

Judge: 85-year-old Grand Rapids motorist could benefit from driver's training

By John Agar – September 27, 2013 at 1:08 PM, updated September 27, 2013 at 2:02 PM



GRAND RAPIDS, MI – A Kent County judge suggested that Carl Hainer, the 85-year-old Grand Rapids man who filed a federal lawsuit after losing his driver's license, should take a refresher course for mature drivers.

Circuit Judge George Buth this spring upheld the Secretary of State's decision to restrict his driving privileges.

“As a judge for 26 years, I have seen many tragedies that could have been prevented if only the parties had been fully aware of what was going on around them,” Buth wrote in a June 20 letter to Hainer.

Hainer recently filed a federal lawsuit alleging that Secretary of State workers focused on his age, not his driving ability, in restricting his license to driving only with a certified instructor.

Hainer was ordered to undergo a re-examination after a complaint was filed with the Secretary of State.

“You may have a medical condition that could affect your ability to operate a motor vehicle,” the Secretary of State said in a letter to Hainer.

Hainer wrote on the letter, filed in Kent County Circuit Court: “This false accusation, in contradiction to medical reports, gives excuse to intrude into Hainer’s life.”

Hainer passed medical, vision and knowledge tests, but twice failed driving tests, court records showed.

“Frequent minor driving errors were made; his performance was deemed unsatisfactory,” an analyst wrote.

The analyst said Hainer’s mistakes included lane and stop line violations, failure to complete full stops, failure to consistently scan blind spot before changing lanes and failure to consistently scan intersections. He also drove in the fast lane while being passed by traffic on the right.

He drove too fast or too slow, turned left from the wrong lane and failed to stop for a stop sign in a parking lot, the report said.

“Without improvement in his driving techniques, he poses a higher risk for crash involvement,” the analyst wrote.

Hainer argued that his ability to drive should not have been called into question in the first place. He said he only drives 10 miles a week, to the grocery store, credit union and occasional visit to the doctor's office.

“I categorically disagree with this evaluation! I present my driving record to this person’s opinion,” he wrote.

The Secretary of State said Hainer has a clean driving record. His insurance company said Hainer has not filed a claim during the 18 years he has been a customer.

Hainer wrote: “The nit-picking of bureau examiners would fault 9 out of 10 drivers today. The bureau examiners seem to be satisfied to fault the driving rights of elderly drivers, and send them back to kindergarten!”

Judge Buth didn’t recommend a return to elementary school, but told Hainer that he could benefit by contacting a certified driving instructor to hone his driving skills.

“Over the years, I have come to fully appreciate the importance of carefully regulating driving activity,” Buth wrote.

“The main goal of driver re-examinations is not to punish drivers for unsafe driving, but to motivate improvement and to protect other drivers. During the past two decades, the emphasis in training new drivers has shifted from careful adherence to basic driving rules and laws with the assumption that others will also drive safely to defensive driving based on the fact that many of today’s drivers are distracted and likely to make mistakes.

“In fact, one popular driving program for young drivers is taught at Jungle Survival (Drivers Training) and strives to teach them how to survive while driving in the ‘asphalt jungle,’” Buth wrote.

Source: http://www.mlive.com/news/grand-rapids/index.ssf/2013/09/post_438.html