

107TH CONGRESS
2^D SESSION

H. R. 5543

To amend title 23, United States Code, to provide incentives to States for the development of traffic safety programs to reduce crashes related to driver fatigue and sleep deprivation.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2002

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to provide incentives to States for the development of traffic safety programs to reduce crashes related to driver fatigue and sleep deprivation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Maggie’s Law: Na-
5 tional Drowsy Driving Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) A 1995 Federal study conservatively esti-
2 mated that each year—

3 (A) 100,000 police-reported motor vehicle
4 crashes are caused by the drowsiness or fatigue
5 of the operator;

6 (B) 1,550 deaths and 71,000 injuries are
7 the direct result of a driver falling asleep at the
8 wheel of a motor vehicle; and

9 (C) these crashes represent at least
10 \$12,500,000,000 in diminished productivity and
11 property loss.

12 (2) Scientific research further demonstrates
13 that—

14 (A) 1,000,000 crashes are caused by driver
15 inattention each year; and

16 (B) sleep deprivation and fatigue make
17 such attention lapses more likely to occur.

18 (3) An insufficient amount of statistical data
19 and documentation concerning fatigue-related motor
20 vehicle crashes is available. Federal statistics signifi-
21 cantly under-report the problem of driver fatigue be-
22 cause the statistics are derived primarily from police
23 accident reports, and studies indicate that less than
24 one-half of all crashes are reported to the police.

1 (4) Further complicating the collection of accu-
2 rate data are the following facts:

3 (A) Most police officers are not trained to
4 detect sleep-related crashes.

5 (B) There is no test to determine sleepi-
6 ness as there is for drunk drivers.

7 (C) There are still States that do not have
8 proper codes for sleepiness on their crash report
9 forms.

10 (D) Based on clinical studies, many people
11 are unable to accurately recognize when they
12 have nodded-off for a short period of time
13 (microsleep), thus raising questions about the
14 reliability of self-reporting.

15 (5) In 1999, a scientifically conducted national
16 survey of Americans found that 23 percent of re-
17 spondents reported that they personally know some-
18 one who crashed in the past year due to falling
19 asleep at the wheel.

20 (6) In 2001, a scientifically conducted national
21 survey of Americans found that in the past year—

22 (A) 53 percent of all adults reported driv-
23 ing while drowsy;

24 (B) 19 percent reported that they had ac-
25 tually dozed off while driving; and

1 (C) one percent reported that they had
2 crashed because they dozed off.

3 (7) Studies confirm that while anyone can be at
4 risk for drowsy driving, there are several population
5 groups that are significantly at higher risk—

6 (A) young people under the age of 26, who
7 tend to stay up late, sleep too little, and drive
8 at night, represent about 55 percent of all fall
9 asleep crashes;

10 (B) there are over 20,000,000 shift work-
11 ers in America and studies suggest that 20 per-
12 cent to 30 percent of individuals with nontradi-
13 tional work schedules have had a fatigue-related
14 driving mishap in the last year;

15 (C) commercial drivers are susceptible to
16 fatigue-related crashes due to their driving
17 schedules and the amount of miles they drive
18 during the year;

19 (D) commercial drivers have a high preva-
20 lence of a sleep and breathing disorder called
21 sleep apnea; and

22 (E) 40,000,000 Americans suffer from
23 sleep disorders; left untreated, disorders such as
24 sleep apnea can increase crash risk 3 to 7
25 times.

1 (8) In 1995, a study found that some roads,
2 such as high-speed, long, boring, rural highways, are
3 more dangerous than others for sleep-deprived mo-
4 torists. The New York State Police estimated that
5 40 percent of all fatal crashes along the New York
6 Thruway were the result of a driver falling asleep at
7 the wheel.

8 (9) Studies, such as the following, indicate that
9 continuous shoulder rumble strips are effective coun-
10 termeasures to drift-off-the-road crashes, which are
11 characteristic of drowsy driving, and fall-asleep
12 crashes—

13 (A) New York State reports that accidents
14 caused by drivers falling asleep at 13 sites on
15 the New York Thruway were reduced by 84
16 percent following the installation of continuous
17 shoulder rumble strips.

18 (B) Pennsylvania reports a reduction of
19 guard rail or embankment accidents at 5 sites
20 on the Pennsylvania Turnpike following rumble
21 strip installation.

22 (C) In 1995, an expert panel consisting of
23 university and federal researchers convened to
24 assess the current research regarding the effec-
25 tiveness of continuous shoulder rumble strips

1 and to make recommendations about their use.
2 The panel concluded that rumble strips reduce
3 drift-off-the-road crashes anywhere from 15 to
4 70 percent depending on road type and rumble
5 strip design being used.

6 **SEC. 3. DROWSY DRIVING EDUCATION PROGRAMS.**

7 Chapter 4 of title 23, United States Code, is amended
8 by adding at the end the following:

9 **“SEC. 412. DROWSY DRIVING EDUCATION PROGRAMS.**

10 “(a) AWARDS.—The Secretary may enter into con-
11 tracts or cooperative agreements with, and may make
12 grants to, State highway offices and other experienced
13 drowsy driving safety organizations to obtain and dis-
14 tribute national, State, and local drowsy driving education
15 programs and supporting educational materials.

