

2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 46

BY REPRESENTATIVE THOMAS AND SENATORS CORTEZ, ERDEY, HEWITT,
LONG, AND GARY SMITH

A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

WHEREAS, the Model Vulnerable Road User Law defines a "vulnerable road user" as (1) a pedestrian, including those persons actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency

services within the right of way; or (2) a person riding or leading an animal; or (3) a person lawfully operating or riding any of the following on a public right-of-way, crosswalk, or shoulder of the highway: (a) bicycle, tricycle, or other pedal-powered vehicles; (b) a farm tractor or similar vehicle designed primarily for farm use; (c) a skateboard; (d) roller skates; (e) in-line skates; (f) a scooter; (g) a moped; (h) a motorcycle; (i) an animal-drawn wheeled vehicle, or farm equipment, or sled; (j) an electric personal assistive mobility device; or (k) a wheelchair; and

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

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

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

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

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

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

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

- (1) The magnitude of the problem.
- (2) Crash types and driver behaviors that are contributing factors.
- (3) Strategies, including implementing a vulnerable road user law, that have the potential for reducing vulnerable road user fatalities.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE