



**National Sleep Foundation**

**State of the States Report on Drowsy Driving:  
Summary of Findings**

**November 2008**

# Executive Summary

Drowsy driving is an under-reported and under-recognized public safety issue plaguing America's roadways. In order to assess how states currently address the issue of drowsy driving and to formulate strategies to further combat driver fatigue, the National Sleep Foundation (NSF) has issued its 2008 State of the States Report on Drowsy Driving. The survey was administered to each of the fifty states and Washington, D.C., and covered topics that NSF believes to be at the root of the under-identification of, and the inadequate response to drowsy driving and fall-asleep crashes.

The survey investigated the following: legal provisions used for citing or prosecuting drowsy drivers, police training, physician reporting requirements for medical conditions, curfew provisions in graduated driver's licensing (GDL) laws, and educational efforts through driver education classes and the state driver's licensing manuals.

The responses revealed that there is a general awareness of drowsy driving on the state level, but a need for new efforts related to enforcement, education and other prevention efforts. For instance, no states have a law that addresses non-fatal, sleep-related motor-vehicle crashes, and only the State of New Jersey has a specific statute (Maggie's Law) that criminalizes drowsy driving in a fatal crash. The New Jersey law has done much to raise awareness of fatigue, but has not been widely used due to its very narrow definition of fatigue – a person has to be awake for 24 hours or more.

With regard to data collection, one positive statistic was revealed. All but one state (Missouri) include a code for fatigue or sleepiness on their police crash report form. It is interesting to note that the State of Missouri had such a code in the past, but removed it recently for an unknown reason. Proper codes for sleep and fatigue are important to collecting accurate data on fatigue-related crashes; however, the value of these codes relies on the officer's ability to identify the characteristics of such crashes when they occur. To this affect, less than 40% of law enforcement agencies educate their officers on the impact of fatigue on driving performance or proper countermeasures, diminishing the role of any related codes.

Finally, with regard to the driver's education process, 46 states have graduated driver licensing systems in place with some type of nighttime curfew. Establishing these curfews is now a task for state governments since young people are the largest at-risk group for fall-asleep crashes due to social schedules and chronic sleep deprivation.

Finally, only 17 states mandate that drowsy driving be taught in driver's education classes, and only slightly more than half of the states included some related information in their driver's manuals. It is important to note that NSF reviewed all of the sleep and fatigue information provided in driver licensing manuals and determined that a number of states perpetuate some myths and scientifically inaccurate information regarding drowsy driving countermeasures. NSF believes that it is crucial that accurate information be given to America's drivers and will follow up with these states to seek changes to their manuals.

Upon receipt of these surveys and the analysis of the data, the National Sleep Foundation urges states to:

- Establish and enforce drowsy driving laws;
- Develop public information and education campaigns aimed at drivers, parents, and employers;
- Increase training on the effects of fatigue for law enforcement officers including prosecutors and the judiciary;
- Establish graduated driver licensing systems with curfews starting at 10:00 pm. This will ensure inexperienced drivers are off of the roads at unsafe times and allow them additional opportunity for sleep; and
- Mandate the inclusion of accurate sleep and drowsy driving countermeasure information in driver's education classes and driver's manuals.

State	Grade	Q1: Potential charges against drowsy driver in sleep-related motor vehicle crash?	Q2: Potential charges against drowsy driver causing fatality?	Q3: Provisions limiting person's right to drive with medical conditions?  Are sleep disorders specifically mentioned?	Q4: Regulations requiring physicians to report patients' medical conditions possibly affecting driving performance?	Q5: Code related to sleepiness/fatigue on police report form?	Q6: Training for police regarding impact of fatigue on driving performance?	Q7: Does the state have a Graduated Driver Licensing system?  Does the state have a nighttime driving restriction provision?	Q8: Does the state mandate that sleep/drowsy driving information be included in driver education curricula?	Q9: Does the state have information related to drowsy driving in its driver licensing manual?
AL	C	Reckless driving if conduct shows a willful and wanton disregard for safety.	Manslaughter or criminally negligent homicide, depending on if actions are deemed reckless or negligent.	Yes  No	No  Doctors cannot be sued if they do report a patient.	Yes  <b>- Fatigued</b> <b>- Apparently asleep</b>	No	Yes  Yes (12am-6am)	No, but it is mentioned.	Yes
AK	C-	Reckless endangerment or reckless driving	Manslaughter or criminally negligent homicide.	Yes  No	No	Yes  <b>- Fell asleep</b> - Loss of consciousness	Yes	Yes  Yes 1am-5am	No	Yes
AZ	C-	Reasonable and prudent speed	Vehicular homicide	Yes  No	No	Yes  <b>- Fell asleep</b>	Yes	No, but intermediate license stage  Yes 12am-5 am curfew	No	Yes
AR	C	Careless driving	Misdemeanor version of negligent homicide	No	No	Yes  <b>- Fatigued</b>	Yes, but limited	Yes  No	Yes	Yes

