

2026 Regular Session

SENATE BILL NO. 223

BY SENATOR LUNEAU

CRIME/PUNISHMENT. Creates the crime of failure to test for alcohol and controlled substances resulting in serious bodily injury or death. (8/1/26)

1 AN ACT

2 To enact R.S. 14:39.3, relative to assault and battery with related offenses; to create the
3 crime of failure to test for alcohol and controlled substances resulting in serious
4 bodily injury or death; to provide for elements of the offense; to provide definitions;
5 to provide for penalties; and to 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. Failure to test for alcohol and controlled substances resulting in serious**
9 **bodily injury or death**

10 **A. A violation of this Section is committed by a motor carrier when all**
11 **of the following conditions exist:**

12 **(1) The motor carrier is required by 49 CFR Part 382 to test an operator**
13 **of a commercial motor vehicle for alcohol and controlled substance use.**

14 **(2) The motor carrier fails to conduct the testing required by 49 CFR**
15 **Part 382.**

16 **(3) The operator of a commercial motor vehicle who is required to be**
17 **tested by the motor carrier pursuant to Paragraph (1) of this Subsection, but**

- (3) The operator of a commercial motor vehicle who is required to be tested by the motor carrier, but has not been tested, causes an accident while operating the commercial vehicle under the influence of alcohol or under the influence of a controlled substance.
- (4) The accident results in the serious bodily injury or death of another person.

Proposed law defines "commercial motor vehicle", "motor carrier", "operator", and "under the influence of alcohol".

Proposed law provides that an offender will be fined not more than \$25,000, or imprisoned for not more than one year, or both.

Effective August 1, 2026.

(Adds R.S. 14:39.3)