

Epilepsy and Driving

At Epilepsy Queensland we understand that not having a licence can impact your work, social and family life. Experiencing seizures or being diagnosed with epilepsy can affect your ability to drive safely. Restrictions and laws governing fitness to drive are designed to keep you and other road users safe. Many people with epilepsy can return to driving when seizures become controlled but the length of time a person must wait depends on individual circumstances and must be approved by a medical specialist.

As seizures can cause loss or impairment of awareness and impact the ability to control a vehicle, risks associated with driving are increased. Good health and fitness to drive are imperative to road safety, not only for the drivers themselves but for the safety of passengers, pedestrians, and other drivers.

Decisions about a person's fitness to drive are legislated by the Road Transport Authority in each State and Territory in Australia and are based on *Assessing Fitness to Drive*.

Assessing Fitness to Drive is a joint publication developed by Austroads and the National Transport Commission (NTC) and outlines the medical standards for driver licensing to be adhered to by health professionals and driver licensing authorities. You can find information relevant to seizures and epilepsy in Section 6.2 of this document.

All States and Territories in Australia have laws about reporting health conditions that might affect a person's ability to drive safely. These laws have been created to protect public safety and are summarised in Appendix 3 of *Assessing Fitness to Drive*. In Queensland medical condition reporting legislation is sometimes referred to as Jet's Law in memory of Jet Rowland who died in a car accident in 2004.

Your first seizure

Following your first seizure, the current recommendation is a driving ban for a minimum of 6 months for private vehicle licence holders.

It is good medical practice for any person with initial seizures to be referred to a specialist, for accurate diagnosis so that you receive the appropriate treatment.

If a diagnosis of epilepsy is made, we will work together with your treating practitioner to help you understand the risks and impacts this diagnosis might have, including driving. The treating doctor/general practitioner may liaise with the Department of Transport and Main Roads (DTMR) about whether the criteria are met for driving a private vehicle, but only a specialist may do so for a commercial vehicle driver.

Your responsibilities

Austroads Section 6.2.2 details the responsibilities of licence holders.

You are required to:

- continue to take anti-seizure medication regularly as prescribed.
- get adequate sleep and not drive when sleep deprived.
- avoid circumstances, or the use of substances (e.g., excessive alcohol), that are known to increase the risk of seizures.

Not taking prescribed anti-seizure medication makes it likely you will be assessed as not fit to drive.

Consequences of non-disclosure

Queensland laws require drivers to report to the DTMR any permanent or long-term illness that is likely to affect their ability to drive safely. In Queensland, notification can be made in-person at Transport and Main Roads Customer Service Centres or through the Transport and Main Roads website.

Not notifying DTMR may incur a maximum court-imposed fine of more than \$8,200 and your driver licence may be cancelled. Your health professional is legally permitted to notify the Road Transport Authority about your medical condition.

Drivers should be aware that there may be long-term financial, insurance and legal consequences where there is failure to report an impairment to the relevant DTMR.

Returning to driving

A person is not fit to hold an unconditional licence if the person has experienced a seizure. A conditional licence may be considered by the DTMR subject to at least annual review, considering information provided by the treating doctor as to whether the following criteria are met:

- There have been no seizures for at least 12 months; and
- The person follows medical advice, including adherence to medication if prescribed or recommended.

The 'default standard' is the standard that applies to all drivers who have had a seizure unless their situation matches one of the defined situations listed and described below. These situations are associated with a lower risk of a seizure-related crash and therefore driving may be resumed after a shorter period of seizure freedom than required under the default standard, at the discretion of your treating specialist. However, the need for adherence to medical advice and at least annual review still applies. If a seizure has caused a crash within the preceding 12 months, the required period of seizure freedom may not be reduced below that required under the default standard.

Variations to the default standard

There are a few situations in which a variation from the default standard may be considered by the DTMR to allow an earlier return to driving:

- First seizure (requires 6 months of seizure freedom unless the seizure results in a motor vehicle accident)
- Epilepsy treated for the first time (requires 6 months seizure freedom)
- Seizures only in sleep
- Seizures in a person previously well controlled.

Related Documents

External (including Legislation)

Epilepsy Queensland website - [Transport and Driving Guidelines - Epilepsy Queensland](#)

Austroads - <https://austroads.com.au/publications/assessing-fitness-to-drive/ap-g56/neurological-conditions/seizures-and-epilepsy>

Queensland Health – Epilepsy & Driving; Assessing Fitness to Drive - [DH A3 Portrait \(epilepsyqueensland.com.au\)](#)