

2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 46

BY REPRESENTATIVE THOMAS

MTR VEHICLE/VIOLATIONS: Urges and requests the Louisiana State Law Institute to study and make recommendations relative to vulnerable road users

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana State Law Institute to study the Model Vulnerable Road
3 User Law to determine its applicability in Louisiana.

4 WHEREAS, a problem exists in Louisiana with respect to accidents involving
5 motorists or truck drivers and pedestrians, cyclists, and motorcyclists when a motorist or
6 truck driver only receives a misdemeanor traffic violation for failing to yield a right-of-way
7 and killing a vulnerable road user; and

8 WHEREAS, motorists and truck drivers can subvert appearing in court by admitting
9 guilt and paying a fine; and

10 WHEREAS, unless the motorist or truck driver leaves the scene of an accident
11 involving a pedestrian, cyclist, or motorcyclist, the motorist or truck driver rarely receives
12 any punishment aside from a misdemeanor ticket and nominal fine; and

13 WHEREAS, district attorneys have been reluctant to prosecute the motorists or truck
14 drivers for felonies that require specific intent; and

15 WHEREAS, the Model Vulnerable Road User Law could effectively address this
16 issue; and

17 WHEREAS, the Model Vulnerable Road User Law provides important legal
18 protection to motorcyclists and other persons who are not protected by steel cages; and

19 WHEREAS, this law is not just beneficial for motorcyclists, but also bicyclists,
20 persons that ride scooters, use wheelchairs, and pedestrians; and

1 WHEREAS, the Model Vulnerable Road User Law defines a "vulnerable road user"
2 as (1) a pedestrian, including those persons actually engaged in work upon a highway, or in
3 work upon utility facilities along a highway, or engaged in the provision of emergency
4 services within the right of way; or (2) a person riding or leading an animal; or (3) a person
5 lawfully operating or riding any of the following on a public right-of-way, crosswalk, or
6 shoulder of the highway: (a) bicycle, tricycle, or other pedal-powered vehicles; (b) a farm
7 tractor or similar vehicle designed primarily for farm use; (c) a skateboard; (d) roller skates;
8 (e) in-line skates; (f) a scooter; (g) a moped; (h) a motorcycle; (i) an animal-drawn wheeled
9 vehicle, or farm equipment, or sled; (j) an electric personal assistive mobility device; or (k)
10 a wheelchair; and

11 WHEREAS, the Model Vulnerable Road User Law operates on a principal of general
12 deterrence by providing increased penalties for certain road behaviors that cause serious
13 injury or death to motorcyclists or other vulnerable road users; and

14 WHEREAS, nine other states have adopted the Model Vulnerable Road User Law;
15 and

16 WHEREAS, without substantial penalties and retraining, motorists or truck drivers
17 that kill or injure members of the community with which they share public streets will not
18 be deterred from repeat behavior; and

19 WHEREAS, the Model Vulnerable Road User Law will provide the courts the
20 necessary options to impose stronger punishment to deter this dangerous conduct; and

21 WHEREAS, the Model Vulnerable Road User Law would address the road safety
22 concerns of all road users and can lead to significant improvement in overall road safety.

23 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
24 urge and request the Louisiana State Law Institute to study the Model Vulnerable Road User
25 Law to determine its applicability in Louisiana.

26 BE IT FURTHER RESOLVED, at a minimum, the Louisiana State Law Institute
27 should study the following:

28 (1) The magnitude of the problem.

29 (2) Crash types and driver behaviors that are contributing factors.

1 (3) Strategies, including implementing a vulnerable road user law, that have the
2 potential for reducing vulnerable road user fatalities.

3 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
4 a report detailing the results of its study and its recommendation to the legislature prior to
5 February 1, 2020.

6 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
7 president of the Louisiana State Law Institute.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 46 Engrossed

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Thomas

Urges and requests the La. State Law Institute to study the Model Vulnerable Road User Law to determine its applicability in Louisiana, and submit a report detailing the results of its study and its recommendation to the legislature prior to Feb. 1, 2020.