

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 309.000: SAFE DRIVING

Section

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309.001: Purpose

The purpose of 105 CMR 309.000 is to designate for health care providers and the Registry of Motor Vehicles cognitive or functional impairments that are likely to affect a person's ability to safely operate a motor vehicle.

309.002: Citation

105 CMR 309.000 shall be known and may be cited as 105 CMR 309.000: *Safe Driving*.

309.003: Scope

The requirements of 105 CMR 309.000 shall apply to applicants for a Massachusetts license or learner's permit to operate a motor vehicle and licensees. These requirements are issued in conjunction with 540 CMR 24.00: *Medical Qualifications for Operators of Motor Vehicles*, and shall be consistent in scope with 540 CMR 24.01: *Purpose, Scope and Applicability*.

309.004: Definitions

Cognitive Impairment: means any condition that impairs any or several of the mental faculties of attention, alertness, perception, comprehension, judgment, memory, or reasoning that may influence the physical action, reaction time, or other responses used by a person to understand and interact with the environment.

Functional Impairment: means any symptom of a disease or medical condition that results in full or partial decrease in any or several sensory or motor functions including but not limited to peripheral sensation of the extremities, strength, flexibility, motor planning and coordination.

Health Care Provider: means a registered nurse, licensed practical nurse, physician, physician assistant, psychologist, occupational therapist, physical therapist, optometrist, ophthalmologist, osteopath, or podiatrist who is a licensed health care provider under M.G.L. c.112.

Registry of Motor Vehicles: means the division within the Massachusetts Department of Transportation that is responsible for administering and enforcing the provisions of law relative to the privilege of operating motor vehicles on the ways of the Commonwealth conferred by a license issued under M.G.L. c. 90 § 8, a learner's permit issued under M.G.L. c. 90 § 8B, or by reciprocity to nonresidents under M.G.L. c. 90, §§ 3 and 10.

309.005: Driving Relevant Impairments

(A) Driving Relevant Cognitive Impairment means a cognitive impairment that limits a person's ability to sustain attention, avoid distraction, understand the immediate driving context, and refrain from impulsive responding; to identify problems that arise in a driving context and make appropriate decisions to address those problems necessary to the safe operation of a motor vehicle.

(B) Driving Relevant Functional Impairment means observed or identified evidence of any functional impairment that limits a person's physical activity, or sensory or motor functions, or physical ability, or visual acuity or visuospatial processing necessary to exercise safe control at all times over a motor vehicle, including the strength, flexibility, reflexes, sensory perception and physical coordination necessary to maintain safe control of a vehicle on the road.

309.005: continued

- (1) Evidence of impaired strength includes but is not limited to:
  - (a) Inability or diminished capacity to consistently maintain a firm grasp on or manipulate a steering wheel or driving hand controls; or,
  - (b) Inability or diminished capacity to apply consistent pressure with legs and feet to vehicle foot controls or manipulate or release vehicle foot controls; or,
  - (c) Weakness or paralysis of muscles affecting ability to consistently maintain sitting balance or exercise safe control of a vehicle for prolonged distances.
- (2) Evidence of impaired flexibility includes but is not limited to rigidity or limited range of mobility in neck, torso, arms, legs or joints.
- (3) Standards regarding vision functionality or impairment are set forth in 540 CMR 24.05: *Visual Standards and Procedures*.
- (4) Standards regarding episodic seizure and loss of consciousness and six-month episode-free requirements are set forth in 540 CMR 24.06: *Seizure and Loss of Consciousness Standards and Procedures*.
- (5) Standards regarding cardiovascular and respiratory disease and functional status are set forth in 540 CMR 24.07: *Cardiovascular and Respiratory Disease Standards and Procedures*.
- (6) Standards regarding musculo-skeletal conditions and functional status for people unable to perform self-care are set forth in 540 CMR 24.08: *Arthritis Disease Standards and Procedures*.

(C) A driving relevant impairment is one that is not based solely on age or solely on the diagnosis of a medical condition or cognitive or functional impairment, but is based on observations or evidence of the actual effect of that condition or impairment on the person's ability to safely operate a motor vehicle.

(D) A driving relevant impairment is one that cannot be sufficiently corrected or controlled by medication, therapy, surgery; adaptive equipment; or by driving device or technique.

#### REGULATORY AUTHORITY

105 CMR 309.000: M.G.L. c. 90, § 22I(c) and c. 111, § 3.