

Legislative Analysis



DRIVER'S LICENSE SUSPENSION AFTER AN EPILEPTIC SEIZURE

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<http://www.house.mi.gov/hfa>

House Bill 4306 as introduced
Sponsor: Rep. Curtis VanderWall

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4307 as introduced
Sponsor: Rep. Nancy DeBoer

Committee: Health Policy
Complete to 5-6-25

SUMMARY:

House Bills 4306 and 4307 would provide statutory guidelines for determining the length of a driver's license suspension following an epileptic seizure.¹

Currently,² the operator's license of an individual who has experienced certain specified conditions (including a seizure) must be suspended until they submit a statement of physical or mental history from a physician or psychologist that certifies either of the following:

- The individual's condition is under control by medical or other treatment and all symptoms or conditions that would affect the safe operation of a motor vehicle have either abated or been corrected, cured, or controlled for at least six months.
- The person has not had a recurrence of the condition within the previous six months.

The secretary of state can reduce or waive this minimum six-month time period based on a review of the specific recommendation of a physician or other information, including evidence that the condition resulted from medical intervention or medically supervised experimentation with prescribed medication. The secretary of state also can issue a limited or restricted license.

House Bill 4306 would amend the Michigan Vehicle Code to generally require the operator's license of an individual who has experienced an epileptic seizure to be suspended, after notice and a hearing, for at least six months.

However, the secretary of state could suspend the individual's license for exactly three months if, within 30 days after the most recent epileptic seizure, the individual submits a statement of physical or mental history from a treating physician that certifies both of the following:

- The individual's epileptic seizure is under control by medication or another treatment method.
- All symptoms and conditions that would affect the safe operation of a motor vehicle have either abated or been corrected, cured, or controlled.

¹ The bills would apply only to operator's licenses and only to epileptic seizures. They would not apply to chauffeur's licenses or commercial endorsements (which are subject to suspension for at least 12 months) or to the other conditions that can lead to license suspension (e.g., blackouts or fainting spells).

² <https://www.michigan.gov/sos/-/media/Project/Websites/sos/06preston/Administrative-Rules-Physical-and-Mental-Standards-for-Drivers.pdf>

The secretary of state could reduce or waive a time period described above if either of the following applies:

- The secretary of state receives a written recommendation from a treating physician to reduce or waive the time period.
- The secretary of state finds that any of the following apply to the epileptic seizure:
 - It occurred because of a medically directed medication change.
 - It was a partial seizure that did not interfere with the individual's consciousness or ability to operate a motor vehicle.
 - It has an established pattern of being purely nocturnal.
 - It is secondary to provoking factors that are unlikely to recur, including metabolic, infectious, or other acute illnesses.
 - It is related to a reversible acute illness.

A written recommendation from a treating physician to reduce or waive a license suspension time period as described above would be allowed to include any of the following:

- Evidence that the individual's epileptic seizure resulted from medical intervention or a medically supervised experiment with a prescribed medication.
- Documentation showing that the epileptic seizure occurred as a result of a specific epilepsy syndrome and that it occurs at specific times of day. The documentation would have to include an established history of the epilepsy pattern.
- Documentation showing that the individual's epileptic seizure is a focal aware seizure and that the individual has an established clinical history of having only focal aware seizures. (A *focal aware seizure* does not impair an individual's awareness and includes a simple partial seizure or aura.)
- Evidence that an individual's epileptic seizure is secondary to provoking factors that are unlikely to recur, including metabolic, infectious, or other acute illnesses.
- Other evidence or documentation that establishes a low risk of reoccurrence of an epileptic seizure.

MCL 257.309 and proposed MCL 257.309a

House Bill 4307 would amend the Public Health Code to allow a physician to submit either report described above (i.e., regarding either a three-month license suspension or a reduction or waiver of a suspension time period) regarding a patient who has experienced an epileptic seizure.

The Public Health Code generally allows physicians and optometrists to voluntarily report to the secretary of state, or warn third parties about, a patient's health condition (including a seizure) that may present a danger when the patient is operating a motor vehicle.

Currently, if the patient holds an operator's license, the health professional making such a report must recommend a suspension period of at least six months. The bill would allow them, for patient who has experienced an epileptic seizure, to submit a report with suspension recommendations as described above.

MCL 333.5139

Neither bill can take effect unless both bills are enacted.

FISCAL IMPACT:

House Bills 4306 and 4307 would have no significant fiscal impact on the Department of State and no fiscal impact on local units of government. The Department of State may incur minor administrative costs related to reviewing medical information to determine the proper time period for a suspension and reinstating suspended licenses. The Department of State would likely be able to absorb these costs through ongoing appropriations.

To reinstate a driver's license, individuals must normally remit a \$125 reinstatement fee. This fee is waived under section 320e of the Michigan Vehicle Code if a license was suspended or restricted because of the individual's mental or physical infirmity or disability. Individuals with driver's licenses suspended under the bills would not be subject to a reinstatement fee, and the Department of State would not collect any additional revenue.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.