

2021 Regular Session

HOUSE BILL NO. 11

BY REPRESENTATIVE THOMAS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Creates the crime of infliction of serious injury or death on a road user and provides for penalties

1 AN ACT

2 To enact R.S. 14:39.3, relative to offenses against the person; to create the crime of
3 infliction of serious injury or death on a road user; to define road user; to provide
4 relative to the issuance of a traffic citation; to provide for criminal penalties; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:39.3 is hereby enacted to read as follows:

8 §39.3. Infliction of serious injury or death on a road user

9 A. Infliction of serious injury or death on a road user is the inflicting of
10 serious bodily injury upon the person of a road user or the killing of a road user when
11 caused directly or indirectly by an offender operating a motor vehicle in violation of
12 any applicable traffic law and the violation of such traffic law was the cause of such
13 injury or death.

14 B. For purposes of this Section, "road user" includes the following:

15 (1) A pedestrian, including but not limited to a person engaged in work upon
16 a public highway or other roadway, a person engaged in utility or facility work along
17 a public highway or other roadway, or a person engaged in emergency services
18 within the right-of-way of a public highway or other roadway.

19 (2) A person riding or leading an animal upon a public highway or other
20 roadway.

1 (3) A person lawfully operating or riding any of the following on a public
2 right-of-way, crosswalk, or shoulder of a public highway or other roadway:

3 (a) A bicycle, tricycle, or other human-powered vehicle designed to transport
4 by pedaling.

5 (b) A farm tractor or similar vehicle designed primarily for farm use.

6 (c) A skateboard, roller skates, or inline skates.

7 (d) A motorcycle, moped, or scooter.

8 (e) An animal-drawn wheeled vehicle, farm equipment, or sled.

9 (f) An electric personal assistive mobility device.

10 (g) A wheelchair, rolling walker, or any other type of walker.

11 C. A person issued a traffic citation pursuant to this Section shall attend a
12 hearing on the citation before a court having jurisdiction over the alleged offense.

13 D. Whoever commits the crime of infliction of serious injury or death on a
14 road user may have his driving privileges suspended for a period of not more than
15 one year and, in addition, may be fined not more than two thousand dollars,
16 imprisoned for not more than six months, ordered to complete a court-approved
17 motor vehicle accident program, or ordered to perform not more than two hundred
18 hours of court-approved community service activities.

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)]

HB 11 Original

2021 Regular Session

Thomas

Abstract: Creates the crime of infliction of serious injury or death on a road user and provides for penalties.

Proposed law creates the crime of infliction of serious injury or death on a road user and defines it as the inflicting of serious bodily injury upon the person of a road user or the killing of a road user when caused directly or indirectly by an offender operating a motor vehicle in violation of any applicable traffic law and the violation of such traffic law was the cause of such injury or death.

Proposed law provides that "road user" includes the following:

- (1) A pedestrian, including but not limited to a person engaged in work upon a public highway or other roadway, a person engaged in utility or facility work along a public

- highway or other roadway, or a person engaged in 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 human-powered vehicle designed to transport by pedaling.
 - (b) A farm tractor or similar vehicle designed primarily for farm use.
 - (c) A skateboard, roller skates, or inline 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, rolling walker, or any other type of walker.

Proposed law requires a person issued a traffic citation to attend a hearing on the citation before a court having jurisdiction over the alleged offense.

Proposed law provides that any person who commits the proposed law crime may have his driving privileges suspended for a period of not more than one year and, in addition, may be fined not more than two thousand dollars, imprisoned for not more than six months, ordered to complete a court-approved motor vehicle accident program, or ordered to perform not more than two hundred hours of court-approved community service activities.

(Adds R.S. 14:39.3)