Liability for Driving with Alzheimer’s Disease

A driver afflicted with Alzheimer’s disease may experience symptoms of confusion and disorientation while trying to navigate the roadways. Despite the danger to public safety that a disoriented driver poses, Illinois has no case law specifically addressing the civil or criminal liability of a driver with Alzheimer’s in the event of a collision.

Nevertheless, it may be instructive to consider how other states have addressed the issue of assigning civil liability to drivers with some form of dementia. For instance, the courts of other states have made the following relevant findings:

- The North Carolina Court of Appeals held that a driver with Alzheimer’s who crashed while driving the wrong direction against traffic could not succeed on the affirmative defense of sudden incapacitation against a negligence claim. The sudden incapacitation defense only applies when a driver becomes unconscious, and not merely confused or disoriented, as a result of a medical condition. *Word v. Jones By and Through Moore*, 502 S.E.2d 376 (N.C. App. Ct. 1998).

- The Georgia Court of Appeals held testimony that a driver had suffered from some form of dementia was sufficient to warrant charging the jury on insanity or mental incompetency. *Kelley v. Foster*, 383 S.E.2d 646 (Ga. App. 1989).

- The Florida Court of Appeals found that a retirement home owed third parties a duty to exercise reasonable care in the supervision of residents’ driving privileges. The retirement home could be found liable for allowing a senile resident to drive. *Garrison Retirement Home Corp. v. Hancock*, 484 So.2d 1257 (Fl. Dist. 4, 1985).

In terms of criminal liability, Illinois law states a person is not criminally responsible if he lacks substantial capacity to appreciate the criminality of his conduct as a result of mental disease or defect at the time of the offense. No Illinois cases address whether Alzheimer’s constitutes a mental disease or defect for the purpose of an insanity defense in an automobile collision case.
However, in *People v. Teague*, the Illinois First District Court of Appeals found that an accused who understood the nature of his conduct and appreciated its wrongfulness will still be excused from criminal liability if his ability to consciously refrain from that conduct was substantially impaired by mental disease or defect. 108 Ill. App. 3d 891, 903 (1st Dist. 1982).

Thus, it is arguable that an Alzheimer’s patient who may have moments of lucidity could still potentially argue an insanity defense if Alzheimer’s prevents the conscious control of his or her actions.

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