

House Bill 2749

Sponsored by Representative CLEM (at the request of Deanne Wachtler) (Pre-session filed.)

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 drowsy. Punishes by maximum fine of \$360.

Creates offense of driving while drowsy and harming another person. Punishes by maximum fine of \$720 or, if commission of offense contributes to serious physical injury of another person, maximum of 30 days' imprisonment, \$1,250 fine, or both.

Creates offense of criminal driving while drowsy. Punishes by maximum of 20 years' imprisonment, \$375,000 fine, or both.

A BILL FOR AN ACT

1
2 Relating to driving while drowsy.

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

4 **SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of the Oregon**
5 **Vehicle Code.**

6 **SECTION 2. (1) A person commits the offense of driving while drowsy if the person op-**
7 **erates a motor vehicle while drowsy on a highway or other premises open to the public and**
8 **is injured or causes damage to the person's motor vehicle.**

9 (2) As used in this section, "drowsy" means being in the state of sleep or the process of
10 falling asleep.

11 (3) The offense described in this section, driving while drowsy, is a Class B traffic vio-
12 lation.

13 **SECTION 3. (1) A person commits the offense of driving while drowsy and harming an-**
14 **other person if the person operates a motor vehicle while drowsy on a highway or other**
15 **premises open to the public and injures another person or causes damage to the property**
16 **of another person.**

17 (2) As used in this section:

18 (a) "Drowsy" means being in the state of sleep or the process of falling asleep; and

19 (b) "Serious physical injury" has the meaning given that term in ORS 161.015.

20 (3) The offense described in this section, driving while drowsy and harming another per-
21 son, is a Class A traffic violation unless the commission of the offense contributes to the
22 serious physical injury of a person. If the commission of the offense contributes to the se-
23 rious physical injury of a person, the offense is a Class C misdemeanor.

24 **SECTION 4. Section 5 of this 2011 Act is added to and made a part of ORS chapter 163.**

25 **SECTION 5. (1) A person commits the offense of criminal driving while drowsy if the**
26 **person operates a motor vehicle while drowsy on a highway or other premises open to the**
27 **public and causes the death of another person.**

28 (2) As used in this section:

29 (a) "Drowsy" means being in the state of sleep or the process of falling asleep; and

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 **(b) “Motor vehicle” has the meaning given that term in ORS 801.360.**

2 **(3) Criminal driving while drowsy is a Class A felony.**

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