enough to drive?**

The rules about health and driving are developed by medical experts and are agreed by DLA’s nationally. Your doctor or specialist does not make the rules but provides advice, based on the standards, about how your epilepsy might affect your ability to drive safely and how it might be managed.

The DLA will consider the advice of your doctor, but always makes the final decision about your licence status.

**General considerations**

- Any person experiencing seizures, blackouts or episodes of memory loss should see a doctor for testing and evaluation, so the risk of further episodes and the need for treatment can be determined.
- Correct diagnosis of epilepsy or your seizure type is important. It means the right treatment is started, and assessment for driving safely can be considered.
- There are some seizure types and circumstances that offer no real danger and have little impact on a person’s driving ability.

**Licenses**

- Different licenses have different regulations. There are two sets of rules, one for drivers of private vehicles, and one for drivers of commercial vehicles.
- Professional drivers such as drivers of trucks, public passenger vehicles and vehicles carrying dangerous goods must meet higher medical standards because of greater safety concerns.
- Consideration for returning a licence can also be given to people who have been seizure-free for prolonged periods with or without medication.
Conditional Licences

Treatment advances in recent years mean that many medical conditions can be well managed and drivers can remain on the road, sometimes on a conditional licence. Conditional licences are not a new feature of the licensing system, however revised standards place greater emphasis on the use of conditional licences as a means of balancing safety requirements with the needs of drivers.

A conditional licence means that the person may continue to drive as long as certain conditions or restrictions are met.

Your responsibilities

It is a legal requirement for the person with epilepsy to notify the DLA in their state or territory that they have epilepsy. The driver is responsible for making sure that they are well enough to drive safely - by managing good seizure control and complying with medical treatment. If issued with a conditional licence the person with epilepsy is expected to comply with any enforced driving restrictions.

The Australian guidelines concerning seizures and driving may seem severe but these laws were created to protect public safety.

- You must be seizure free for a specified period (see www.austroads.com.au)
- You must continue to take anti-epileptic medication regularly as prescribed unless your specialist recommends changes
- You should ensure that you have adequate sleep and not drive if sleep-deprived
- You may need to abstain from alcohol and other drugs (it has been found that a repeated episodes of seizures may be precipitated by consumption of alcohol or drugs not prescribed for epilepsy)

Who tells the authorities?

The laws requires you to report to your DLA, any permanent or long-term illness that is likely to affect your ability to drive safely.

In some cases, the DLA may issue you a conditional licence. This means that you may continue to drive as long as certain conditions or restrictions are met.

The DLA always makes the final decision about your licence status. They will consider the advice of your doctor and other factors such as your accident history and the type of vehicle you drive (for example a truck, car or a public passenger vehicle).

What if I don’t tell the authorities?

Driving against medical advice is illegal and dangerous to you, your passengers and the general public. There are many safety factors to consider as seizures often occur without warning.

If you continue to drive despite your doctor’s advice and you do not report your condition to the DLA, you are not fulfilling your legal responsibility.

If you are involved in a crash during the recommended non-driving period and it is found that your epilepsy was a contributing factor, you may be prosecuted, charged and/or jailed and your insurance may not be valid. You may also have difficulty obtaining insurance in the future.
The Doctors Role in Reporting

Your doctor does not make the rules but provides advice about how your particular health condition might affect your ability to drive safely and how it might be managed.

As the relationship between you and your doctor is a confidential one, your doctor will not normally communicate directly with the DLA – he or she will provide you with advice about your ability to drive safely as well as a letter or report to take to the driving authority.

However, doctors have an obligation to public safety. If your doctor is aware that you are continuing to drive and feels that your driving is a serious risk to you and other road users, he or she may feel obliged to notify the DLA directly.

Can I get any travel assistance?

There are taxi subsidies available and Centrelink offers a mobility allowance. Both forms of assistance have strict criteria that have to be met before they are approved. Not all people are suitable for these forms of assistance. Your doctor can assist you to complete these forms.

Mobility Allowance

Centrelink’s Mobility Allowance provides assistance to people with disabilities who are unable to use public transport without substantial assistance. For more details contact Centrelink or check the website (www.centrelink.gov.au). Search for ‘mobility allowance’ from the homepage.

Taxi Subsidy Scheme

This scheme subsidises the cost of travel by taxi for those who are unable to use public transport because of a disability. Applicants will need a supporting letter from their doctor and must meet strict eligibility criteria. Each state has its own scheme.

It is best to contact your local Centrelink office or local taxi subsidy scheme.

Transport tips:

♦ Car-pooling – grab a lift with a friend or colleagues
♦ Public transport – catch the bus, train or ferry
♦ Ride a bike
♦ Walk
♦ Investigate travel subsidies

Summary:

♦ Seizures can affect your ability to drive safely
♦ You must report epilepsy to the licensing authority
♦ You are legally responsible for making sure you are well enough to drive safely
♦ All states and territories in Australia have laws about reporting health conditions that might affect your ability to drive safely
♦ These laws have been created to protect public safety
Web Resources

  General information on epilepsy and driving
  Australian guidelines on assessing fitness to drive.
> **American Academy of Physicians**. ([www.aafp.org](http://www.aafp.org)) Jan1999 American Family Physician 'Epilepsy, Driving and the Law'

For more information:

Contact the Driver Licensing Authority in your State or Territory.

> **ACT**  Road User Services, Department of Urban Services (02) 6207 7000
> **NSW**  Roads and Traffic Authority NSW 13 22 13
> **NT**  Department of Infrastructure, Planning & Environment 1300 654 628
> **QLD**  Queensland Transport 13 23 80
> **SA**  Transport SA 13 10 84
> **TAS**  Department of Infrastructure Energy & Resources 13 11 05
> **Vic**  VicRoads 13 11 71
> **WA**  Department for Planning and Infrastructure 13 11 56

Epilepsy Action believes this publication to be correct at time of printing and accepts no responsibility for consequences arising from the use of information herein. Readers should rely on their own skill and judgement to apply information to particular issues.

REFERENCES:

> Epilepsy Society of Australia 2011

This information is given to provide accurate, general information about epilepsy. Medical information and knowledge changes rapidly and you should consult your doctor for more detailed information. This is not medical advice and you should not make any medication or treatment changes without consulting your doctor.