

House Bill 2768

Sponsored by Representative THATCHER (at the request of Deanne Wachtler) (Presession 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**.

Adds driving while fatigued to offense of reckless driving. Punishes driving while fatigued by maximum fine of \$720.

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

Relating to driving while fatigued; creating new provisions; and amending ORS 807.070 and 811.140.

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

SECTION 1. ORS 811.140 is amended to read:

811.140. (1) A person commits the offense of reckless driving if the person:

(a) Recklessly drives a vehicle upon a highway or other premises described in this section in a manner that endangers the safety of persons or property; **or**.]

(b) Drives a vehicle upon a highway or other premises described in this section while fatigued.

[(2) The use of the term "recklessly" in this section is as defined in ORS 161.085.]

(2) As used in this section:

(a) "Fatigued" means having been without sleep for a period in excess of 24 consecutive hours.

(b) "Recklessly" has the meaning given that term in ORS 161.085.

(3) The offense described in **subsection (1)(a) of this section**, reckless driving, is a Class A misdemeanor and is applicable upon any premises open to the public.

(4) The offense described in subsection (1)(b) of this section, reckless driving while fatigued, is a Class A traffic violation and is applicable upon any premises open to the public.

SECTION 2. ORS 807.070 is amended to read:

807.070. The Department of Transportation shall administer an examination to establish qualification for each class of license and endorsement. The examination for each class of license or endorsement must include all of the following as described:

(1) A test of the applicant's eyesight. This subsection does not apply to an applicant with a limited vision condition as defined in ORS 807.355.

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

(a) The test may not cover any subject that is not presented in the publications of the department intended for the instruction of applicants for licenses and driver permits.

(b) The test for each class of license and endorsement must include, but is not limited to, a test

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 of knowledge and understanding of traffic laws that relate specifically to the type of driving privi-
2 leges granted under the specific class of license or endorsement sought.

3 (c) The test must include, but is not limited to, the following subjects:

4 (A) Rights of pedestrians who are blind.

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

6 (C) Proper operating procedure in emergency situations.

7 (D) Vehicle safety equipment and its use.

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

9 (F) Practices necessary for safe operation of a vehicle around motorcyclists.

10 **(G) The consequences of driving while fatigued.**

11 (d) The test must include at least two questions pertaining to the practices necessary for safe
12 operation of a vehicle around motorcyclists.

13 (e) The test may include a question regarding fuel efficient driving techniques.

14 (f) The department may waive the test under circumstances described in ORS 807.072.

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

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

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

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

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

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

31 **SECTION 3. The Department of Transportation may establish a program for education
32 and awareness relating to the hazards of driving while fatigued.**

33 **SECTION 4. The amendments to ORS 811.140 by section 1 of this 2011 Act apply to of-
34 fenses that occur on or after the effective date of this 2011 Act.**

35 **SECTION 5. The amendments to ORS 807.070 by section 2 of this 2011 Act become oper-
36 ative on June 30, 2012.**

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