

2020 Regular Session

HOUSE BILL NO. 316

BY REPRESENTATIVE THOMAS

CRIME: Creates the crime of infliction of serious injury or death on a vulnerable road user and provides for penalties

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 §39.3. Infliction of serious injury or death on a vulnerable road user

9 A. Infliction of serious injury or death on a vulnerable road user is the
10 inflicting of serious bodily injury upon the person of a vulnerable road user or the
11 killing of a vulnerable road user when caused directly or indirectly by an offender
12 operating a motor vehicle in violation of any applicable traffic law and the violation
13 of such traffic law was the cause of such injury or death.

14 B. For purposes of this Section, "vulnerable road user" includes the
15 following:

16 (1) A pedestrian, including but not limited to a person engaged in work upon
17 a public highway or other roadway, a person engaged in utility or facility work along
18 a public highway or other roadway, or a person engaged in emergency services
19 within the right-of-way of a public highway or other roadway.

1 (2) A person riding or leading an animal upon a public highway or other
2 roadway.

3 (3) A person lawfully operating or riding any of the following on a public
4 right-of-way, crosswalk, or shoulder of a public highway or other roadway:

5 (a) A bicycle, tricycle, or other human-powered vehicle designed to transport
6 by pedaling.

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

8 (c) A skateboard, roller skates, or inline skates.

9 (d) A motorcycle, moped, or scooter.

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

11 (f) An electric personal assistive mobility device.

12 (g) A wheelchair, rolling walker, or any other type of walker.

13 C. A person issued a traffic citation pursuant to this Section shall attend a
14 hearing on the citation before a court having jurisdiction over the alleged offense.

15 D. Whoever commits the crime of infliction of serious injury or death on a
16 vulnerable road user may have his driving privileges suspended for a period of not
17 more than one year and, in addition, may be fined not more than two thousand
18 dollars, imprisoned for not more than six months, ordered to complete a court-
19 approved motor vehicle accident program, or ordered to perform not more than two
20 hundred hours of court-approved community service activities.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 316 Original

2020 Regular Session

Thomas

Abstract: Creates the crime of infliction of serious injury or death on a vulnerable road user and provides for penalties.

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

Proposed law provides that "vulnerable road user" includes the following:

- (1) A pedestrian, including but not limited to a person engaged in work upon a public highway or other roadway, a person engaged in utility or facility work along a public highway or other roadway, or a person engaged in 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 human-powered vehicle designed to transport by pedaling.
 - (b) A farm tractor or similar vehicle designed primarily for farm use.
 - (c) A skateboard, roller skates, or inline 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, rolling walker, or any other type of walker.

Proposed law requires a person issued a traffic citation to attend a hearing on the citation before a court having jurisdiction over the alleged offense.

Proposed law provides that any person who commits the proposed law crime may have his driving privileges suspended for a period of not more than one year and, in addition, may be fined not more than two thousand dollars, imprisoned for not more than six months, ordered to complete a court-approved motor vehicle accident program, or ordered to perform not more than two hundred hours of court-approved community service activities.

(Adds R.S. 14:39.3)