

GREEN SHEET REDIGEST

HB 132

2019 Regular Session

Crews

TRAFFIC/ACCIDENTS: Modifies postaccident drug testing requirements

DIGEST

Present law requires the operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs be administered a chemical test or tests of his blood, urine, or other bodily substance for the purposes of determining the presence of any abused or controlled dangerous substance.

Proposed law extends this requirement to the operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a suspected serious injury occurs.

Present law requires the test or tests be administered at the direction of a law enforcement officer having reasonable grounds to believe the person driving or in actual physical control of a motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs.

Proposed law extends this requirement to the person driving or in actual physical control of a motor vehicle or watercraft involved in a collision, crash, or other casualty in which a suspected serious injury occurs to determine the presence of any abused substance or controlled dangerous substance.

Proposed law defines "suspected serious injury", as provided for in the 4th Edition of the Model Minimum Uniform Crash Criteria Guideline, as any injury other than fatal which results in any of the following: (a) severe laceration resulting in exposure of underlying tissues, muscle, organs, or resulting in significant blood loss; (b) broken or distorted extremity; (c) crush injuries; (d) suspected skull, chest, or abdominal injury other than bruises or minor lacerations; (e) significant burns; (f) unconsciousness when taken from the crash scene; and (g) paralysis.

Proposed law requires the Dept. of Public Safety and Corrections to adopt rules and regulations, including updating the Uniform Motor Vehicle Traffic Crash Report, to implement the provisions of proposed law.

Proposed law adds provisions that absolve a law enforcement officer and the law enforcement agency employing the officer from civil or criminal liability for any action or omission taken in response to accidents involving suspected serious injury.

Proposed law adds provision that names and authorizes its citation as "Katie Bug's Law".

Effective August 1, 2019.

(Amends R.S. 32:681(Section heading), (A) and (B); Adds R.S. 32:681(E), (F), (G), and (H))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Modify the definition of "serious bodily injury" by removing "unconsciousness and extreme physical pain" and adding "a period of protracted unconsciousness".

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Change "serious bodily injury" to "suspected serious injury".

3. Exempt an operator of any motor vehicle that does not receive a violation and is involved in a collision or the operator of any watercraft that does not receive a violation and is involved in a collision, crash, or other casualty in which a suspected serious injury from being required to submit to a chemical test or tests of his blood, urine, or other bodily substance for the purpose of determining the presence of any abused substance or controlled dangerous substance as provided for in present law or any other impairing substance.
4. Define "suspected serious injury", as provided for in the 4th Edition of the Model Minimum Uniform Crash Criteria Guideline, as any injury other than fatal which results in any of the following: (a) severe laceration resulting in exposure of underlying tissues, muscle, or organs, or resulting in significant blood loss; (b) broken or distorted extremity; (c) crush injuries; (d) suspected skull, chest, or abdominal injury other than bruises or minor lacerations; (e) significant burns; (f) unconsciousness when taken from the crash scene; and (g) paralysis.
5. Require the Dept. of Public Safety and Corrections to adopt rules and regulations, including updating the Uniform Motor Vehicle Traffic Crash Report, to implement the provisions of proposed law.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the reengrossed bill

1. Change "serious bodily injury" to "suspected serious injury".
2. Change "Crash" to "Crush" injuries.
3. Add that neither a law enforcement officer nor the law enforcement agency employing the officer shall be liable, civilly or criminally, for any action or omission taken in response to accidents involving suspected serious injury.
4. Name and authorize citation as "Katie Bug's Law".
5. Make technical amendments.