



RESTRICTIONS ON THE DRIVING PRIVILEGES OF THE ELDERLY

Each year there are a few motor vehicle accidents in South Dakota that involve a driver of advanced age and that unfortunately result in a fatality or serious injury. If the older driver is found to be at fault in such a case, this can result in inquiries by concerned constituents as to whether there should be a law to require more frequent testing of older drivers or inquiries as to what other states have done to make sure older drivers are physically able to operate a motor vehicle. This memorandum will attempt to provide some facts regarding older drivers and summarize what other states have done to restrict the driving privileges of the elderly.

Background Statistics

Nationally, persons age 65 and older currently represent 13 percent of the population and it is estimated by the National Highway Traffic Safety Administration (NHTSA) that this age group by the year 2030 will represent about 20 percent of the country's population. With persons working and living longer, this means older persons will be driving the nation's highways in much greater numbers. In 1990, South Dakota's percent of persons age 65 and over was about 15 percent of the population. In 1998 this age group represented 16.6 percent of all licensed drivers in the state.

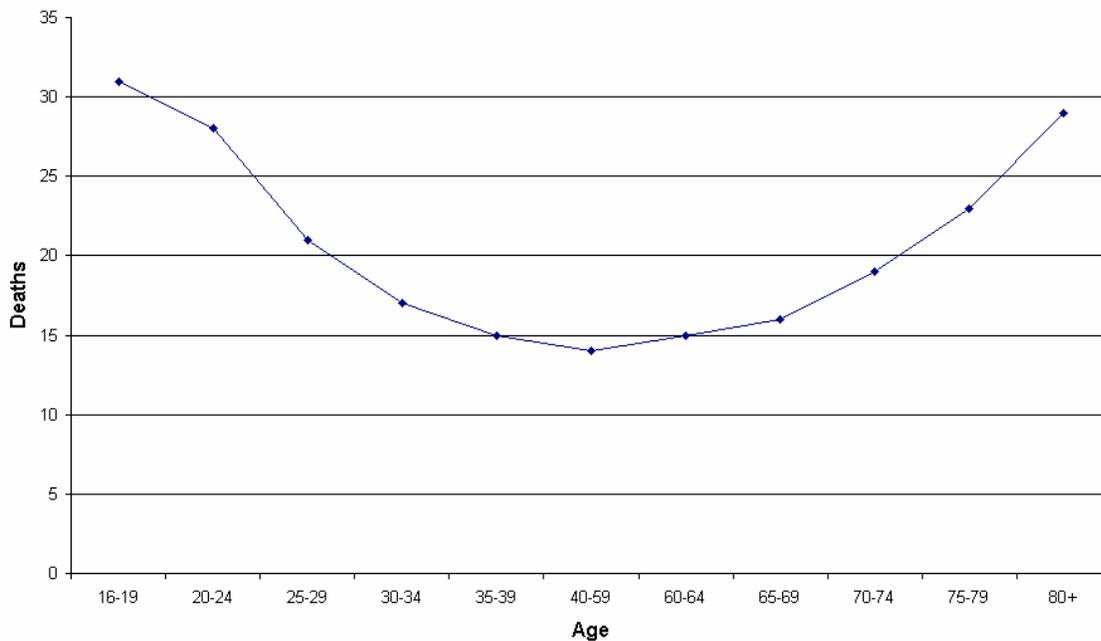
Nationwide older drivers have fewer crashes than any other age group. In

South Dakota this has been especially true. In 1998, while 16.6 percent of the drivers were age 65 and over, only 9.3 percent of the drivers involved in all accidents, 8.8 percent of the drivers involved in injury accidents, and 13.1 percent of the drivers involved in fatal accidents were from this older age group. These percentages have remained pretty constant for this decade.

However, this older age group drives less than any other age group. The American Association of Retired Persons (AARP) estimates that a 65-year-old person typically drives half as many miles as a 35-year-old person. When the number of miles driven is taken into consideration, older persons have a higher rate of crashes per mile driven than any other age group. For the United States, the crash rate for actual miles driven for people over 75 is almost four times that of other drivers. Teenagers rank second.

Older people are more susceptible than younger people to medical complications following motor vehicle crash injuries. Consequently, older persons are more likely to die from their injuries. According to the Insurance Institute for Highway Safety, the age group of 75 years of age and older has more motor vehicle deaths per 100,000 than other groups except people younger than 25 and, per mile driven, this older age has a higher rate of fatal motor vehicle crashes than drivers in other age groups except teenagers.

Motor Vehicle Deaths per 100,000 People 1997



Source: Insurance Institute for Highway Safety

In 1998, according to NHTSA, most fatal crashes involving older drivers occurred during the daytime (82 percent), on weekdays (72 percent), and involved another vehicle (75 percent). In two-vehicle fatal crashes involving an older driver and a younger driver, the vehicle driven by the older person was more than 3 times as likely to be the one that was struck (59 percent and 17 percent, respectively). In 42 percent of these crashes, both vehicles were proceeding straight at the time of the collision. In 28 percent, the older driver was turning left—8 times as often as the younger driver. In addition, according to the Insurance Institute for Highway Safety, about half of the fatal crashes involving drivers 80 years and older occur at intersections and involve more than one vehicle. This compares with 23 percent among drivers up to age 50.

