

SECTION BY SECTION ANALYSIS OF DROWSY DRIVING BILL

An Act Relative to Drowsy Driving

Section 1

Title of the Act

The “Drowsy Driving Act of 2005” is also known as “Rob’s Law” in memory of Major Robert M. Raneri, US Army Reserve, who was killed June 26, 2002 by a “drowsy driver”. At age 37, Major Raneri was one week away from his much anticipated wedding to his fiancée, Major Amy Huther. They both served our country as Majors in the U.S. Army Reserve, and Rob was killed at 6:15 AM on his way to his job as Provost Marshall at Devens. He was dedicated to his country and took great pride in what he was doing. He had led a command of 180 men in Bosnia in 2001 and brought all of them back safely. One of his chief concerns was for the young men serving under him.

Major Raneri was killed by a 19 year old male who confessed to police that he had been out all night playing video games. The death was treated as a misdemeanor because no drugs or alcohol was involved. He was sentenced to five years probation and loss of license for ten years. Both penalties could be reduced in half if there are no further problems. The victim is dead. His fiancée was denied the wonderful life she would have had with him and his daughter, Isabella, will never know her father except by what she is told by her family. Unfortunately, Major Raneri, who was looking forward to starting a family, never knew he was to be a father as his fiancée didn’t know she was pregnant until 3 weeks after he was gone. Two days before he was to be married, he was buried at Bourne National Cemetery in the new uniform he had bought for his wedding.

Section 2.

Including Sleep Issue in Driver’s License Exam

This section provides that the Massachusetts Driver’s Exam will include questions relative to the importance of obtaining adequate sleep and how to recognize the signs of reduced sleep alertness and sleep disorders. Every new driver needs to be made aware of the hazards of drowsy driving. Making the information part of the study materials and exam will raise the level of awareness especially among the young drivers who are especially prone to drowsy driving accidents.

Section 3.

Including Sleep Issues in School Bus Driver’s Exam

This section provides that the examination for school bus drivers will include questions relative to the importance of adequate sleep and how to recognize the signs of reduced sleep alertness and sleep disorders. It is critical that those who transport our children to and from school and on sponsored trips be aware of the serious issue of drowsy driving and that they take steps to protect those they are charged with transporting.

Section 4.

Expert in Sleep Disorders to Serve on the Registry's Medical Advisory Board.

This section requires that an expert in sleep disorders be among the physicians appointed to the Registry of Motor Vehicles medical advisory board. This will ensure that sleep disorders and the effects of drowsiness are included in the medical standards applied by the Registry. The registrar utilizes this board for advisory opinions on standards of fitness for applicants for learner's permits or licenses to operate motor vehicles, and, in addition, for advisory opinions on the applications of persons who apply for learner's permits or licenses to operate motor vehicles or whose right to operate has been suspended or revoked, or whenever the registrar has reason to believe that the operation of a motor vehicle would be a threat to the safety and the welfare of the public because of physical or mental disability.

Section 5.

Inclusion of Drowsy Driving as Factor in Determining Habitual Traffic Offenders.

Habitual traffic offenders are drivers with convictions or admissions of guilt for a certain number of major or minor offenses and, after notice and hearing, the individual may be determined to be a habitual traffic offender and the Registrar is then empowered to suspend or revoke the individual's license. This section adds drowsy driving among the offenses that could be counted toward a habitual traffic offender designation.

Section 6.

Establishes the Crime of Sleeping While Driving.

This section of the general laws provides that driving while intoxicated by liquor, drugs, vapors of glue, etc, reckless and unauthorized driving, failure to stop after a collision, are all criminal offenses punishable by fines and or jail. The bill would add driving while impaired by drowsiness or sleep deprivation while operating a motor vehicle as a criminal offense since it is another form of reckless driving. Currently, when a driver impaired by drowsiness or sleep deprivation causes a motor vehicle crash, the event is treated as an accident instead of recognizing the fact that the driver has been irresponsible in getting behind the wheel when drowsy.

Section 7.

Motor Vehicle Homicide Resulting from Sleeping.

At present, when someone who is impaired by drowsiness or sleep deprivation causes a motor vehicle crash which results in another's death, the crime has been considered in some cases a misdemeanor punishable, as in the case of Major Raneri, by probation and suspension of license for a fixed time. This section would add driver impairment associated with drowsiness and sleep disorders and causing the death of another as a factor in motor vehicle homicide with more serious penalties.

Section 8.

Training for Police in Recognition of Sleep Deprivation.

This section would require the police training council to include recognition of the symptoms of drowsy driving in their enforcement and in accident investigation. This is designed to help police understand what to look for when enforcing the law. For example, an accident scene investigation that shows no skid marks is a likely clue that the driver made not attempt to stop because he was asleep at the wheel.

**Section 9.
Training for Police Recognition of Sleep Deprivation.**

This section amends the clause directing the Chief Administrative Justice to require all court personnel, district attorneys, etc. to be training in recognizing the effects of sleep deprivation or sleep disorders. It is necessary so that the judiciary, probation, prosecutors and other understand the importance of drowsy driving.

**Section 10.
Establishment of Enforcement Programs in Sleep Deprivation**

The executive office of public safety is required to implement an alcohol sensitive selective traffic enforcement program. This section adds a requirement for a sleep deprivation sensitive traffic enforcement program.

**Section 11.
Requirement to Report and Collect Information on Drowsy Driving Accidents.**

This section requires that the form provided by the Registrar for reporting of accidents include provisions to collect information on whether sleep deprivation was a cause of contributing factor in accidents in order to build a better state data base on drowsy driving. Massachusetts is one of only six states that does not collect such data.

**Section 12.
Presumption of Sleep Deprivation.**

This section provides that a police officer may take a driver into protective custody and hold them until they are rested. It gives the officer the legal authority to take a dangerous drowsy driver off the road and to either hold them until they are rested or to let someone else take them home or to a place where they can rest.

**Section 13.
Special Commission Established.**

A special commission consisting of medical experts in sleep deprivation, law enforcement personnel, defense attorneys, legislators, a victim or relative of a victim of a drowsy driver and others to help determine the standards for determining when a driver is guilty of drowsy driving and to review the severity of penalties that ought to be applied. The commission will

also determine the education needed of drivers, law enforcement personnel, and the public to understand the issue of drowsy driving.

Section 14.

Effective Dates.

Since there is a need to educate the public and to develop clear standards for determining when a driver is sleep deprived, the most serious penalties of criminalizing the act of drowsy driving and including drowsy driving as a condition of motor vehicle homicide, the effective dates of Section 6 and 7 are made January 1, 2008 in order to give time to educate the public. The rest of the law would go into effect immediately.