



### **CAN A PERSON WITH EPILEPSY OBTAIN A DRIVER'S LICENSE IN MINNESOTA?**

**Yes.** Thousands of Minnesotans with epilepsy drive safely and accident-free. But state law requires drivers to report any condition that can, even occasionally, cause loss of consciousness or voluntary control (defined as the inability to assume and retain upright posture without support, or inability to respond rationally to external stimuli) to the Department of Public Safety. Not all seizures fit into this category.

### **WHAT IS THE LEGAL PROCEDURE FOR A DRIVER TO REPORT A SEIZURE TO THE DEPARTMENT OF PUBLIC SAFETY?**

A driver is required to report a seizure, and the date it occurred, to the Department within thirty (30) days of the episode. Failure to report or misrepresentation by the driver could result in a loss of driving privileges for six (6) months following the discovery.

[www.dps.state.mn.us](http://www.dps.state.mn.us)

The Epilepsy Foundation of Minnesota receives numerous inquiries about driving regulations for individuals with epilepsy. This information has been developed to help people with epilepsy, their families and others to gain a better understanding of some of the rights, responsibilities and restrictions for someone with seizures who wishes to maintain a Minnesota driver's license.



1600 University Avenue West, Suite 300  
Saint Paul, MN 55104

**Seizures:**  
Driving in Minnesota

## WHAT IS THE CANCELLATION PERIOD FOLLOWING A SEIZURE?

A driver needs to remain seizure-free for three (3) months following a seizure before reinstatement of their driver's license. It is required to submit a physician's statement to DVS after the three (3) months.

## ARE EXCEPTIONS ALLOWED TO THE THREE MONTH CANCELLATION PERIOD?

### Yes.

1. An exception is allowed once every four (4) years if 1) the driver has a seizure related to a temporary illness or 2) an isolated incident of negligence in taking medication (provided the physician indicates a favorable short- and long-term prognosis). A second seizure within four (4) years requires an appeal to the Department of Public Safety's Medical Review Board for variance from the rule.
2. If the seizure occurs under a physician's orders to change or withdraw medication (and the physician does not recommend cancellation of driving privileges) an exception is allowed. Physician documentation required at six (6) months and 1 year.
3. If the physician states that the episode was the first one experienced by the driver (and the physician does not recommend cancellation of driving privileges) an exception is allowed.

## CAN THE LICENSE BE CANCELLED FOR LONGER THAN THREE MONTHS?

**Yes.** If the seizure is caused by alcohol or controlled substance abuse, the loss of driving privileges following the episode is for one (1) year instead of three (3) months.

## IF AN INDIVIDUAL EXPERIENCES "NOCTURNAL" SEIZURES, MUST THEY ALSO BE REPORTED?

**Yes.** The nature of an individual's epilepsy can change. A person who has never had a seizure while awake can suddenly start having them. Also, if an individual with nocturnal epilepsy were to fall asleep at the wheel or become very drowsy, a seizure could occur.

## CAN AN INDIVIDUAL APPEAL THE CANCELLATION OF DRIVING PRIVILEGES IF THEY FEEL THEY STILL SHOULD BE ALLOWED TO DRIVE?

**Yes.** A driver has the right to appeal the loss of driving privileges. The appeals process consists of writing a letter to the Department of Public Safety, Motor Vehicles Division. They then send a letter to the individual (driver) who in turn



## WHO REPORTS A SEIZURE TO THE DEPARTMENT OF PUBLIC SAFETY? IS IT THE DOCTOR'S RESPONSIBILITY?

**No.** It is not the responsibility of the doctor to report a patient's seizure, although the doctor may choose to do so if he/she feels the patient may still be driving. The individual who experienced the seizure is legally responsible to report the seizure. Failure to report could result in a loss of driving privileges for three (3) months following the discovery.

sends it to his/her physician requesting more medical information such as the medication the individual uses, type and severity of seizures the individual experiences, etc. That information is forwarded to the Medical Review Board. However, the physicians do not have the final say; the Department of Public Safety does, and it can be several weeks for a decision to be rendered.