

2020 Regular Session

SENATE BILL NO. 52

BY SENATOR MCMATH

TRAFFIC. Creates the crime of infliction of serious injury or death on a vulnerable road user. (gov sig)

1 AN ACT

2 To enact R.S. 14:39.3, relative to offenses against persons; to create the crime of infliction
3 of serious injury or death on a vulnerable road user; to provide elements of the crime;
4 to provide definitions; to provide penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:39.3 is hereby enacted to read as follows:

7 **§39.3. Infliction of serious injury or death on a vulnerable road user**

8 **A. Infliction of serious injury or death on a vulnerable road user is the**
9 **inflicting of serious bodily injury upon the person of a vulnerable road user or**
10 **the killing of a vulnerable road user when caused proximately or directly by a**
11 **person operating a motor vehicle in violation of any applicable traffic law.**

12 **B. For purposes of this Section, "vulnerable road user" includes but is**
13 **not limited to the following:**

14 **(1) A pedestrian as defined in R.S. 32:1.**

15 **(2) A person who is riding or leading an animal upon a public highway**
16 **or other roadway.**

17 **(3) A person lawfully operating or riding any of the following on a public**

1 right-of-way, crosswalk, or shoulder of a public highway or other roadway:

2 (a) A bicycle, tricycle, or other pedal-powered vehicle.

3 (b) A farm tractor or a similar vehicle designed primarily for farm use.

4 (c) A skateboard, roller skates, or in-line skates.

5 (d) A motorcycle, motor driven cycle, motorized bicycle, moped, or
6 scooter.

7 (e) An animal-drawn, wheeled vehicle, farm equipment, or sled.

8 (f) An electric personal assistive mobility device.

9 (g) A wheelchair, rollator, or walker.

10 C. A person who is issued a traffic citation pursuant to this Section shall
11 be required to attend a hearing on the citation before a court having jurisdiction
12 over the alleged offense.

13 D. Whoever commits the crime of infliction of serious injury or death on
14 a vulnerable road user may have his driving privileges suspended for a period
15 of not more than one year and additionally may be:

16 (1) Fined not more than two thousand dollars.

17 (2) Imprisoned for a period of not more than six months.

18 (3) Ordered to complete a court-approved motor vehicle accident
19 prevention program.

20 (4) Ordered to perform not more than two hundred hours of community
21 service.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

SB 52 Original 2020 Regular Session McMath

Proposed law creates the crime of infliction of serious injury or death on a vulnerable road user and defines the crime as the infliction of serious bodily injury or death upon the person of a vulnerable road user when caused proximately or directly by a person operating a motor vehicle in violation of any applicable traffic law when such violation is the cause of the injury or death.

Proposed law defines "vulnerable road user" to include:

- (1) A pedestrian as defined in R.S. 32:1.
- (2) A person who is 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, or walker.

Proposed law requires a person issued a citation for inflicting serious injury or death on a vulnerable road user to attend a hearing on the citation before a court having jurisdiction.

Proposed law provides for penalties for commission of the offense; the offender may have his driving privileges suspended for a period of not more than one year and may also be:

- (1) Fined not more than \$2,000.
- (2) Imprisoned for a period of not more than six months.
- (3) Ordered to complete a court-approved motor vehicle accident prevention program.
- (4) Ordered to perform not more than 200 hours of community service.

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

(Adds R.S. 14:39.3)