

LATEST NEWS

Legislators advance restrictions for older drivers

Senate, House don't agree yet on ages for vision tests, road exams

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AUSTIN – New restrictions on elderly drivers were endorsed by the House and Senate on Wednesday and are on the fast track to becoming law – but only if lawmakers can agree where to put the age limit and whether to include more frequent driving tests.

The legislation, named for a Dallas teen killed by a 90-year-old driver, would mark the first time Texas has required tougher standards for older drivers.

The Senate believes that periodic vision tests should start at 79, with potential driving exams starting at age 85, according to legislation that passed without objection Wednesday.

Meanwhile, a less stringent bill endorsed by the House would require only vision tests every two years, with no additional required road tests. The vision test requirement wouldn't start until age 90.

The House bill also gives those seniors priority status in the notoriously long lines at Texas Department of Public Safety offices.

Senior groups say they support the House version, while some proponents of more restrictions want to see the tougher Senate bill pass.

The bills, known as "Katie's Law," passed both chambers easily: The Senate vote was unanimous and the House vote was 115-10.

Lawmakers will have to try to work out their differences in a conference committee. The bill's House sponsor, Rep. Dan Branch, and a chairman likely to be on the committee, Rep. Joe Driver, R-Garland, said they didn't think there would be a problem finding a compromise.

"I don't anticipate we'll have any problem with 85 if it comes back from the Senate like that," Mr. Driver said.

When that happens, the legislation by Mr. Branch and Sen. John Carona, both Dallas Republicans, goes to the governor.

"I think this is a historic first step," Mr. Branch said, adding that more restrictions could come in the next few years, possibly modeled on current restrictions for teen drivers. "I hope it's the beginning of a movement where thoughtful seniors and others interested in driving safely will find the right balance between independence and public safety."

Katie's Law was named in memory of Katie Bolka, a Dallas teenager who was killed last year when a 90-year-old driver ran a red light and slammed into her car at the intersection of Preston Road and Royal Lane.

"For Texas to take a step in the right direction is very positive, and it's something we're pushing not only for myself, my wife and my younger daughter – but for Katie as well," said Rick Bolka, Katie's father, who testified in Capitol hearings on the legislation.

He supports the Senate version of the bill, he said.

Supporters say Katie's Law would protect not only other drivers, but also seniors who suffer more from injuries when in minor fender-benders.

Figures from the Texas DPS indicate there are 483,264 drivers ages 79 and older.

Nearly 400 Texas license holders are 100 years or older – including 14 who are older than 106.

Officials noted that some of those who are licensed no longer drive and also that the numbers include some seniors who might have died, because their records are not removed from state data files for up to two years after their deaths.

"I spoke with my mother, who will be 92 in May, and read the bill to her, and she told me she thinks it's absolutely the most important bill we could pass," said Rep. Ellen Cohen, D-Houston. "I called the experts."

Some members voted against the bill in the House because they don't like discriminating against seniors, they don't trust the statistics and they don't believe elderly drivers are a problem.

"I'm reluctant to classify everybody in the same boat and restrict those folks," said Rep. Charles "Doc" Anderson, R-Waco. "They're not the ones who go down the highway doing 85. They don't get on the highway. They plan their travels around the peaks of traffic. They don't like to drive after dark."

Current law allows motorists to go up to 12 years between in-person renewals of their licenses. A driver can renew one time over the Internet or through the mail under most circumstances.

By requiring drivers to take vision tests, the legislation eliminates the ability of a senior driver to renew their license electronically or by mail.

The House version requires vision tests and license renewals every two years for drivers 90 and older.

Under the Senate version, elderly drivers would have to renew their licenses with a vision test on their 79th birthday, and then return at age 85 for another vision test – and possibly a driving test, subject to the discretion of the officer. DPS officials say that currently, anyone can be subject to a driving exam if they show up to renew in person and officials have doubts about whether they can drive safely.

Mr. Carona noted that his mother, who suffers from diabetes and is nearly blind, recently renewed her Texas driver's license by mail.

"The idea is not to take older drivers off the road, just to make sure they are proficient enough to drive safely on our roadways," he said.

Several other states have elderly driver restrictions – some stricter than others – usually requiring older drivers to get their eyes checked and renew more often.

The AARP is backing the House version of the legislation, mainly because it does not authorize DPS officers to require a driving exam when they feel it is warranted, as the Senate bill does.

"This is about finding a real balance between a person's ability to remain mobile and maximizing the safety on the highways of Texas," said Rafael Ayuso, a spokesman for the seniors organization. "Our view is that we want safe roads, and it is in everyone's interest to get this bill right."

FOR AND AGAINST

Some arguments by supporters and opponents of proposed new restrictions on elderly drivers:

SUPPORTERS SAY:

- Restrictions would make the road safer by forcing older drivers to demonstrate their continuing fitness to drive.
- Insurance company data shows that drivers 80 and older are often high risks because their vision and reflexes have deteriorated.
- As the population ages, more older drivers will be on the road, so the restrictions are a good first step to ensuring safety.

OPPONENTS SAY:

- The state should focus safety efforts on drivers of all ages, not just the elderly.
- Research shows that drivers younger than 25 have higher accident rates than elderly drivers.
- Singling out elderly drivers threatens their independence and well-being.
- Elderly residents and their families should determine their fitness to continue driving.

HOW MANY DRIVERS?

More than 483,000 Texans age 79 and up hold noncommercial driver's licenses. Most of them would not be subject to new driving restrictions under the House version of the bill approved Wednesday, which sets new requirements for vision tests at age 90. A compromise might lower the cutoff to 85.

How older Texas drivers group by age:

Ages 79-84, 318,335

Ages 85-89, 123,083

Ages 90 and up, 41,846

SOURCE: Texas Senate