

# **Driver's Licence**

## **Taking Your Medical Condition into Account**

This explains how your medical condition can affect your ability to hold a Yukon driver's licence and how decisions about your ability to drive safely are made by the Government of Yukon. It also explains how to appeal these decisions if you disagree. Provided as well is contact and other resources information, and a form called **“MEDICAL CONDITION Release of Information .**

### **For your safety and others...**

The safety of people on our roads and highways is an important part of protecting our communities. That is why licences and conditions as to when and how people may operate motor vehicles are necessary.

### **Your rights under the Yukon *Human Rights Act***

You have a right to make a complaint under the Yukon *Human Rights Act* if you feel you have been discriminated against because of your disability, age, or any other ground listed in section 6 of the *Act*. Contact the Yukon Human Rights Commission if you think you might have a complaint.

### **Your rights to legal representation**

You may wish to retain legal counsel to help you appeal decisions of Motor Vehicles or the Driver Control Board about your driver's licence. The Law Society of Yukon maintains a lawyer referral service to help you find and obtain an initial consultation from a lawyer. Legal information may also be obtained free of charge from the Law Line. There are other resources in the community that may be helpful to you. These include Legal Aid, Yukon Learn, and your First Nation (if applicable). You should also not hesitate to talk to your doctor or other medical practitioner, or to contact the Motor Vehicles office directly, with any questions you may have regarding either your fitness to drive or your rights in that regard.

## **General Considerations**

Changes to the state of your health must be reported to Motor Vehicles, if the changes could interfere with your ability to safely operate a motor vehicle.

You need to do this each time you apply for a licence, or any time your medical condition changes. This information is kept confidential. This includes hearing and vision conditions.

Your doctor and optometrist must also report changes to your health condition to Motor Vehicles.

Medical practitioners and optometrists must make Motor Vehicles aware of any health problems you may be having that would interfere with the safe operation of a vehicle. Again, this information is kept confidential.

Motor Vehicles considers the impacts of your health condition on your driving.

All the information received by Motor Vehicles is reviewed and assessed on an individual basis, using standards such as the National Safety Code *Medical Standards for Drivers* and the Canadian Medical Association's *Guide for Physicians in Determining Fitness to Drive*.

Depending on the type of medical condition, Motor Vehicles may add restrictions to your licence or cancel your driving privileges.

### **If restrictions are added to your licence...**

Depending on your specific medical condition, Motor Vehicles may add restrictions to your licence. An example of this would be restricting a person with limited night vision to driving only during daylight hours. The restrictions on your licence remain unless your medical condition improves.

## **If your licence is cancelled...**

If your medical condition interferes with your ability to drive safely, Motor Vehicles will cancel your driver's licence. You will not be able to hold a Yukon driver's licence unless your medical condition improves to the point where you could once again safely operate a vehicle.

***If you have a medical condition that your doctor feels may interfere with your safe operation of a motor vehicle, does that mean that you automatically lose your licence?***

*Maybe not!*

*Only some medical conditions are serious enough to interfere with a driver's ability to safely drive and interact with traffic and pedestrians. It is the responsibility of your medical practitioner, Motor Vehicles, and the Driver Control Board to determine whether your medical condition may affect your ability to drive safely.*

You will be notified of the decision of Motor Vehicles as soon as possible.

Once Motor Vehicles has reached a decision, you will be notified either over the telephone, in person or through the mail. If the decision is to cancel your licence or to apply restrictions, you will be contacted immediately by phone or in person. You will also be given written information on the Driver Control Board review process.

***Your licence is considered officially restricted or cancelled once you are contacted by a government official or the notification letter is deemed served under the law. It is a serious offence to drive without a valid licence.***

## **Review and Appeal**

If you are not satisfied with the decision of Motor Vehicles, you can request the Driver Control Board to review the restriction or cancellation of your licence. You must request this review within 30 days of the day the Motor Vehicles letter was delivered to your address.

### **Driver Control Board review process**

Once you have requested an appeal of Motor Vehicles' decision, the Driver Control Board will individually assess the restriction or cancellation of your driver's licence as a result of a medical condition. The Board is made up of five board members and a medical advisor.

1. Notify the Driver Control Board in writing that you wish to appeal the decision of Motor Vehicles, and fill out and provide them with the form called "**MEDICAL CONDITION Release of Information**", in order to obtain information on your condition. You find the form below.
2. Your medical practitioners should provide you with any documents related to your health condition, so that you can give these to the Driver Control Board.
3. The Driver Control Board will notify you in writing of the time and place of the Driver Control Board hearing. You will be given this notice at least 10 days before the hearing.
4. You have the right to be heard by the Board and the right to choose to have legal representation before the Board. The Board has an obligation to ensure you are treated with fairness.
5. Once the restrictions or cancellation has been reviewed by the Driver Control Board at the hearing, the Board may:
  - uphold the decision of Motor Vehicles;

- reinstate the cancelled licence; or,
- change the restrictions applied by Motor Vehicles.

The Driver Control Board will give you its decision in writing.

6. If your licence has been cancelled, you may request that the Driver Control Board review its decision after six months.

### **If you are not satisfied with the decision of the Driver Control Board, you can appeal to the Courts.**

To file an appeal with the Yukon Courts, provide Court Services with information about your appeal within 30 days of the day the Driver Control Board decision is mailed to you. Court Services will set a date and time for you to appear before a Judge for a hearing.

Court Services will notify the Driver Control Board that you wish to appeal its decision. At the scheduled date and time, both you and the Driver Control Board will be asked to give evidence before the Court. Once the Judge has heard from both parties, the Judge may confirm, change, or set aside the decision of the Driver Control Board. A written decision will be provided.

### **If You Develop a Medical Condition ...**

If you develop a condition that could interfere with your ability to drive safely, your medical practitioner may want to discuss your case by referring to the “*National Safety Code – Medical Standards for Drivers.*” This information may help you better understand how your condition may affect your ability to safely operate a motor vehicle. Most medical offices in the Yukon have copies of these standards.

## **Contact Information:**

In Whitehorse, call

Deputy Registrar, Motor Vehicles	667-5313
Regulatory Control & Special Projects Officer, Motor Vehicles	667-3638
Driver Control Board	667-3774
Court Services	667-5441

In Yukon, call toll-free 1-800-661-0408

## **Other Resources:**

Yukon Human Rights Commission

In Whitehorse, call 667-6226

In Yukon, call toll-free 1-800-661-0535

Law Society of Yukon

In Whitehorse, call 668-4231

Yukon Law Line

In Whitehorse, call 668-5297

In Yukon, call toll-free 1-866-667-4305

**MEDICAL CONDITION  
RELEASE OF INFORMATION**

I, \_\_\_\_\_, consent to the release to  
*(Please print your name)*

Motor Vehicles and the Driver Control Board of any information concerning my medical condition which may be relevant to my ability to operate a motor vehicle.

Signed this day, \_\_\_\_\_  
*(Please print the date)*

\_\_\_\_\_  
*(Please sign your name)*

*Note: once signed, this form is to be placed upon your medical file or files.*