Driver Requirements Based on Age

Although these statistics suggest a link between age-related functional limitations and driving performance, researchers have yet to determine specifically how these limitations affect driver performance. Physical and mental conditions that have been shown to interfere with driving functions include vision impairments, early stages of dementia, and acute or chronic illnesses requiring prescription drugs that may reduce alertness and reaction time. The state of Maryland is currently working with NHTSA on a study to measure older drivers' agility, memory, and vision, and to test the effects each has on driving ability. The Maryland study will evaluate various screening and assessment techniques that might be used by states to identify elderly drivers who, because of age-related changes, pose an increased

risk of being involved in a fatal crash. The results of that study should be known soon. Better knowledge in this area should enable states to base driver licensing more on driver performance than on age alone.

Driving is an important privilege for this state's elderly citizens. The ability to drive by older citizens is important to them in meeting basic needs, such as obtaining food and medical services. Especially in rural communities where there is no public transportation available, the loss of driving privileges often means the loss of independence and a reduction in a person's quality of life.

In South Dakota elderly drivers are treated the same as all other drivers when it comes to the issuance and renewal of a driver's license. Driver's licenses are valid for five years. Upon a renewal, each driver is required to submit to an examination of his or her eyesight.

There have been attempts in the South Dakota Legislature in the recent past to require older drivers to submit to driver's license renewal more often than younger drivers. These attempts have failed primarily because the accident statistics of this state do not indicate that elderly drivers pose a greater risk on highways than do younger drivers. Another argument used against these attempts, especially by the AARP, has been that older persons who are good drivers should not be discriminated against based on age. They contend that safe driving does not automatically deteriorate with age and that states should instead improve their testing and licensing procedures for drivers of all ages.

Although the attempts in this state have failed, some states have, or did at one time have, additional driver licensing

requirements for older drivers. These requirements are as follow:

California—This state requires vision and written tests for drivers over the age of 70.

Hawaii—A driver's license is valid for four years. However, a two-year license is issued to any person age 72 and older. License renewal includes such physical examinations necessary to determine the applicant's fitness to continue to operate a motor vehicle—usually just a vision test.

Illinois—A driver's license renewal includes a written test (at least every eight years), a vision test, and driving test for any person age 75 and older. A driver's license is normally valid for four years; however, persons age 81-86 are issued a license valid for two years and persons age 87 and older are issued a license valid for only a year. The fee for a two-year license is two dollars and no fee is charged for a one-year license.

Indiana—This state is unique in that for nearly twenty years it required drivers 75 and older to take a driving test every three years to renew their license. Then, in December of 1998, that policy was suspended, because it was discovered that there was no rule or law in the state that required this testing.

Iowa—A regular driver's license is valid for four years. However, if a person is over age 70 the driver's license is valid for only two years. All persons are required to pass a vision test to renew a license and other tests are optional on the part of the examiner.

Louisiana—Persons sixty years of age or older applying for a first license must submit a doctor's report about vision and physical condition. The state used to

require persons over seventy years of age to renew their license after two years, but that was recently lengthened to four years—the same for other ages.

Maine—A driver's license is valid for four years. Driver's license renewal includes a color photo (optional if over 65 years of age) and a vision test (at renewal after ages 40 and 52 and at every renewal after age 65).

Maryland—Any applicant over the age of 70, upon applying for a new driver's license, must present proof of previous satisfactory operation of a motor vehicle and a written certification from a licensed physician attesting to general physical and mental qualifications of the applicant.

New Hampshire—This state requires vision, written, and road tests for license renewal of drivers over the age of 75.

New Mexico—A regular driver's license is valid for four years. However, any person age 75 and older must renew his or her driver's license annually. A driver's license renewal includes a vision test and there is no cost for the renewal for those 75 and older.

Oregon—Drivers 50 years of age or older must pass a vision screening test every 8 years.

Pennsylvania—A regular driver's license is valid for four years. However, any person over 65 years old must have his or her driver license renewed after two years.

Other State Actions

The driver licensing renewal procedures from three other states are worth mentioning.

Florida, the state with the highest number of elderly drivers, allows persons who have not received a traffic violation within the last three years to renew their license by mail and do not have to renew their license in person for 12 years. Here is a state with the most elderly drivers and one of the most lax renewal processes in the country.

The state of New York has recently implemented a driver's license renewal process based on whether there are reasonable grounds to believe that a person holding a license is not qualified to operate a motor vehicle, not just age. Questionable drivers are identified by three criteria: Drivers who have had three accidents within a six-month period, drivers between ages 25 and 65 with three accidents within six to nine months, and drivers under age 25 and over age 65 with three accidents within nine months. Anyone who falls into one of these groups is required to take a written and skills test to determine qualification to continue to drive.

In an effort to encourage the reporting of potentially unsafe drivers, Missouri has enacted a law that protects the confidentiality of doctors or close family members who report impaired or incompetent drivers to authorities. The law protects these people from possible lawsuits.

Summary

Driving is an important privilege to any elderly citizen attempting to maintain an independent life style. It is especially important, in rural states, since there is a lack of availability of public transportation for these citizens. As the elderly population continues to grow, the state will want to ensure the safety of its older drivers and those with whom they share

the road. While statistics show that in South Dakota older drivers have been underrepresented in motor vehicle accidents, this has not been the trend nationwide. Several states have placed stricter driver license requirements on older drivers despite arguments that such laws discriminate against older persons

based on age. Similar attempts in South Dakota have been unsuccessful. A study being conducted by the state of Maryland in conjunction with NHSTA will hopefully gather information to help all states in the future to establish appropriate license renewal requirements to remove unsafe drivers from the road, regardless of age.

This issue memorandum was written by David L. Ortbahn, Principal Research Analyst for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.