16 “(b) USE OF FUNDS.—Funds provided under a con-
17 tract, cooperative agreement, or grant under subsection
18 (a) shall be used—

19 “(1) to implement drowsy driving programs
20 which are designed to prevent deaths and injuries
21 due to drivers who are impaired by fatigue and sleep
22 deprivation and which—

23 “(A) educate the public in all aspects of
24 the dangers of driving while impaired by fatigue
25 or drowsiness as a result of sleep deprivation,

1 untreated sleep disorders, sedating medications,
2 and alcohol use;

3 “(B) educate the public to recognize the
4 signs of fatigue while driving and how to take
5 appropriate countermeasures to avoid fall-asleep
6 crashes;

7 “(C) train and retrain traffic safety profes-
8 sionals, police officers, fire and emergency med-
9 ical personnel, and other educators in all as-
10 pects of drowsy driving prevention; and

11 “(D) train police officers and accident re-
12 constructionists to identify fatigue impairment
13 among drivers and as a factor in motor vehicle
14 crashes;

15 “(2) to develop a standardized, scientifically ac-
16 curate curriculum on the risks and prevention of
17 drowsy driving and fall-asleep motor vehicle crashes
18 and take steps to—

19 “(A) develop and integrate a drowsy driv-
20 ing curriculum component into all driver’s edu-
21 cation courses under the purview of a State’s
22 transportation department;

23 “(B) ensure that State departments of
24 transportation, health and education work to-
25 gether to include a drowsy driving component in

1 all driver's education and health education cur-
2 ricula; and

3 "(C) the State departments of transpor-
4 tation shall develop a curriculum on drowsy
5 driving for training the instructors who teach
6 any course covering driver education or traffic
7 safety.

8 "(3) to consult and collaborate with existing na-
9 tional drowsy driving campaigns to foster the dis-
10 tribution of scientifically-based information and edu-
11 cational messages regarding drowsy driving and fall-
12 asleep crashes and to review existing State model
13 programs for experience and guidance;

14 "(4) to adopt formal policy statements and
15 work plans for the installation and expansion of con-
16 tinuous shoulder rumble strips during highway re-
17 surfacing and new construction programs for inter-
18 state highways and submit a report to the Secretary
19 each fiscal year describing the number of highway
20 miles and locations where continuous shoulder rum-
21 ble strips have been installed on their state highway
22 system;

23 "(5) to adopt formal codes on motor vehicle ac-
24 cident report forms to report fatigue-related or fall-
25 asleep crashes;

1 “(6) to provide enforcement personnel training
2 in the detection and reporting of drowsy driving as
3 a factor in motor vehicle crashes; and

4 “(7) provide education programs to the police
5 and the courts regarding the sanctions available for
6 drowsy driving accidents.

7 “(c) APPLICATIONS.—An entity desiring a contract,
8 cooperative agreement, or grant under subsection (a) shall
9 submit an application to the Secretary at such time, in
10 such manner, and accompanied by such information as the
11 Secretary may reasonably require.

12 “(d) REPORTS TO SECRETARY.—An entity which re-
13 ceives a contract, cooperative agreement, or grant under
14 subsection (a) shall prepare and submit to the Secretary
15 an annual report during the period in which it receives
16 funds under such contract, cooperative agreement, or
17 grant. Such a report shall contain such information as the
18 Secretary may require and shall, at a minimum, describe
19 the program activities undertaken with such funds, includ-
20 ing—

21 “(1) any drowsy driving education program
22 that has been developed directly or indirectly by
23 such entity and the target population of such pro-
24 gram;

1 “(2) support materials of such a program that
2 have been obtained by such entity and the method
3 by which the entity distributed such materials; and

4 “(3) any initiatives undertaken by such entity
5 to develop public-private partnerships to secure non-
6 Federal support for the development and distribu-
7 tion of drowsy driving education programs and ma-
8 terials.

9 “(e) REPORT TO CONGRESS.—The Secretary shall
10 prepare and submit to the appropriate committees of Con-
11 gress an annual report on the implementation of this sec-
12 tion, which includes a description of the programs under-
13 taken and materials developed and distributed by entities
14 receiving funds under subsection (a).

15 “(f) In this section, the following definitions apply:

16 “(1) DROWSY DRIVER EDUCATION PRO-
17 GRAMS.—The term ‘drowsy driving education pro-
18 grams’ includes publications, audiovisual, presen-
19 tations, and demonstrations.

20 “(2) STATE.—The term ‘State’ means any
21 State of the United States, the District of Columbia,
22 the Commonwealth of Puerto Rico, the United
23 States Virgin Islands, Guam, American Samoa, the
24 Northern Mariana Islands, and any other territory
25 or possession of the United States.

1 “(3) STATE MODEL PROGRAMS.—The term
2 ‘State model programs’ means the State of New
3 York’s Break for Safety program and New York
4 Task Force on Drowsy Driving efforts.

5 “(4) NATIONAL PROGRAMS.—The term ‘na-
6 tional programs’ means the DRIVE ALERT . . .
7 ARRIVE ALIVE, the National Sleep Foundation’s
8 Campaign on Drowsy Driving and other programs
9 operated by non-profit organizations.

10 “(5) CONTINUOUS SHOULDER RUMBLE
11 STRIP.—The term ‘continuous shoulder rumble
12 strip’ means raised or grooved patterns inserted on
13 the shoulder of a highway to alert drivers drifting
14 off the road that they are doing so.

15 “(g) AUTHORIZATION OF APPROPRIATIONS.—For the
16 purpose of carrying out this section, there are authorized
17 to be appropriated to the Secretary \$5,000,000 for the
18 National Highway Traffic Safety Administration for each
19 of fiscal years 2003 through 2008, of which not more than
20 \$350,000 may be spent in any fiscal year for administra-
21 tive costs.”.

22 **SEC. 4. FEDERAL RESEARCH ON THE SCOPE OF THE PROB-**
23 **LEM.**

24 (a) STUDY.—The Secretary of Transportation shall
25 conduct a study on the scope of the problem of fatigue-

1 related automobile crashes amongst the general driving
2 public.

3 (b) REPORT.—Not later than 2 years after the date
4 of the enactment of this Act, the Secretary shall transmit
5 to Congress a report containing the results of the study.

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