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CA	C-	Moving violation	Vehicular manslaughter	Yes  Yes Sleep apnea Narcolepsy	Yes	Yes  <b>- Sleepy / Fatigued</b>	No	Yes  Yes 11pm-5am	Yes	Yes
CO	C	Careless Driving	Careless driving caused death	No	No	Yes  <b>- Asleep at the wheel - Driver fatigue</b>	No	Yes  Yes 12am-5am curfew	Yes	Yes
CT	D	General statutes; Most likely a moving or other type violation	Misconduct with a motor vehicle or negligent homicide	Yes  Yes Sleep apnea Narcolepsy	Yes	Yes  <b>- Fell Asleep</b>	No	Yes  Yes 11pm-5am curfew	No	Yes
DE	C-	Inattentive driving	Vehicular homicide (if negligent)  Inattentive driving (if not negligent)	Yes  No	Yes	Yes  <b>- Fatigued/ Asleep</b>	No	Yes  Yes 10pm-6am curfew	No	Yes

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DC	C-	Failure to pay full time and attention	Manslaughter or second degree murder	Yes  No	No	Yes  <b>- Fatigued - Apparently asleep</b>	Yes	Yes  Yes  Sep-Jun: Mon-Thu 11pm-6am Fri-Sat 12am-6am Jul-Aug: everyday 12am-6am	No	No
FL	C	Careless driving	Would only charge a moving or other violation that contributed to the crash.	Yes  No	No  Physicians cannot be prosecuted.	Yes  <b>- Fatigue/ asleep</b>	Yes	Yes  Yes 11pm-6am curfew	No, but it is mentioned	Yes
GA	C-	Distracted driving or whatever other violation that may have resulted from the occurrence.	2 <sup>nd</sup> Degree vehicular homicide	Yes  No	Yes	Yes  <b>- Apparently fell asleep</b>	Yes	Yes  Yes 12am-6am curfew	No	Yes
HI	F	No response	No response	Yes  No	No	Yes  <b>- Fatigue</b>	No response	Yes  Yes 11pm-5am curfew	No response	No

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ID	C	Inattentive driving	Manslaughter	Yes  No	No	Yes  <b>- Asleep/ Drowsy - Fatigued</b>	Yes	Yes  Yes "Sunset-sunrise."	No	Yes
IL	C	Improper lane usage, failure to reduce speed to avoid an accident	Improper lane usage, failure to reduce speed to avoid an accident	Yes  No	No	Yes  <b>- Asleep/ Fainted - Fatigued</b>	No	Yes  Yes 10pm-6am curfew	No	Yes
IN	C-	Reckless driving	Reckless driving or involuntary manslaughter	Yes  No	No	Yes  <b>- Driver asleep or fatigued</b>	No	Yes  Yes Sun-Thu, 11pm-5am Fri & Sat 1am-5am	No	Yes
IA	F	No charge	No charge	No  No	No	Yes  <b>- Asleep, fainted, fatigued, etc.</b>	No	Yes  Yes 12:30-5am	No	Yes

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KS	C	Failure to maintain a single lane or reckless driving	Anything up to vehicular manslaughter	Yes  No	No	Yes  <b>- Fell asleep</b>	No response	Yes  No curfew	No, but it is mentioned.	Yes
KY	C-	Moving violation to reckless driving depending upon the severity of the crash and other factors.	Charge could be anything from reckless driving to manslaughter depending upon the severity of the crash and other factors.	Yes  No	No	Yes  <b>- Fatigue</b> <b>- Fell asleep</b> - Lost consciousness/ fainted	Yes, but minimal	Yes  Yes 12am-6am	No	Yes
LA	D	Reckless driving or careless operation	Vehicular homicide	Yes  No	No  Physicians cannot be sued if they do report.	Yes  <b>- Fatigued</b>	No  Some local training, but not state wide.	Yes  Yes 11pm-5am curfew	No	Yes
ME	C-	No charge	No charge	Yes  Yes Sleep apnea Cataplexy Narcolepsy	Yes	Yes  <b>- Asleep</b> <b>- Fatigued</b>	No	Yes  Yes 12am-5am curfew	Yes	Yes

