

FACT SHEET: Jet's Law

Driver licence holders and medical condition reporting

Driving a motor vehicle is a complex task involving perception, appropriate judgement, adequate response time and reasonable physical capability. A range of medical conditions, as well as certain treatments, may impair any of these factors.

Although the extent to which medical conditions contribute to road crashes is difficult to assess, there is international recognition of, and community expectation that, medical standards for driving be established and applied. The medical standards for driving, recognised by all driver licensing authorities in Australia, are contained in the *Assessing Fitness to Drive 2003* publication.

In November 2004 a driver suffering an epileptic fit hit the car of 22 month old Jet Rowland's mother's. The impact killed Jet, severely injured his mother Anita Rowland and left his brother Bailey confined to a wheelchair. Medical Condition Reporting Legislation introduced after the tragedy has been named "Jet's Law" in recognition of the little boy whose death inspired the laws.

Driver licence holders have a mandatory requirement to report, any long term or permanent medical condition that may affect their ability to drive safely, to Queensland Transport. As soon as the condition develops, or as soon as there is an adverse change to an existing condition, you need to take steps to inform Queensland Transport.

Queensland Transport recommends that you should talk to your health professional about your medical condition and any potential impact this may have on your ability to drive safely. Health professionals are qualified to check if you are medically fit to drive. They may provide a medical certificate or official letter stating your fitness to drive.

What should I do if I develop a permanent or long-term medical condition?

You should talk to your health professional. If the permanent or long-term medical condition is likely to adversely affect your ability to drive safely then you must let Queensland Transport know as soon as you become aware of the condition or an adverse change to it.

Note: Drivers 75 years of age or older must hold a valid medical certificate at all times.

Who is a health professional?

A health professional can be a doctor, occupational therapist, optometrist, or physiotherapist. Health professionals are qualified to check if you are medically fit to drive. If required, they will provide you with a medical certificate or official letter stating your fitness to drive.

Some medical conditions which may affect driving (Note: this list is not exhaustive):

- diabetes (early and late onset)
- epilepsy
- heart disease
- stroke
- arthritis and other joint problems
- eye problems (for example, cataracts)
- hearing disorders
- sleep disorders
- Parkinson's disease and other neurological disorders
- dementia and Alzheimer's disease
- depression and other mental-health problems
- lung disease
- injuries and disabilities.

How do I notify Queensland Transport that I have a medical condition that affects my ability to drive safely or have had an adverse change to an existing condition?

Make an appointment with your treating doctor to discuss how your medical condition/s may affect your ability to drive.

If you are going to see your doctor:

- Complete the relevant sections of the *Private and Commercial Vehicle Driver's Health Assessment* (form F3195). This form will be kept on file by your health professional.
- Complete page 1 of the *Medical Certificate for Motor Vehicle Driver* (form F3712).
- Have your health professional complete the relevant sections of the *Medical Certificate for Motor Vehicle Driver* (form F3712).
- Submit the completed *Medical Certificate for Motor Vehicle Driver* (form F3712) to Queensland Transport.

What if I have a licence to drive a commercial vehicle?

Professional drivers such as drivers of trucks, public passenger vehicles and vehicles carrying dangerous goods must meet higher medical standards because of the demands of their work, the extensive hours spent on the road, and the serious consequences likely to result from a crash.

If you have an illness that is likely to impact on your ability to drive safely, it is important to tell your doctor what sort of vehicle you drive. It may be that with treatment and regular review you will be able to continue to drive on a conditional licence.

A person who does not meet the health requirements to drive a commercial vehicle may still be eligible to drive a private vehicle.

How do I notify Queensland Transport that I now need to wear glasses for driving?

If you have not seen your doctor but are aware that you have a condition that may negatively affect your ability to drive (for example, you are required to wear corrective lenses whilst driving):

- Complete the *Medical Condition Notification* (form F4355) and lodge it with Queensland Transport.

When I declare my medical condition, how will my licence be affected?

How your licence is affected by the declaration of your medical condition depends on the condition itself and the recommendations of your health professional.

Your licence may be:

- suspended
- cancelled
- amended to include a condition requiring you to only drive while carrying, and in accordance with, a medical certificate—a code 'M' on your licence will indicate this requirement.

If your medical condition means you cannot drive anymore, you should surrender your licence.

How can I manage my driving if I have a medical condition?

