



Campaign Against Careless and Dangerous Drivers

Key Point Summary for House Bill 1007 – Senate Bill 1171

Citizens are being killed by motorists who choose to engage in dangerous behaviors while driving.

Distracted and drowsy driving is nearly as dangerous as drunk driving. Distracted and drowsy driving combine for 25% of accidents, while drunk driving is responsible for 32%.

District Attorneys say it is not against the law to drive while drowsy or while distracted, even if a motorist falls asleep and runs over and kills a pedestrian on the sidewalk.

Falling asleep or becoming so distracted as to cause a serious accident is not an involuntary act. Just as some drivers choose to drink and drive; some drivers choose to drive when they have had insufficient sleep, they choose to continue to drive knowing they are drowsy, they choose to engage in activities that are so distracting they lead to serious accidents.

Citizens using the streets of Tennessee want to be safe from both violent criminals and from careless and dangerous drivers. The majority of traffic fatalities in TN are caused by drivers who choose to engage in dangerous behaviors while driving.

We are **not** asking for protection for bicyclists who run stop lights or for pedestrians who run out in front of cars.

Changes Needed

Currently, state law 55-8-136 says “drivers shall exercise due care”. This law does make it illegal to drive while distracted or to fall asleep while driving, but it is only a “traffic ticket” type law. District Attorneys normally will not get involved with traffic court type offenses. We need to increase penalties for distracted and drowsy drivers who cause fatalities or serious injuries in order to get the attention of the driving public and the assistance of the district attorneys.

Another law does have the stiffer penalties we need; this is state law 55-8-197 “Failure to yield right of way”. Under this law a fatality has a maximum jail time of 11 months 29 days and causing “serious bodily injury” a maximum of 6 months. The law also calls for the revocation of the violators driver’s license for either 1 year or 6 months, respectively.

This law applies when two conditions are met: 1st, a basic traffic law is violated such as: stop at a stop sign, yield to other traffic when making a left hand turn, drive on the right-hand side of the road, pass on the left-hand side of the road, and when entering the road from a driveway yield to existing traffic on the road; and 2nd, the violation results in a fatality or serious bodily injury. By adding to the list of traffic laws covered by TCA 55-8-197 we can stiffen the penalties for distracted and drowsy driving. This law should be amended to include:

- (1) Drivers to exercise due care (TCA 55-8-136),
- (2) Motorists shall pass bicyclists safely (TCA 55-8-175(c)), and
- (3) Drivers shall yield to pedestrians in crosswalks (TCA 55-8-134).

Also, the language in 55-8-136 “Drivers to exercise due care” should be revised to more clearly require drivers of all vehicles (not just motor vehicles) to exercise due care to both see and avoid colliding with all persons or all vehicles (not just motor vehicles) who are lawfully using both the roadway and the area adjacent to a roadway; which would include any adjacent side walk, bike lane, shoulder or berm. A bicycle is defined as a vehicle but is not a motor vehicle, thus making this change will clearly require a bicyclist to exercise due care and also insure a bicyclist is protected by this law.