

2018 Regular Session

SENATE BILL NO. 68

BY SENATOR CLAITOR

CRIME/PUNISHMENT. Provides relative to criminal damage to property caused by the wake of a vehicle during flood conditions. (gov sig)

1 AN ACT

2 To enact R.S. 32:58.1, relative to careless operation of motor vehicles; to provide relative  
3 to careless operation during flood conditions; to provide relative to injury or damage  
4 caused by the wake created by a motor vehicle during flood conditions; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:58.1 is hereby enacted to read as follows:

8 **§58.1. Careless operation during flood conditions**

9 **A. Any person operating a motor vehicle on the public roads of this state**  
10 **during flood conditions shall drive in a careful and prudent manner, so as not**  
11 **to create a wake that endangers the life, limb, or property of any person. Failure**  
12 **to drive in such a manner shall constitute careless operation during flood**  
13 **conditions.**

14 **B. There shall be a rebuttable presumption that the following persons**  
15 **were operating a motor vehicle in a careful and prudent manner during flood**  
16 **conditions:**

17 **(1) Any person operating a vehicle owned or operated by a public utility,**

1           whether publicly or privately owned, while acting in the course and scope of his  
 2           employment or agency relating to the operation, repair, or maintenance of a  
 3           facility, servitude, or any property owned by the utility.

4           (2) Any person operating a military, law enforcement, or emergency  
 5           services vehicle while acting in the course and scope of his employment or  
 6           official duties.

7           Section 2. This Act shall become effective upon signature by the governor or, if not  
 8           signed by the governor, upon expiration of the time for bills to become law without signature  
 9           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 10          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 11          effective on the day following such approval.

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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 Tammy Crain-Waldrop.

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#### DIGEST

SB 68 Reengrossed

2018 Regular Session

Claitor

Proposed law requires any person operating a motor vehicle on the public roads of this state during flood conditions to drive in a careful and prudent manner, so as not to create a wake that endangers the life, limb, or property of any person. Failure to drive in such a manner shall constitute careless operation during flood conditions.

Proposed law provides a rebuttable presumption that certain persons were operating a motor vehicle in a careful and prudent manner during flood conditions.

Present law provides that a first violation of proposed law is punishable by a fine of up to \$175, or imprisonment for up to 30 days, or both. Present law provides that a subsequent violation is punishable by a fine of up to \$500, imprisonment for up to 90 days, or both.

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

(Amends R.S. 32:58(A))

#### Summary of Amendments Adopted by Senate

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

1. Deletes proposed law relative to careless operation of a watercraft.

##### Senate Floor Amendments to engrossed bill

1. Provides for careless operation of a motor vehicle during flood conditions.