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HOUSE BILL 2909

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Murray, Simpson, G. and Lovick

Read first time 01/22/2004. Referred to Committee on Transportation.

1            AN ACT Relating to driving while fatigued; adding a new section to  
2 chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; creating  
3 a new section; declaring an emergency; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The legislature finds that:

6            (1) The United States National Highway Traffic Safety  
7 Administration estimates that each year approximately 100,000 police-  
8 reported automobile accidents occur due to drivers who are fatigued;

9            (2) Every year an estimated 1,500 people are killed on United  
10 States roads by fatigued drivers;

11            (3) Recent studies show that being awake for 24 hours has the same  
12 impairment level as having a blood alcohol concentration of 0.1  
13 percent, above Washington's legal limit of 0.08 percent;

14            (4) A law enforcement officer investigating at the scene of a motor  
15 vehicle accident may arrest the driver of a motor vehicle involved in  
16 the accident if the officer has probable cause to believe that the  
17 driver has committed a violation of traffic laws or regulations  
18 enumerated in RCW 10.31.100(3) including:

- 1 (a) Driving while under the influence of intoxicating liquor or
- 2 drug, as defined by RCW 46.61.502;
- 3 (b) Driving in a reckless manner; or
- 4 (c) Driving with disregard for the safety of others.

5 The legislature, therefore, intends to provide additional  
6 protections to Washington drivers by making it unlawful to drive while  
7 fatigued.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW  
9 to read as follows:

10 "Fatigued" means falling asleep while driving or driving after  
11 having been without sleep for a period in excess of twenty-four  
12 consecutive hours.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61 RCW  
14 to read as follows:

15 It is unlawful for a person to operate a motor vehicle upon the  
16 highways of this state when the person is fatigued. Operation of a  
17 motor vehicle in violation of this section is prima facie evidence of  
18 reckless driving.

19 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 immediately.

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