

Elder Law

Q. What can I do if I cannot persuade my loved one to stop driving?

A. There is probably no more agonizing a problem than trying to convince a loved one that he or she can no longer drive safely. Cars have given all of us freedom and independence, and when someone is asked to stop driving and give up this source of independence, often the reaction is an absolute refusal. If you are unable to persuade your spouse, parent or other loved one that they are unable to drive safely and you are convinced that their driving exposes not only themselves but others to accidents and injuries, then the proper course of action is to contact the Indiana Bureau of Motor Vehicles ("BMV").

Indiana law permits you to contact the BMV confidentially to have your loved one's ability to drive reviewed. The BMV can furnish you with a form called "Request for Driving Ability Review" to fill out and return to the BMV. Indiana law requires the BMV to investigate the allegation and take appropriate action.

BMV will send a letter to the person, stating that their ability to drive has been questioned, but it will not say by whom. There will also be medical forms enclosed that the person must take to their physician



Daniel K. Leininger
Attorney at Law, Partner

to be completed within 30 days and returned to the BMV. If the papers are not completed within 30 days, the license will automatically be revoked for failure to submit an acceptable medical report. If the forms are completed on time, a doctor on the BMV Medical Advisory Board will be assigned to review the case and make the final decision whether to suspend the license or not. The individual will then be notified in writing that their license has been revoked.

The law also provides that a physician, optometrist, or advance practice nurse may report problems to the BMV and have immunity from litigation for making the report. So, if friendly persuasion is not working, you do have a way of taking action to protect your loved one and the driving public.

2174 North Pointe Drive
Warsaw, IN 46582

BEERS MALLERS
ATTORNEYS AT LAW

Telephone (574) 267-4300
Fax (574) 267-4343
dkleininger@beersmallers.com
www.beersmallers.com