Your health professional may suggest limitations or restrictions to your driving such as:

- daylight driving only
- drive an automatic car only.

This acknowledges that you are still fit to drive—just not in all conditions.

In this situation, Queensland Transport may issue a conditional licence. You will need to drive according to the conditions imposed.

What happens if I do not surrender my licence or agree to the condition on my licence?

If you refuse to surrender your licence or refuse to agree to the conditions imposed on your licence, Queensland Transport will begin 'show cause' action. These are legal proceedings where you have to justify your actions and explain why Queensland Transport should not take the action proposed.

Do I have to carry a medical certificate with me?

If you have a code 'M' on your licence, or if you are 75 years of age or older, you must carry a current medical certificate stating that you are medically fit to drive. You must show the certificate to a police officer when asked to do so. You must also comply with any conditions stated on the medical certificate.

Will I be reminded to get a medical certificate?

If you are 75 years old on your next birthday and hold a current licence, you may receive a letter from Queensland Transport about six weeks before your birthday advising you of your need to hold, and carry, a current medical certificate if you wish to continue driving.

If your licence already has a code 'M' on it, you may receive a reminder notice each year about the need for you to hold and carry a current medical certificate.

What happens if I do not carry the certificate or drive outside the limitations of the certificate?

You may be given an on the spot fine of \$75 and incur one demerit point for failing to comply with a condition stated on a licence when driving. Alternatively, if a matter goes before a court, you may be fined up to \$1500.

How long does my medical certificate last?

Your doctor will decide how long your certificate will last by taking into account the nature of your medical condition and how often they need to monitor your progress. Your doctor might decide to give you a certificate that lasts for anywhere between one month and five years.

You might still be given a driver licence that lasts for five years, even though your medical certificate lasts for a shorter period. In this circumstance, you must get a new certificate confirming your medical fitness to drive when this earlier certificate expires. You will be fined if you are found driving when not holding a current medical certificate.

Fines apply for driving without holding a current medical certificate or driving outside the conditions of your licence.

What if I continue to drive once my licence has been suspended or cancelled?

You would be driving unlicensed and committing an offence. You may be given an infringement notice or be required to be dealt with by a court for unlicensed driving. Queensland law contains substantial penalties for those found driving unlicensed.

Can health professionals currently report patients who are medically unfit to drive?

Health professionals are not compelled to report medically unfit drivers to Queensland Transport. However, they may report a patient if concerned that their advice is being ignored and the patient is still driving.

Health professionals are afforded protection from liability for providing information in good faith about a person's medical fitness to hold, or continue to hold, a Queensland driver licence.

What happens if Queensland Transport receives information from a health professional stating that their patient is unfit to drive?

Queensland Transport will contact the person and ask them to 'show cause'. If they do have their licence suspended or revoked they can contest the decision by applying for a reconsideration of the decision. The person will be informed of any further decision in writing.

Queensland Transport has the right to immediately withdraw a person's authority to drive on Queensland roads where advice is received from a health professional that the person has a medical condition which may affect their ability to drive safely. The person will still have the right to contest the decision.

What other steps are being taken to ensure all Queensland drivers are fit to drive?

Queensland Transport is working with health professionals to increase awareness among patients of the impacts of medical conditions on their ability to drive.

After assessing a driver's fitness to drive, the treating doctor may complete a *Medical Certificate for Motor Vehicle Driver* (form F3712). This form must be given to Queensland Transport promptly if the assessment finds:

- the medical standards for a conditional driver licence are met, and the condition/s differ to those shown currently on the driver licence, or
- the medical standards are **not** met for a driver licence.

Queensland Transport may confirm that the department received this *Medical Certificate for Motor Vehicle Driver* (form F3712) with the treating doctor.

If the driver refuses to surrender their licence or refuses to agree to the conditions imposed on the licence, 'show cause' action will commence. These are legal proceedings where a driver has to justify their actions and explain why Queensland Transport should not take the action proposed.

Where can I obtain copies of the forms?

Copies of the *Medical Certificate for Motor Vehicle Driver* (form F3712), *Private and Commercial Driver's Health Assessment* (form F3195) and *Medical Condition Notification* (form F4355) are available for download from the Queensland Transport website: www.transport.qld.gov.au/medicalconditions.

Alternatively, please contact Queensland Transport on 13 23 80 where an officer will be happy to help you.

This fact sheet last updated 30 July 2008