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MD	C+	Negligent Driving	Manslaughter	Yes  No	No, but does call for discretionary reporting for "disorders characterized by lapses of consciousness"	Yes  <b>- Fatigue</b>	Yes	Yes  Yes 12am-5am curfew	Yes	Yes
MA	C+	Negligent operation or operating to endanger	Motor vehicle homicide or negligent operation	Yes  No	No	Yes  <b>- Fatigued/ Asleep</b>	Yes	Yes  Yes 12am-5am for learners permit (under 18)  12:30am- 5am Junior Operator, ages 16.5-18	No, but it is mentioned.	Yes
MI	C+	Reckless driving, careless driving, felonious driving	Negligent homicide or manslaughter	Yes  No	No	Yes  <b>- Fatigue - Asleep</b>	Yes, but limited and sporadic	Yes  Yes 12am-5am curfew	Yes	Yes

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MN	C	Inattentive driving, careless driving, reckless driving	Criminal vehicular operation (if gross negligence)	Yes  No	No	Yes  <b>- Fatigue</b>	No	Yes  Yes 12am-5pm curfew	Yes	Yes
MS	B-	Reckless driving or careless driving	Homicide, excusable homicide, grounds for suspension/revocation of licenses	Yes  No	No	Yes  <b>- Fell asleep, fainted, or fatigued</b>	Yes	Yes  Yes 10pm-6am curfew	Yes	Yes
MO	D+	Careless and imprudent driving	Involuntary manslaughter, 2 <sup>nd</sup> degree (if proven negligent)	Yes, but up for interpretation (not explicit).  No	No  Physicians are immune from prosecution.	No  Includes box for physical impairment, which could from fatigue.	No	Yes  Yes 1am-5am curfew	Yes	Yes
MT	C	Careless driving, reckless driving, or negligent homicide	Negligent homicide	Yes  Yes Narcolepsy	No  Voluntary reporting	Yes  <b>- Fell asleep, fainted, etc.</b>	Yes	Yes  Yes 11pm-5am curfew	Yes	Yes

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NE	D	Careless or reckless driving	Motor vehicle homicide	Yes  No	No	Yes  <b>- Fatigued/ Sleep</b>	Yes, but minimal	Yes  Yes 12am-6am curfew	No	No
NV	D+	No charge	Vehicular homicide	Yes  No	No	Yes  <b>- Fatigued/ Asleep</b>	No	Yes  Yes 10pm-6am curfew	No	Yes
NH	D	Negligent driving or reckless operation	Negligent homicide	No  No	No	Yes  <b>- Fatigue - Asleep</b>	No	Yes  Yes 1am-5am curfew	No	No
NJ	C+	Reckless driving or careless driving	Death by auto or vessel (criminal homicide statute applies if there is proof that the defendant fell asleep while driving without sleep for a period in excess of 24 consecutive hours – "Maggie's Law")	Yes  No	Yes	Yes  <b>- Fatigue</b>	No	Yes  Yes 12am-5am curfew	No	Yes

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NM	D+	Careless driving	Vehicular homicide or great bodily harm by careless driving	Yes  No	No	Yes  <b>- Fatigue/ Asleep</b>	No	Yes  Yes 12am-5am curfew	No	Yes
NY	C+	Moved from lane unsafely	Moved from lane unsafely	Yes  No	No	Yes  <b>- Fatigue/ drowsy - Fell asleep</b>	No	Yes.  Yes 9pm-5am curfew	Yes	Yes
NC	C+	Careless driving, reckless driving	Misdemeanor, death by motor vehicle	Yes  Yes Narcolepsy Cataplexy	No	Yes  <b>- Fatigue - Fell asleep, fainted, loss of consciousness</b>	Yes	Yes  Yes 9pm-5am curfew	No response	Yes
ND	D+	Failure to drive with due care	Reckless endangerment	Yes  No	No  Physicians immune from legal prosecution.	Yes  <b>- Fatigue - Asleep</b>	No	No  No	No	Yes

