

SENATE BILL NO. 441

BY SENATOR MORRELL AND REPRESENTATIVES DUPLESSIS, DWIGHT AND HODGES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To enact R.S. 14:99.2, relative to criminal acts; to create the crime of reckless operation of an off-road vehicle; to provide for elements of the offense; to provide for penalties; to provide for forfeiture of the vehicle; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:99.2 is hereby enacted to read as follows:

§99.2. Reckless operation of an off-road vehicle

A. Reckless operation of an off-road vehicle is the operation of any off-road vehicle in a criminally negligent or reckless manner upon any public roadway or right of way.

B.(1) For purposes of this Section, "off-road vehicle" shall include but not be limited to three-wheelers, four-wheelers, dirt bikes, or other all-terrain vehicles that are not specifically designed for use on public roads and highways.

(2) For the purposes of this Section, acts which may constitute reckless operation of an off-road vehicle shall include but not be limited to operating the vehicle on a public roadway or right of way in a manner that:

(a) Forces another vehicle to leave the roadway.

(b) Collides with another vehicle or person.

(c) Exceeds the posted speed limit.

(d) Travels against the flow of traffic.

(e) Disregards traffic control devices.

(f) Drives around or between standing or moving vehicles without regard to lanes of traffic.

(g) Impedes traffic flow.

1 (h) Travels off the roadway and back on to the roadway deliberately.

2 (3) For purposes of this Section, reckless operation of an off-road vehicle
3 shall also include operating the vehicle on a public roadway or right of way:

4 (a) While performing stunts of showmanship, such as riding wheelies or
5 acrobatic stunts.

6 (b) While harassing the drivers of other vehicles or pedestrians by verbal
7 taunting or making threatening gestures.

8 (c) While corralling an occupied vehicle or a pedestrian.

9 C. It shall be unlawful for a person to solicit or to assist in soliciting
10 participation in any rally, ride, or gathering that encourages the violation of this
11 Section by the use of a computer online service, internet service, or any other
12 means of electronic communication, including but not limited to a local bulletin
13 board service, internet chat room, electronic mail, social media, or online
14 messaging service.

15 D. Any drivers of motor vehicles participating in or traveling in support
16 of persons in violation of this Section shall be considered in violation of this
17 Section. Persons who are directly participating in this activity by photographing
18 or filming violations of this Section to document the activity for the riders shall
19 also be considered in violation of this Section. This Section shall not apply to
20 individuals who are not participating in the violation of this Section and who are
21 filming or photographing.

22 E.(1) Whoever commits a violation of this Section shall be fined not more
23 than five hundred dollars, or imprisoned for not more than ninety days, or both.

24 (2) In addition to any other sentence, the court shall order, upon motion
25 of the prosecuting district attorney, that the off-road vehicle being operated by
26 the offender at the time of the offense be seized and impounded and destroyed
27 when:

28 (a) The driver was wearing a hood, mask, or disguise of any kind with
29 the intent to hide or conceal his identity during the commission of the crime of
30 reckless operation of an off-road vehicle.

1 **(b) It is a second or subsequent conviction for the offender pursuant to**
2 **this Section.**

3 **(c) The driver has a previous conviction in this state or under a similar**
4 **law in another state for:**

5 **(i) R.S. 14:96, aggravated obstruction of a highway of commerce.**

6 **(ii) R.S. 14:97, simple obstruction of a highway of commerce.**

7 **(iii) R.S. 14:99, reckless operation.**

8 **(iv) R.S. 14:108, resisting an officer.**

9 **(3) Notwithstanding the provisions of Paragraph (2) of this Subsection,**
10 **the off-road vehicle shall not be destroyed if it was stolen, or if the driver of the**
11 **off-road vehicle at the time of the violation was not the owner and the owner did**
12 **not know that the driver was operating the off-road vehicle in violation of this**
13 **Section. However, the off-road vehicle shall not be released from impoundment**
14 **until such time as towing and storage fees have been paid. In addition, the**
15 **off-road vehicle shall not be destroyed if the towing and storage fees are paid by**
16 **a valid lien holder.**

17 **(4) If the district attorney elects to seize and impound the off-road**
18 **vehicle, he shall file a written motion at least five days prior to sentencing,**
19 **stating his intention to destroy the off-road vehicle. When the district attorney**
20 **elects to seize, impound, and destroy the off-road vehicle, the court shall order**
21 **it seized and impounded. The court shall also order the vehicle destroyed unless**
22 **the provisions of Paragraph (3) of this Subsection are applicable.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____