

2016 Regular Session

SENATE BILL NO. 171

BY SENATORS GARY SMITH, CARTER, COLOMB AND MILLS AND
REPRESENTATIVE HILFERTY

CRIME/PUNISHMENT. Creates the crime of infliction of serious injury or death on a public road user. (gov sig)

1 AN ACT

2 To enact R.S. 14:39.3, creating the crime of infliction of serious injury or death on a public
3 road user; to provide elements of the crime; to provide definitions; to provide
4 penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 **§39.3. Infliction of serious injury or death on a public road user**

8 **A. Infliction of serious injury or death on a public road user is the**
9 **inflicting of serious bodily injury upon the person of a public road user or the**
10 **killling of a public road user when caused proximately or caused directly by an**
11 **offender engaged in the operation of a motor vehicle in a careless manner.**

12 **B. For purposes of this Section, "public road user" includes:**

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

17 **(2) A person riding or leading an animal upon a public highway or other**

1 roadway.

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

4 (a) A bicycle, tricycle, or other pedal-powered vehicle.

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

6 (c) A skateboard, roller skates, or in-line 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, rollator, rolling walker, or walker.

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

14 D.(1) A person found to have committed an offense under this Section
 15 causing serious bodily injury may have his driving privileges suspended for a
 16 period of not more than one year and in addition may be:

17 (a) Fined not more than two thousand dollars.

18 (b) Imprisoned for a period of not more than ninety days.

19 (c) Ordered to complete a court-approved motor vehicle accident
 20 prevention program.

21 (d) Ordered to perform not more than two hundred hours of community
 22 service.

23 (2) A person found to have committed an offense under this Section
 24 causing death may be imprisoned with or without hard labor for not more than
 25 five years, fined not more than five thousand dollars, or both.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
 27 signed by the governor, upon expiration of the time for bills to become law without signature
 28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 29 vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

DIGEST

SB 171 Reengrossed

2016 Regular Session

Gary Smith

Proposed law creates the crime of infliction of serious injury or death on a public road user, which is the inflicting of serious bodily injury upon the person of a public road user or the killing of a public road user when caused proximately or caused directly by an offender engaged in the operation of a motor vehicle in a careless manner.

Proposed law defines a "public road user" as:

- (1) A pedestrian, including but not limited to a person engaged in work upon a public highway or other roadway, or in work upon utility facilities along a public highway or other roadway, or engaged in the provision of 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 pedal-powered vehicle.
 - (b) A farm tractor or similar vehicle designed primarily for farm use.
 - (c) A skateboard, roller skates, or in-line 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, rollator, rolling walker, or walker.

Proposed law provides that a person issued a traffic citation pursuant to proposed law must attend a hearing on the citation before a court having jurisdiction over the alleged offense.

Proposed law provides that a person found to have committed an offense causing serious bodily injury under proposed law may have his driving privileges suspended for a period of not more than one year and in addition may be:

- (1) Fined not more than \$2,000.
- (2) Imprisoned for up to 90 days.
- (3) Ordered to complete a court-approved motor vehicle accident prevention program.
- (4) Ordered to perform not more than 200 hours of community service.

Proposed law provides that a person found to have committed an offense causing death under proposed law may be imprisoned with or without hard labor for not more than five

years, fined not more than \$5,000, or both.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:39.3)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Delete "distracted" driving as an element of the proposed law crime.

Senate Floor Amendments to engrossed bill

1. Changes terminology "when the victim suffers serious bodily injury" to "causing serious bodily injury".
2. Changes terminology "when the victim dies" to "causing death".