2019 Regular Session

HOUSE BILL NO. 132

BY REPRESENTATIVES CREWS, BRASS, TERRY BROWN, CARPENTER, STEVE CARTER, FRANKLIN, GISCLAIR, HILL, HOWARD, LEBAS, NORTON, WHITE, AND WRIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana. TRAFFIC/ACCIDENTS: Modifies postaccident drug testing requirements

1	AN ACT
2	To amend and reenact R.S. 32:681(Section heading), (A), and (B) and to enact R.S.
3	32:681(E), relative to postaccident drug testing requirements; to provide for the
4	extension of a postaccident drug testing requirement to accidents involving a serious
5	bodily injury; to provide for a definition; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 32:681(Section heading), (A), and (B) are hereby amended and
8	reenacted and R.S. 32:681(E) is hereby enacted to read as follows:
9	§681. Postaccident drug testing; accidents involving serious bodily injury or
10	fatalities, required
11	A. The operator of any motor vehicle which is involved in a collision or the
12	operator of any watercraft involved in a collision, crash, or other casualty in which
13	a serious bodily injury or fatality occurs shall be deemed to have given consent to,
14	and shall be administered, a chemical test or tests of his blood, urine, or other bodily
15	substance for the purpose of determining the presence of any abused substance or
16	controlled dangerous substance as set forth in R.S. 40:964 or any other impairing
17	substance.
18	B. The test or tests shall be administered at the direction of a law
19	enforcement officer having reasonable grounds to believe the person to have been
20	driving or in actual physical control of a motor vehicle upon the public highways of

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	this state which is involved in a collision or to have been operating or in physical		
2	control of a watercraft on the waterways of this state involved in a collision, crash,		
3	or other casualty in which a serious bodily injury or fatality occurs to determine the		
4	presence of any abused substance or controlled dangerous substance. The law		
5	enforcement agency by which such officer is employed shall designate in writing		
6	under what conditions the tests shall be administered.		
7	* * *		
8	E. For the purposes of this Section, "serious bodily injury" means a bodily		
9	injury which involves a period of protracted unconsciousness, protracted and obvious		
10	disfigurement, or protracted loss or impairment of the function of a bodily member,		
11	organ, or mental faculty, or a substantial risk of death.		

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)]

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Abstract: Extends the postaccident drug testing requirement to accidents involving serious bodily injury.

<u>Present law</u> requires the operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs be administered a chemical test or tests of his blood, urine, or other bodily substance for the purposes of determining the presence of any abused or controlled dangerous substance.

<u>Proposed law</u> extends this requirement to the operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a serious bodily injury occurs.

<u>Present law</u> requires the test or tests be administered at the direction of a law enforcement officer having reasonable grounds to believe the person driving or in actual physical control of a motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs.

<u>Proposed law</u> extends this requirement to the person driving or in actual physical control of a motor vehicle or watercraft involved in a collision, crash, or other casualty in which a serious bodily injury occurs to determine the presence of any abused substance or controlled dangerous substance.

<u>Proposed law</u> defines "serious bodily injury" as a bodily injury which involves a period of protracted unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

(Amends R.S. 32:681(Section heading), (A), and (B); Adds R.S. 32:681(E))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Transportation</u>, <u>Highways and Public Works</u> to the <u>original</u> bill:
- 1. Modifies the definition of "serious bodily injury" by removing "unconsciousness and extreme physical pain" and adding "a period of protracted unconsciousness".