

Regular Session, 2010

HOUSE BILL NO. 687

BY REPRESENTATIVE SMILEY

MTR VEHICLE/VIOLATIONS: Increases penalties for operators of motor vehicles cited for failure to yield the right-of-way

1 AN ACT

2 To amend and reenact R.S. 32:123(E)(1), relative to motor vehicle traffic regulations; to
3 increases the penalties for operators of motor vehicles cited for failure to yield at the
4 right-of-way; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:123(E)(1) is hereby amended and reenacted to read as follows:

7 §123. Stop signs and yield signs; penalties for violations

8 * * *

9 E.(1) Any person who is found guilty of or pleads guilty or nolo contendere
10 to a violation of the provisions of this Section shall be subject to the following
11 penalties:

12 (a) If the violation results in the injury of another person, the offender shall
13 be fined ~~two~~ five hundred dollars and may be subjected to a driver's license
14 suspension for a period of not less than ~~thirty~~ ninety days, or both.

15 (b) If the violation results in the serious bodily injury of another person, the
16 offender shall be fined ~~five hundred~~ one thousand dollars and may be subjected to
17 a driver's license suspension for a period of not less than ~~ninety~~ one hundred eighty
18 days, or both.

19 (c) If the violation results in the death of another person, the offender shall
20 be fined ~~one~~ five thousand dollars and may be subjected to a driver's license
21 suspension for a period of not less than ~~one hundred eighty days,~~ three hundred sixty
22 days, or both.

23 * * *

1 Section 2. This Act shall be designated and cited as the "Pickholtz Act".

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)]

Smiley

HB No. 687

Abstract: Increases the penalties for operators of motor vehicles cited for failure to yield the right-of-way.

Present law requires every driver and operator of a vehicle approaching an intersection indicated by a stop sign to stop before entering the crosswalk at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

Present law provides that after having stopped, the driver shall yield the right-of-way to all vehicles which have entered the intersection from another highway or which are approaching so closely on said highway as to constitute an immediate hazard.

Present law provides that at a four-way stop intersection, the driver of the first vehicle to stop at the intersection shall be the first to proceed. Provides that if two or more vehicles reach the intersection at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

Present law provides that the driver or operator of a vehicle approaching a yield sign shall slowdown to a speed reasonable for the existing conditions, or shall stop if necessary, before entering the crosswalk on the near side of the intersection. The driver shall yield the right-of-way to any pedestrian legally crossing the roadway and to any vehicle in the intersection or approaching on another highway as to constitute an immediate hazard.

Proposed law increases those penalties for operators of motor vehicles cited for failure to yield the right-of-way as follows:

- (1) Increases the fine when the accident resulted in the injury of another person from \$200 to \$500 and increases the possible driver's license suspension from 30 days to 90 days.
- (2) Increases the fine when the accident result in serious bodily injury of another person from \$500 to \$1,000 and increases the possible driver's license suspension from 90 days to 180 days.
- (3) Increases the fine when the accident results in the death of another person from \$1,000 to \$5,000 and increases the possible driver's license suspension from 180 days to 360 days.

Proposed law provides that the provisions under proposed law shall be known as the "Pickholtz Act".

(Amends R.S. 32:123(E)(1))