

Regular Session, 2014

HOUSE BILL NO. 150

BY REPRESENTATIVE GISCLAIR

CRIME/HOMICIDE: Provides relative to the careless operation of a motor vehicle

1 AN ACT

2 To amend and reenact R.S. 32:58 and to enact R.S. 32:414(W), relative to careless operation
3 of a motor vehicle; to provide relative to the prohibition on careless operation of a
4 motor vehicle when the operator fails to maintain control of the vehicle by falling
5 asleep; to provide for penalties relative to violations of such prohibitions; to provide
6 for the suspension of driving privileges; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:58 is hereby amended and reenacted and R.S. 32:414(W) is
9 hereby enacted to read as follows:

10 §58. Careless operation

11 A. Any person operating a motor vehicle on the public roads of this state
12 shall drive in a careful and prudent manner, so as not to endanger the life, limb, or
13 property of any person. Failure to drive in such a manner shall constitute careless
14 operation.

15 B. If the careless operation of the motor vehicle directly or proximately
16 causes the death of a human being, when the operator fails to maintain control of the
17 vehicle by falling asleep, in addition to any penalties provided by the provision of
18 this Title, the person shall also be ordered to serve court-approved community

1 service for not more than two hundred fifty hours and the department shall suspend
2 the operator's license for a period of two years.

3 * * *

4 §414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

5 * * *

6 W. The department shall suspend the license of any person for a period of
7 two years upon receiving satisfactory evidence of a conviction, plea of guilty, or plea
8 of nolo contendere for a violation of R.S. 32:58 when the operator fails to maintain
9 control of the vehicle by falling asleep and when such operation directly or
10 proximately causes the death of a human being.

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)]

Gisclair

HB No. 150

Abstract: Amends careless operation of a motor vehicle to include specific penalties for the commission of such offense when the operator causes the death of human being by falling asleep.

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

Present law (R.S. 32:57) provides for the following penalties for careless operation of a motor vehicle:

- (1) First violation - A fine of not more than \$175, imprisonment for not more than 30 days, or both.
- (2) A subsequent violation - A fine of not more than \$500, imprisonment for not more than 90 days, or both.

Proposed law retains present law and provides that when the careless operation of a motor vehicle proximately or directly causes the death of human being when the operator fails to maintain control of the motor vehicle by falling asleep, the operator shall be subject to the following additional penalties:

- (1) The operator shall be ordered to serve 250 hours of court-approved community service.
- (2) The operator's driver's license shall be suspended for a period of two years.

(Amends R.S. 32:58; Adds R.S. 32:414(W))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Deleted proposed law provision which creates the crime of involuntary vehicular homicide.

2. Added provision which amends the present law prohibition on careless operation of a motor vehicle to provide additional penalties for commission of such offense when the operator fails to maintain control of the motor vehicle by falling asleep and results in the death of a human being.