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Abstract			
<p>The Finnish Road Traffic Act (RTA) explicitly forbids driving while tired in Article 63 (3.8.1990/676), which addresses the driver's fitness to drive: A person that does not meet the requirements for driving because of illness or tiredness or another similar reason or whose health condition no longer fulfills the requirements needed for granting a driver's license must not drive a vehicle.</p> <p>It is obvious that there are difficulties in applying this law because "how tired is too tired" is not specified and a validated and reliable device for detecting the level of sleepiness/fatigue (cf. the breathalyzer for alcohol levels) does not exist. Despite these difficulties in recognizing fatigue-impaired drivers and the fatigue/sleepiness contribution to accident causation, in our previous study we found that the Finnish police and courts somehow manage to punish on average one driver per day under this article that forbids driving while tired.</p> <p>Therefore, the aim of the present study was to find out police officers' and prosecutors' experiences when dealing with fatigued drivers under the current law. The sample included 96 prosecutors, 129 traffic police officers, and 100 local police officers who have experience in traffic surveillance and accident investigations.</p> <p>A large majority of all respondents believe that fatigued driving is not much smaller problem than drunk driving, driving while extremely tired is considered by almost all as quite or extremely negligent, and what is important for legal aspect a large majority agrees that a normal healthy person cannot fall asleep behind the wheel without experiencing a continuous period of increased sleepiness beforehand. Operationalizing fatigue in terms of hours awake, as in Maggie's law, has not received much support from our respondents, especially among prosecutors. The possibility of basing a charge of the gross endangerment of traffic safety on fatigued driving received significant support on either general level or when evaluating concrete cases presented in the survey.</p> <p>Throughout the survey, the respondents repeatedly expressed concern that it is very difficult, or even impossible, to establish and prove that the driver was indeed tired or fell asleep. Compared with police officers, prosecutors less often stated that fatigue should be more explicitly defined in the law. Nevertheless, a large majority of all respondents, including prosecutors, believe that drivers committing traffic crimes deserve harsher punishment than it is currently prescribed or applied.</p>			
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Fatigue, sleepiness, traffic law, traffic police, prosecutors, accident investigation, Maggie's law			
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