

DRIVER LICENSE SUSPENSION AFTER EPILEPTIC SEIZURE

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House Bills 6216 and 6217 as introduced

Sponsor: Rep. Jack O'Malley

Committee: Transportation

Complete to 6-14-22

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

SUMMARY:

House Bill 6217 would add a new section 309a to the Michigan Vehicle Code to require the secretary of state (SOS), after notice and a hearing, to suspend for at least six months the driver's license of an individual who has experienced an epileptic seizure. However, the SOS could suspend the individual's driver's license for three months instead if the individual submits a statement of physical or mental history from a treating physician within 30 days after the last epileptic seizure. The statement would have to include certification that the individual's epileptic seizure is under control by medication or another treatment method and that all symptoms and conditions that would affect the safe operation of a motor vehicle have abated or have been corrected, cured, or controlled.

The SOS could reduce or waive a time period described above if either of the following apply:

- The SOS 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 a consistent and prolonged aura.
 - It has an established pattern of being purely nocturnal.
 - It is secondary to acute metabolic or sleep-deprived seizures.
 - It is related to a reversible acute illness.
- The SOS receives a written recommendation from a treating physician to reduce or waive the required time period, which could include the following:
 - Evidence that the 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 need to include an established history of the pattern.
 - Documentation 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** is a seizure that does not impair an individual's awareness and includes a simple partial seizure or aura.)
 - Evidence that the individual's epileptic seizure resulted from an acute and reversible condition that has been medically addressed and is unlikely to happen again.
 - 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 6216 would amend the Public Health Code to provide that, beginning on the effective date of the bill, if a patient has experienced an epileptic seizure, a physician may submit a report recommending a period of suspension as described in proposed section 309a of the Michigan Vehicle Code (described above).

MCL 333.5139

Neither bill would take effect unless both bills were enacted.

FISCAL IMPACT:

House Bill 6216 would have no fiscal impact on the Department of Health and Human Services or local health departments.

A fiscal analysis of House Bill 6217 is in progress.

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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.