

## RÉSUMÉ DIGEST

ACT 415 (SB 441)

2018 Regular Session

Morrell

New law creates the crime of reckless operation of an off-road vehicle. Provides that 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.

Defines "off-road vehicles" as three-wheelers, four-wheelers, dirt bikes, or other all-terrain vehicles that are not specifically designed for use on public roads and highways.

Provides various acts that may constitute reckless operation of an off-road vehicle. Provides that it shall also be unlawful for a person to solicit or to assist in soliciting participation in any rally, ride, or gathering that encourages the violation of new law by the use of a computer online service, internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, internet chat room, electronic mail, social media, or online messaging service.

Provides that any drivers of motor vehicles participating in or traveling in support of persons in violation of new law shall be considered in violation of new law, including persons who directly participate by photographing or filming violations of new law to document the activity for the riders.

Provides penalties of a fine not more than \$500, or imprisonment for not more than 90 days, or both.

Provides that in addition, the court shall order, upon motion of the prosecuting district attorney, that the off-road vehicle being operated by the offender at the time of the offense be seized and impounded and destroyed when:

- (1) The driver was wearing a hood, mask, or disguise of any kind with the intent to hide or conceal his identity during the commission of the crime of reckless operation of an off-road vehicle.
- (2) It is a second or subsequent conviction for the offender.
- (3) The driver has a previous conviction in this state or under a similar law in another state for aggravated obstruction of a highway of commerce, simple obstruction of a highway of commerce, reckless operation, or resisting an officer.

Provides an exception to the off-road vehicle being destroyed if it was stolen, or if the driver of the off-road vehicle at the time of the violation was not the owner and the owner did not know that the driver was operating the off-road vehicle in violation of new law. Provides however, that the off-road vehicle shall not be released from impoundment until towing and storage fees have been paid. Also provides that the off-road vehicle shall not be destroyed if the towing and storage fees are paid by a valid lien holder.

Allows the district attorney, if he chooses, to file a written motion at least five days prior to sentencing, indicating his intention to have the off-road vehicle seized, impounded and destroyed. In such instances, new law requires the court to order the seizure and impoundment and, unless the exception in new law applies, the destruction.

Effective August 1, 2018.

(Adds R.S. 14:99.2)