

Dementia Diagnosis and Driving

Response from Nathan Pastor regarding the potential liability of driving with a dementia diagnosis.

This article accurately summarizes the DMV rules regarding operating a vehicle after receiving a dementia diagnosis: <https://www.caregiver.org/resource/dementia-driving-and-california-state-law/>.

Although an individual may be able to maintain their driver's license after receiving a dementia diagnosis by following the DMV's rules, that does not mean they are free from potential legal liability. If a person with dementia is driving and gets into an accident, the fact that they have dementia, even mild dementia, would likely have to be disclosed. This fact would make it difficult to defend against legal liability, even if they were acting reasonably and not at fault. If they were at fault, they would have even more potential liability.

Legal liability may not be limited to the person operating the vehicle. For example, if household members are looking after someone with mild dementia and know their loved one has declined to a point that they can no longer safely operate a vehicle they may be legally liable for any accident that occurs if they did not take reasonable and appropriate steps to report the issue or prevent the patient from driving. The issue could be reported to the DMV or the treating physician. In more extreme situations where the patient is visibly disoriented it may be reasonable and prudent to try to prevent the patient from driving altogether by taking away the car keys or selling the car. Practically speaking, if you take away access to the vehicle the patient will still need to get around, so have a plan! The question is always, what would a "reasonably prudent person do?"

Dealing with dementia is not easy for anyone, the patient, family, friends, or the public. Families should be aware of potential legal issues; however, far above legal liability is making sure that **everyone** is safe; those with dementia, their family and friends, and the public at large.