
DIGEST

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SB 171 Reengrossed

2016 Regular Session

Gary Smith

Proposed law creates the crime of infliction of serious injury or death on a public road user, which is the inflicting of serious bodily injury upon the person of a public road user or the killing of a public road user provided the public road user used reasonable care in the use of the road, and his injury or death is directly by an offender engaged in the operation of a motor vehicle in a careless manner.

Proposed law defines "careless manner" as the failure to drive in a careful and prudent manner.

Proposed law defines a "public road user" as:

- (1) A pedestrian, including but not limited to a person engaged in work upon a public highway or other roadway, or in work upon utility facilities along a public highway or other roadway, or engaged in the provision of emergency services within the right-of-way of a public highway or other roadway.
- (2) A person riding or leading an animal upon a public highway or other roadway.
- (3) A person lawfully operating or riding any of the following on a public right-of-way, crosswalk, or shoulder of a public highway or other roadway:
 - (a) A bicycle, tricycle, or other pedal-powered vehicle.
 - (b) A farm tractor or similar vehicle designed primarily for farm use.
 - (c) A skateboard, roller skates, or in-line skates.
 - (d) A motorcycle, moped, or scooter.
 - (e) An animal-drawn wheeled vehicle, farm equipment, or sled.
 - (f) An electric personal assistive mobility device.
 - (g) A wheelchair, rollator, rolling walker, or walker.

Proposed law provides that a person issued a traffic citation pursuant to proposed law must attend a hearing on the citation before a court having jurisdiction over the alleged offense.

Proposed law provides that a person found to have committed an offense causing serious bodily injury under proposed law may have his driving privileges suspended for a period of not more than one year and in addition may be:

- (1) Fined not more than \$2,000.
- (2) Imprisoned for up to 90 days.
- (3) Ordered to complete a court-approved motor vehicle accident prevention program.
- (4) Ordered to perform not more than 200 hours of community service.

Proposed law provides that a person found to have committed an offense causing death under proposed law may be subject to any or all of the following penalties:

- (1) Imprisonment with or without hard labor for not more than two years.
- (2) A fine of not more than \$5,000.
- (3) Completion of a court-approved motor vehicle accident prevention program.
- (4) Performance of not more than 500 hours of community service.
- (6) Suspension of driving privileges for a period of not more than one year.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:39.3)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Delete "distracted" driving as an element of the proposed law crime.

Senate Floor Amendments to engrossed bill

1. Changes terminology "when the victim suffers serious bodily injury" to "causing serious bodily injury".
2. Changes terminology "when the victim dies" to "causing death".

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Amend the elements of the offense to require the victim to have used reasonable care in the use of the road.
2. Amend the elements of the offense to remove from proposed law instances where the injury or death of the victim was "proximately" caused by the offender's operation of the motor vehicle in a careless manner.
3. Amend the penalty provisions relative to offenses which result in the death of the victim to decrease the maximum term of imprisonment from five years to two years and to provide additional penalty options including participation in a court-approved motor vehicle accident prevention program, performance of community service, and suspension of driving privileges.
4. Add a definition of "careless manner".