

# House Bill 3021

Sponsored by Representative KRUMMEL

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates offense of driving while fatigued. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both. Requires Department of Transportation to include consequences of driving while fatigued in examination for driver license. Allows department to establish educational program.

## A BILL FOR AN ACT

1  
2 Relating to driving while fatigued; creating new provisions; and amending ORS 807.070.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** (1) **A person commits the offense of driving while fatigued when the person**  
5 **operates a motor vehicle while knowingly fatigued and causes the death of another person.**

6 (2) **As used in this section, "fatigued" means having been without sleep for a period in**  
7 **excess of 24 consecutive hours.**

8 (3) **The offense described in this section, driving while fatigued, is a Class C felony.**

9 (4) **The Oregon Criminal Justice Commission shall classify driving while fatigued, as de-**  
10 **scribed in this section, as crime category 8 of the sentencing guidelines grid.**

11 **SECTION 2.** ORS 807.070 is amended to read:

12 807.070. The Department of Transportation shall administer an examination to establish quali-  
13 fication for each class of license and endorsement. The examination for each class of license or  
14 endorsement shall include all of the following as described:

15 (1) A test of the applicant's eyesight. This subsection does not apply to an applicant with a  
16 limited vision condition as defined in section 2, chapter 277, Oregon Laws 2003.

17 (2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe  
18 driving practices and factors that cause accidents. The following all apply to the test under this  
19 subsection:

20 (a) The test shall not cover any subject that is not presented in the publications of the depart-  
21 ment intended for the instruction of applicants for licenses and driver permits.

22 (b) The test for each class of license and endorsement shall include, but is not limited to, a test  
23 of knowledge and understanding of traffic laws that relate specifically to the type of driving privi-  
24 leges granted under the specific class of license or endorsement sought.

25 (c) The test under this subsection shall include, but is not limited to, the following subjects:

26 (A) Rights of blind pedestrians.

27 (B) The meaning of official traffic signs and signals.

28 (C) Proper operating procedure in emergency situations.

29 (D) Vehicle safety equipment and its use.

30 (E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1       **(F) The consequences of driving while fatigued.**

2       (d) The department may waive the test under circumstances described in ORS 807.072.

3       (3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle  
4 without endangering the safety of persons or property. The following apply to this subsection:

5       (a) The actual demonstration for each class of license shall be performed in a vehicle that may  
6 be operated under the class of license sought, but that may not be operated under lower classes of  
7 license.

8       (b) An actual demonstration for a passenger endorsement shall be performed in a vehicle that  
9 is designed to transport 16 or more persons, including the driver.

10       (c) An actual demonstration for a school bus endorsement shall be performed in a school bus.

11       (d) The department may waive the demonstration under circumstances described in ORS 807.072.

12       (4) Any other examination or test, including demonstrations, that the department determines  
13 may be necessary to assist the department in establishing whether the applicant is eligible for a li-  
14 cense under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the  
15 highways of this state. In any examination or test under this subsection, the department shall only  
16 conduct an investigation for facts relating directly to the ability of the applicant to operate a motor  
17 vehicle safely or other facts that are specifically required to show the fitness of the applicant for  
18 license.

19       **SECTION 3.** ORS 807.070, as amended by section 10, chapter 277, Oregon Laws 2003, and sec-  
20 tion 6, chapter 649, Oregon Laws 2005, is amended to read:

21       807.070. The Department of Transportation shall administer an examination to establish quali-  
22 fication for each class of license and endorsement. The examination for each class of license or  
23 endorsement shall include all of the following as described:

24       (1) A test of the applicant's eyesight.

25       (2) A test of the applicant's knowledge and understanding of the traffic laws of this state, safe  
26 driving practices and factors that cause accidents. The following all apply to the test under this  
27 subsection:

28       (a) The test shall not cover any subject that is not presented in the publications of the depart-  
29 ment intended for the instruction of applicants for licenses and driver permits.

30       (b) The test for each class of license and endorsement shall include, but is not limited to, a test  
31 of knowledge and understanding of traffic laws that relate specifically to the type of driving privi-  
32 leges granted under the specific class of license or endorsement sought.

33       (c) The test under this subsection shall include, but is not limited to, the following subjects:

34       (A) Rights of blind pedestrians.

35       (B) The meaning of official traffic signs and signals.

36       (C) Proper operating procedure in emergency situations.

37       (D) Vehicle safety equipment and its use.

38       (E) Practices necessary for safe operation of a vehicle around pedestrians and bicyclists.

39       **(F) The consequences of driving while fatigued.**

40       (d) The department may waive the test under circumstances described in ORS 807.072.

41       (3) A test that is an actual demonstration of the applicant's ability to operate a motor vehicle  
42 without endangering the safety of persons or property. The following apply to this subsection:

43       (a) The actual demonstration for each class of license shall be performed in a vehicle that may  
44 be operated under the class of license sought, but that may not be operated under lower classes of  
45 license.

1 (b) An actual demonstration for a passenger endorsement shall be performed in a vehicle that  
2 is designed to transport 16 or more persons, including the driver.

3 (c) An actual demonstration for a school bus endorsement shall be performed in a school bus.

4 (d) The department may waive the demonstration under circumstances described in ORS 807.072.

5 (4) Any other examination or test, including demonstrations, that the department determines  
6 may be necessary to assist the department in establishing whether the applicant is eligible for a li-  
7 cense under ORS 807.060 or whether the applicant is fit to operate a motor vehicle safely on the  
8 highways of this state. In any examination or test under this subsection, the department shall only  
9 conduct an investigation for facts relating directly to the ability of the applicant to operate a motor  
10 vehicle safely or other facts that are specifically required to show the fitness of the applicant for  
11 license.

12 **SECTION 4. The Department of Transportation may establish a program for education  
13 and awareness relating to the hazards of driving while fatigued.**

14 **SECTION 5. The amendments to ORS 807.070 by sections 2 and 3 of this 2007 Act become  
15 operative June 30, 2008.**