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OH	C+	Failing to maintain reasonable control of your automobile	Vehicular manslaughter or aggravated vehicular assault	Yes  No	No	Yes  <b>- Fatigue/ Asleep - Fell asleep, fainted, fatigued, etc.</b>	Yes	Yes  Yes 12-6am for 16-yr olds 1-5am for 17-yr-olds.	Yes	Yes
OK	C-	Failure to devote time and attention, probably failure to operate vehicle properly	Negligent homicide and manslaughter	Yes  No	No	Yes  Driver/ Pedestrian Condition: <b>- Very tired - Sleepy</b>  Unsafe/ Unlawful Contributing Factors: <b>- Apparently sleepy</b>	No	Yes  Yes 11pm-5am curfew	No	Yes
OR	C	Negligence or recklessness. Possible criminal charges.	Negligence or recklessness. Possible criminal charges.	Yes  No	Yes	Yes  <b>- Fatigue/ Drowsy</b>	No response	Yes  Yes 12am-5am curfew	No response	Yes

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PA	C	At the discretion of the law officer	At the discretion of the law officer or prosecutor.	Yes, but very vague.  No	Yes	Yes  <b>- Fatigue - Asleep</b>	No	Yes  Yes 11pm-5am curfew	Yes	Yes
RI	F	Unknown. Defer to prosecution/enforcement	Unknown. Defer to prosecution/enforcement.	Yes  No	No  Voluntary reporting	Yes  <b>- Fell asleep, fainted, fatigued, etc.</b>	No	Yes  Yes 1am-5am curfew	No response	No
SC	D+	Driving too fast for conditions	Driving too fast for conditions.	No	No	Yes  <b>- Fatigue/sleep</b>	Yes, but very brief	No  No, except for for drivers under 16 with Learners Permit – 10pm-6am	Yes	No
SD	C-	Careless or reckless driving.	Manslaughter.	Yes.  No	No	Yes  <b>- Fatigued/Asleep</b>	No	Yes  Yes 10pm-6am	No	Yes

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TN	D	Possibly careless or reckless driving.	Vehicular homicide impaired, DUI.	Yes  Sleep disorders, no.	No	Yes  <b>1) Apparently fatigued 2) Apparently asleep</b>	No	Yes  Yes 11pm-6am curfew	No response	No
TX	C-	No response	No response	Yes  Yes Sleep apnea Narcolepsy	No	Yes  <b>- Fatigued or asleep</b> - Taking medication (exp. in narrative)	No response	Yes  Yes 12am-5am curfew	No response	Yes
UT	D+	Improper lane travel or failure to maintain control of the vehicle.	Automobile homicide or negligent homicide.	Yes  Yes: physician instructed to gauge sleepiness.	No, but immune from legal prosecution if they do.	Yes  <b>- Fatigue/ Asleep</b>	No	Yes  Yes 12am-5am curfew	No	Yes
VT	D+	Negligent operation or grossly negligent operation.	Negligent operation or grossly negligent operation with fatality resulting.	Yes.  No	No	Yes  <b>- Fatigued/ Asleep</b>	No response	Yes  No curfew	No response	Yes

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VA	D+	Reckless driving	Manslaughter	Yes, limits based on function.  No	No  Voluntary reporting	Yes  Driver Distractions: - <b>Driver fatigue</b>  Condition of Driver/ Pedestrian - <b>Fatigued</b> - <b>Apparently asleep</b>	No	Yes  Yes 12am-4am curfew	Yes	No
WA	C+	Negligent or reckless driving (criminal traffic citation)	Vehicular homicide	Yes  No	No	Yes  - <b>Apparently asleep</b> - <b>Apparently fatigued</b>	Yes	Yes  Yes 1am-5am curfew	Yes	Yes
WV	C	Failure to maintain control	Negligent homicide	Yes  No	No	Yes  - <b>Fatigued</b> - <b>Asleep</b>	No	Yes  Yes 11pm-5am curfew	No response	Yes

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WI	D+	Reckless driving or failing to maintain control	Homicide by negligent operation of vehicle	Yes  No	No	Yes  Driver Condition: - <b>Reduced alertness</b>  Driver Factors: - Inattentive driving	No	Yes  Yes 12am-5am curfew	No	Yes
WY	C+	Failure to maintain a single lane	Vehicular manslaughter	Yes  No	No	Yes  - <b>Fell asleep, fainted</b> - <b>Fatigued</b>	Yes	Yes  Yes 11pm-5am curfew	No response	Yes