
SENATE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Senator Gatti to Reengrossed House Bill No. 132 by Representative Crews

1 AMENDMENT NO. 1

2 Delete Senate Committee Amendment Nos. 1 through 5, proposed by the Senate Committee
3 on Transportation, Highways and Public Works and adopted by the Senate on May 27, 2019.

4 AMENDMENT NO. 2

5 On page 1, line 2, after "reenact R.S." delete the remainder of the line and insert "32:681,"

6 AMENDMENT NO. 3

7 On page 1, at the beginning of line 3, delete "32:681(E) and (F),"

8 AMENDMENT NO. 4

9 On page 1, line 5, after "definition;" insert "to provide relative to immunity from liability
10 under certain circumstances;"

11 AMENDMENT NO. 5

12 On page 1, delete lines 7 and 8 and insert the following:

13 "Section 1. R.S. 32:681 is hereby amended and reenacted to read as follows:"

14 AMENDMENT NO. 6

15 On page 1, delete lines 11 through 20 and insert the following:

16 "A. The operator of any motor vehicle or watercraft which is involved in a
17 collision or crash ~~or the operator of any watercraft involved in a collision, crash, or~~
18 ~~other casualty in which a fatality occurs on the public highways, including~~
19 waterways, shall be deemed to have given consent to, and shall be administered, a
20 chemical test or tests of his blood, urine, or other bodily ~~substance~~ substances for the
21 purpose of determining the presence of any abused substance or controlled
22 dangerous substance as set forth in R.S. 40:964 or other applicable provision of law,
23 or any other impairing substance: , under any of the following circumstances:

24 (1) A fatality occurs.

25 (2) It is foreseeable that a citation for a traffic violation or an arrest is
26 imminent and the investigating officer finds that a bodily injury occurred that is rated
27 as "suspected serious injury" on the Uniform Motor Vehicle Traffic Crash Report.

28 (3) The operator voluntarily agrees to submit to a chemical test.

29 (4) A search warrant is issued, ordering the collection and testing of any
30 bodily substance for the purposes of this Section.

31 B. The test or tests provided for by Subsection A of this Section shall be
32 administered at the direction of a law enforcement officer having reasonable grounds
33 to believe the person to have been ~~driving~~ operating or in actual physical control of
34 a motor vehicle upon the public highways of this state which is involved in a
35 collision or crash or to have been operating or in physical control of a watercraft on
36 the waterways of this state involved in a collision, crash, or other casualty in which
37 a suspected serious injury or a fatality occurs, in order to determine the presence of
38 any abused substance or controlled dangerous substance as set forth in R.S. 40:964
39 or other applicable provision of law, or any other impairing substance. The law
40 enforcement agency by which such officer is employed shall designate in writing
41 under what conditions the test or tests shall be administered.

1 C. In the case of all traffic or boating fatalities, the coroner, or his designee,
2 shall perform or cause to be performed a toxicology screen on the deceased victim
3 or victims ~~of all traffic fatalities~~ for determining evidence of the presence of any
4 abused substance or controlled dangerous substance as set forth in R.S. 40:964 or
5 other applicable provision of law, or any other impairing substance, which shall
6 include the extracting of all bodily substance samples necessary for such toxicology
7 screen. The coroner, or his designee, shall be responsible for ensuring the body is not
8 removed from his custody until such time as the bodily substance samples are
9 extracted. The coroner's report shall be made available to the investigating law
10 enforcement agency and may be admissible in any court of competent jurisdiction
11 as evidence of the presence of any abused substance or controlled dangerous
12 substance as set forth in R.S. 40:964 or other applicable provision of law, or any
13 other impairing substance, at the time of the fatality. Nothing herein shall be
14 construed to limit the authority of the investigating law enforcement agency from
15 conducting an investigation of the accident scene concurrently with the coroner or
16 his designee.

17 D. Any chemical test or tests of a person's blood, urine, or other bodily
18 substance for the purpose of determining the presence of any abused substance or
19 controlled dangerous substance as set forth in R.S. 40:964 or other applicable
20 provision of law, or any other impairing substance, shall be administered in the same
21 manner and subject to the provisions of Part XIV of this Chapter.

22 E. For the purposes of this Section, "suspected serious injury", as provided
23 for in the Fourth Edition of the Model Minimum Uniform Crash Criteria Guideline,
24 means any injury other than fatal which results in any of the following:

25 (a) Severe laceration resulting in exposure of underlying tissues, muscle, or
26 organs, or resulting in a significant loss of blood.

27 (b) Broken or distorted extremity.

28 (c) Crush injuries.

29 (d) Suspected skull, chest, or abdominal injury other than bruises or minor
30 lacerations.

31 (e) Significant burns.

32 (f) Unconsciousness when taken from the crash scene.

33 (g) Paralysis.

34 F. Neither the law enforcement officer investigating the collision or crash,
35 nor the law enforcement officer's employing agency, shall be liable, civilly or
36 criminally, for any act performed or omitted in response to the provisions of this
37 Section.

38 G. This Section shall be known and may be cited as "Katie Bug's Law."

39 AMENDMENT NO. 7

40 On page 2, delete lines 1 through 26

41 AMENDMENT NO. 8

42 On page 2, after line 29, insert the following:

43 "Section 3. This Act shall become effective upon signature by the governor or, if not
44 signed by the governor, upon expiration of the time for bills to become law without signature
45 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
46 vetoed by the governor and subsequently approved by the legislature, this Act shall become
47 effective on the day following such approval."