

**DROWSY DRIVING AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Aaron Osmond**

House Sponsor: Keven J. Stratton

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to operating a motor vehicle while drowsy and fatigued.

**Highlighted Provisions:**

This bill:

► provides that a person operating a motor vehicle is guilty of careless driving if the person operates the motor vehicle while the person's ability or alertness is so impaired by fatigue that it is unsafe for the person to operate the motor vehicle;

► provides that enforcement of the prohibition on driving while the person's ability or alertness is so impaired by fatigue that it is unsafe for the person to operate the motor vehicle shall be only as a secondary action when the person has been involved in a motor vehicle accident;

► provides that the third full week in ~~September~~ August shall be commemorated

~~yearly~~ annually as

Drowsy Driving Awareness Week; and

► makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



25            **41-6a-1715**, as last amended by Laws of Utah 2010, Chapter 157

26            **63G-1-401**, as last amended by Laws of Utah 2013, Chapter 214

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **41-6a-1715** is amended to read:

30 **41-6a-1715. Careless driving defined and prohibited.**

31 (1) A person operating a motor vehicle is guilty of careless driving if the person:

32 (a) commits two or more moving traffic violations under this chapter in a series of acts  
33 within a single continuous period of driving covering three miles or less in total distance; [or]

34 (b) commits a moving traffic violation under this chapter other than a moving traffic  
35 violation under Part 6, Speed Restrictions, while being distracted by one or more activities  
36 taking place within the vehicle that are not related to the operation of a motor vehicle,  
37 including:

38 (i) using a wireless telephone or other electronic device unless the person is using  
39 hands-free talking and listening features while operating the motor vehicle;

40 (ii) searching for an item in the vehicle; or

41 (iii) attending to personal hygiene or grooming ~~or~~ [H] . [H] ~~or~~

42 ~~or~~ **(c) operates the motor vehicle while the person's ability or alertness is so impaired by**  
43 **fatigue that it is unsafe for the person to operate the motor vehicle.** ~~or~~

44 (2) ~~or~~ **(a)** ~~or~~ A violation of this section is a class C misdemeanor.

44a ~~or~~ **(b) Enforcement of Subsection (1)(c) by a state or local law enforcement officer**  
44b **shall be only as a secondary action when the person has been involved in a motor vehicle**  
44c **accident.** ~~or~~

45 (3) In addition to the penalty provided under this section or any other section, a judge  
46 may order the revocation of the convicted person's driver license if the violation causes or  
47 results in the death of another person in accordance with Subsection [53-3-218\(6\)](#).

48 Section 2. Section **63G-1-401** is amended to read:

49 **63G-1-401. Commemorative periods.**

50 (1) The following days shall be commemorated yearly:

51 (a) Bill of Rights Day, on December 15;

52 (b) Constitution Day, on September 17;

53 (c) Yellow Ribbon Day, on the third Monday in May, in honor of men and women who  
54 are serving or have served in the U.S. armed forces around the world in defense of freedom;

55 (d) POW/MIA Recognition Day, on the third Friday in September;

56 (e) Indigenous People Day, the Monday immediately preceding Thanksgiving; and

57 (f) Utah State Flag Day, on March 9.

58 (2) The Department of Veterans' and Military Affairs shall coordinate activities, special

59 programs, and promotional information to heighten public awareness and involvement relating  
60 to Subsections (1)(c) and (d).

61 (3) The month of October shall be commemorated yearly as Italian-American Heritage  
62 Month.

63 (4) The month of November shall be commemorated yearly as American Indian  
64 Heritage Month.

65 (5) The month of April shall be commemorated yearly as Clean Out the Medicine  
66 Cabinet Month to recognize the urgent need to make Utah homes and neighborhoods safe from  
67 prescription medication abuse and poisonings by the proper home storage and disposal of  
68 prescription and over-the-counter medications, and to educate citizens about the permanent  
69 medication disposal sites in Utah listed on useonlyasdirected.org that allow disposal throughout  
70 the year.

71 (6) The first full week of May shall be commemorated yearly as State Water Week to  
72 recognize the importance of water conservation, quality, and supply in the state.

73 (7) The second Friday and Saturday in August shall be commemorated yearly as Utah  
74 Fallen Heroes Days to:

75 (a) honor fallen heroes who, during service in the military or public safety, have  
76 sacrificed their lives to protect the country and the citizens of the state; and

77 (b) encourage political subdivisions to acknowledge and honor fallen heroes.

78 (8) The third full week in ~~September~~ August shall be commemorated

78a ~~yearly~~ annually as Drowsy Driving

79 Awareness Week to:

80 (a) educate the public about the relationship between fatigue and driving performance;

81 and

82 (b) encourage the Department of Public Safety and the Department of Transportation to  
83 recognize and promote educational efforts on the dangers of drowsy driving.

**Legislative Review Note**  
**as of 1-21-14 9:19 AM**

**Office of Legislative Research and General Counsel**