

When Should An Elderly Person
Stop Driving?
Family Wealth Report

By Charles Lowenhaupt

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When should an elderly person stop driving and who ensures that happens?

This is one of the most complicated issues facing the driver, the driver's family and advisors. Because driving can become the ultimate symbol of independence, any attempt to restrict an individual's driving usually creates discord. "How dare my children take that away from me" is something we hear all too often.

This is exactly the concern a client's daughter had about her 96-year-old mother's driving. She wanted me to tell her mother to hire a chauffeur. "Mother won't listen to me. She says she's 'safe' by avoiding highways. I don't want to argue with her, but I want you to tell her." One approach I suggested was for the daughter to pick her mother up for their weekly dinner visits and a weekly shopping trip, but the daughter said she was too busy. The daughter also balked at the expense of arranging a driver for her mother.

Another client and friend had a similar challenge with an elderly parent. He told me: "My father is 98 years old and still driving. His eyesight is so poor he can barely tie his shoes, but he hops into his car and drives around town. Isn't that funny?" "No, it isn't funny," I replied, "and you will be just as responsible as he is if he hurts or kills someone." Unfortunately, some children of aging wealth holders believe it is solely the wealth holder's prerogative to assess their driving competency and downplay the seriousness of the potential risks.

Where to begin

This topic is fraught with many complications, so it's important to develop a plan early on.

Thoughtful analysis cannot start with the wealth holder asserting, "I am willing to take risks to maintain my independence." That position is unreasonable because the risks go well beyond the driver. The 90-year-old man who thinks he put his car in reverse and instead drives headlong into a group of school children may survive, but he – and his family – will have to live with the terrible consequences along with the family of school children.

Early in the planning stage, it is important to define the issue as mobility, not driving. Independence requires mobility, and there are numerous practical ways to maintain mobility, even without getting behind the wheel. The options today are greater than ever before with taxis, Uber, Lyft, limousine, and similar services. A regular chauffeur is also a solution for the wealthy. Finding a caregiver with a chauffeur's license is a very reasonable option, and many of our clients are using that.

Strategy and protocol

A driving protocol and strategy need to be developed while the driver is young enough to think reasonably and to participate in the decision-making. An objective driving protocol, developed with the support of a family advisor,

removes the emotion in the decision and keeps wealth holders in control.

The first part of the protocol is developing a criterion to guide when it's time to quit driving. When should an objective evaluation happen, and who will be in charge of that process? If you live in a state with required driving tests, independent protocol may not be necessary. But if you don't, the ideal is to develop the protocol with the client.

Importantly, the protocol needs to be firm. I had a candid conversation with a 65-year-old woman and her husband on this very topic. They agreed that as long as either was capable, that person would handle the driving. When neither was capable, they would hire a full-time chauffeur. They also clearly stated that taxis, Uber, public transportation, and walking long distances were not options.

Then I asked how they would get an objective evaluation of their driving capacity. They both agreed on a driving test. I told them they needed to set an age when regular testing would take place and name a person to enforce that rule. They chose age 72 and agreed that their eldest daughter would enforce that rule. When we later met with the daughter to discuss the plan, the mother said: "Of course, when I reach 72, I am free to change my mind." I replied: "You can't change your mind because this protocol will be unalterable." With a groan, she conceded, and the couple is now several years away from a testing requirement.

Plenty of people age without any such protocol. This is when protocol must be replaced by a strategy to ensure that the driver quits when no longer capable. Usually, a child making that demand (or request) is unsuccessful. If, in fact, the parent quits because of a child's request, the child is often blamed for taking away the parent's independence.

Mother doesn't always know best

A strategy that has worked for our clients is using a primary care physician to start the process.

I used this approach with my 88-year-old mother, whose driving was causing me concern. Missouri does not require a driver's test based on age, so I called the local Department of Motor Vehicles. I asked whether they could retest her. They passed me on to another state agency. What I was told was quite concerning: "Mr. Lowenhaupt, you don't want her retested. What if she failed? Then you would have to figure out how to get her around."

However, I was not ready to take away her keys. Instead, I found a local hospital that gave driving tests based on a doctor's prescription. I called my mother's doctor before her annual physical and asked him to prescribe the test. I also told him to let my mother know it was his idea and to keep my name out of it. At my mother's physical, he did both. She laughed at the idea, but I took her to the hospital, where the test was administered. She left in her car with the examiner, and I prepared for her to return with a failing grade.

They both came back with smiles on their faces. "Your mother's driving is fine," said the examiner, "and she is one of the most charming students I have ever had." I was surprised but felt I had met my responsibility to protect her and others. Her doctor agreed to recommend the test every two years.

Two years later, she left her annual physical with another prescription for a test. This time she had a different examiner, and when they returned, they had different expressions on their faces. He took me aside and said, "She stopped in the middle of the highway and then wanted to turn down the up ramp. She should never drive again." He repeated the same thing to my mother, saying that her days behind the wheel had come to an end. By transferring responsibility to

the physician and tester, the adult child or advisors avoid becoming the villain or enforcer.

We all need to recognize that whether, when and how to quit driving is likely to be an issue for every aging person, their family and advisors. With protocols, strategy, and discussion, the driver, family, and advisors can ensure reasonable safety for the driver and others without sacrificing mobility.

About the Author – Charles Lowenhaupt



Charles A. Lowenhaupt is a recognized leader and wealth counselor for ultra-high net worth individuals and families around the world. He is Chairman and Partner of Lowenhaupt & Chasnoff, LLC, the first U.S. law firm to concentrate in tax law and established by Charles' grandfather in 1908. Charles has a Bachelor of Arts degree, cum laude, from Harvard University. He also has a Juris Doctorate, Order of the Coif, from the University of Michigan Law School. He is a member of the Bar of Missouri and New York. Charles is the author of three books: Freedom From Wealth (with Don Trone and translated into Portuguese), The Wise Inheritor's Guide to Freedom from Wealth, and The Chase Continues.

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