

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 or watercraft during flood conditions. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 32:58(A) and to enact R.S. 34:851.4(A)(21), relative to careless  
3 operation of motor vehicles and watercraft; to provide that careless operation  
4 includes injury or damage caused by the wake created by a motor vehicle or  
5 watercraft during flood conditions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:58(A) is hereby amended and reenacted to read as follows:

8 §58. Careless operation

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

14 \* \* \*

15 Section 2. R.S. 34:851.4(A)(21) is hereby enacted to read as follows:

16 §851.4. Careless operation of a watercraft

17 A. Careless operation of a watercraft is the operation of a watercraft in a

1           careless manner so as to endanger the life, limb, or property of any person, when  
2           such operation constitutes a violation of any of the following requirements:

3   \*       \*       \*

4                           **(21) An operator of a watercraft shall not create a wake during flood**  
5                           **conditions that endangers the life, limb, or property of any person.**

6   \*       \*       \*

7           Section 3. 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 and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement Jr.

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DIGEST

SB 68 Original

2018 Regular Session

Claitor

Present law provides that any person operating a motor vehicle on the public roads of this state is to drive in a careful and prudent manner, so as not to endanger the life, limb, or property of any person. Present law further provides that failure to drive in such a manner constitutes careless operation.

Proposed law retains present law and adds that present law relative to careless operation includes the operation of a motor vehicle in a manner that creates a wake during flood conditions.

Present law provides that a first violation of present 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.

Proposed law retains present law.

Present law provides that careless operation of a watercraft is the operation of a watercraft in a careless manner so as to endanger the life, limb, or property of any person, when such operation constitutes a violation of any requirements for the operation of a watercraft as enumerated in present law.

Proposed law retains present law and adds that careless operation of a watercraft includes the operation of a watercraft when such operation creates a wake during flood conditions that endangers the life, limb, or property of any person.

Present law provides that the crime of careless operation of a watercraft is punishable by a fine of up to \$300, imprisonment for up to 30 days, or both.

Proposed law retains present law.

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

(Amends R.S. 32:58(A); adds R.S. 34:851.4(A)(21))