



LOUISIANA STATE LAW INSTITUTE

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December 21, 2021

Representative Clay Schexnayder
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator Patrick Page Cortez
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**RE: HOUSE CONCURRENT RESOLUTION NO. 95 OF THE 2021 REGULAR
SESSION**

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits its interim report to the legislature relative to vulnerable road users.

Sincerely,

A handwritten signature in blue ink, appearing to read "Guy Holdridge".

Guy Holdridge
Director

cc: Representative Polly Thomas

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.gov

Secretary of State, Mr. R. Kyle Ardoin
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
CODE OF CRIMINAL PROCEDURE COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE IN RESPONSE TO
HCR NO. 95 OF THE 2021 REGULAR SESSION**

Relative to vulnerable road users

Prepared for the
Louisiana Legislature on

December 21, 2021

Baton Rouge, Louisiana

LOUISIANA STATE LAW INSTITUTE CODE OF CRIMINAL PROCEDURE COMMITTEE

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Mallory C. Waller, Staff Attorney

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Charles M. Thomas, Chairman
Judge Guy Holdridge, Acting Reporter
Mallory C. Waller, Staff Attorney

2021 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 95

BY REPRESENTATIVE THOMAS

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to review all Louisiana laws relative to motor vehicle accidents to see whether the creation of the crime of infliction of serious injury or death on a road user is necessary.

WHEREAS, in 2018, there were five thousand nine hundred seventy-seven pedestrians who were killed in traffic crashes in the United States; and

WHEREAS, pedestrians account for seventeen percent of traffic crash fatalities; and

WHEREAS, there are one hundred thirteen thousand six hundred sixty-four registered motorcycles; and

WHEREAS, Louisiana is ranked thirteenth in motorcycle fatalities with eighty-seven fatalities; and

WHEREAS, in Louisiana in 2019, one hundred twenty-two pedestrians were killed while twenty-two bicyclists were struck and killed; and

WHEREAS, in 2019, the citizens of Louisiana paid over eight billion dollars for crashes, the equivalent to each licensed driver paying about two thousand nine hundred five dollars; and

WHEREAS, on average a fatal motorcycle accident costs approximately one million dollars; and

WHEREAS, the average cost for a non-fatal pedestrian accident is approximately four thousand four hundred sixty dollars for minor injuries while an accident with more serious injuries can cost approximately seven hundred ninety-one thousand seven hundred fifty-seven dollars; and

WHEREAS, the costs for fatal pedestrian accidents are approximately three million dollars; and

WHEREAS, the driver may only pay a minor fine of one hundred eighty dollars; and

WHEREAS, the only severe legal consequences occur when the driver has fled the scene or is intoxicated.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby request the Louisiana State Law Institute to review all Louisiana laws relative to motor vehicle accidents to determine whether the creation of the crime of infliction of serious injury or death on a road user is necessary.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute report its findings and recommendations to the Legislature of Louisiana on or before January 1, 2022.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

December 21, 2021

To: Representative Clay Schexnayder
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator Patrick Page Cortez
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO HCR NO. 95 OF THE 2021 REGULAR SESSION**

House Concurrent Resolution No. 95 of the 2021 Regular Session urges and requests the Louisiana State Law Institute to review Louisiana law relative to motor vehicle accidents to determine whether the creation of the crime of infliction of serious injury or death on a road user is necessary.

In fulfillment of this request, the Law Institute assigned the project to the Vulnerable Road Users Subcommittee of its Criminal Code and Code of Criminal Procedure Committee. This Subcommittee operates under the direction of Mr. Charles Thomas as Chairman and Judge Guy Holdridge as Acting Reporter and is comprised of members of the bench and bar as well as representatives of cyclist organizations and other stakeholder groups.

The Vulnerable Road Users Subcommittee held several meetings over the past few months to consider proposed legislation that would create the crime of infliction of serious injury or death on a road user and to compare this proposed legislation to Model Vulnerable Road User Law and to existing criminal penalties and civil remedies. The Subcommittee has also begun exploring alternative solutions to the problems articulated in the resolution, including the possibility of enacting a handsfree law in Louisiana. The Subcommittee plans to finalize its recommendations and present them to the Code of Criminal Procedure Committee and to the Law Institute's Council. A final report will be submitted to the Legislature once these recommendations have been approved.

Respectfully submitted,

Judge Guy Holdridge, Acting Reporter
Criminal Code and Code of Criminal Procedure Committee
Louisiana State Law Institute