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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

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SB 171 Engrossed

DIGEST  
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 under proposed law when the victim suffers serious bodily injury 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 under proposed law when the victim dies 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.