

2019 Regular Session

HOUSE BILL NO. 132

BY REPRESENTATIVES CREWS, BRASS, TERRY BROWN, CARPENTER, STEVE
CARTER, FRANKLIN, GISCLAIR, HILL, HOWARD, LEBAS, NORTON,
WHITE, AND WRIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRAFFIC/ACCIDENTS: Modifies postaccident drug testing requirements

1 AN ACT

2 To amend and reenact R.S. 32:681(Section heading), (A), and (B) and to enact R.S.
3 32:681(E) and (F), relative to postaccident drug testing requirements; to provide for
4 the extension of a postaccident drug testing requirement to accidents involving a
5 serious bodily injury; to provide for a definition; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:681(Section heading), (A), and (B) are hereby amended and
8 reenacted and R.S. 32:681(E) and (F) are hereby enacted to read as follows:

9 §681. Postaccident drug testing; accidents involving suspected serious injury or
10 fatalities, required

11 A. The operator of any motor vehicle which is involved in a collision or the
12 operator of any watercraft involved in a collision, crash, or other casualty in which
13 a suspected serious injury or fatality occurs shall be deemed to have given consent
14 to, and shall be administered, a chemical test or tests of his blood, urine, or other
15 bodily substance for the purpose of determining the presence of any abused
16 substance or controlled dangerous substance as set forth in R.S. 40:964 or any other
17 impairing substance.

18 B. The test or tests shall be administered at the direction of a law
19 enforcement officer having reasonable grounds to believe the person to have been
20 driving or in actual physical control of a motor vehicle upon the public highways of

1 this state which is involved in a collision or to have been operating or in physical
2 control of a watercraft on the waterways of this state involved in a collision, crash,
3 or other casualty in which a suspected serious injury or fatality occurs to determine
4 the presence of any abused substance or controlled dangerous substance. The law
5 enforcement agency by which such officer is employed shall designate in writing
6 under what conditions the tests shall be administered.

7 * * *

8 E. For the purposes of this Section, the operator of any motor vehicle which
9 is involved in a collision or the operator of any watercraft involved in a collision,
10 crash, other casualty in which a suspected serious injury occurs, and the operator
11 does not receive a violation, that operator shall not be required to submit to a
12 chemical test or tests of his blood, urine, or other bodily substance for the purpose
13 of determining the presence of any abused substance or controlled dangerous
14 substance as set forth in R.S. 40:964 or any other impairing substance.

15 F. For the purposes of this Section, "suspected serious injury", as provided
16 for in the Fourth Edition of the Model Minimum Uniform Crash Criteria Guideline,
17 means any injury other than fatal which results in any of the following:

- 18 (a) Severe laceration resulting in exposure of underlying tissues, muscle, or
19 organs, or resulting in a significant loss of blood.
- 20 (b) Broken or distorted extremity.
- 21 (c) Crash injuries.
- 22 (d) Suspected skull, chest, or abdominal injury other than bruises or minor
23 lacerations.
- 24 (e) Significant burns.
- 25 (f) Unconsciousness when taken from the crash scene.
- 26 (g) Paralysis.

27 Section 2. The Department of Pubic Safety and Corrections is ordered to adopt rules
28 and regulations, including updating the Uniform Motor Vehicle Traffic Crash Report, to
29 implement the provisions of this Section.

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 132 Reengrossed

2019 Regular Session

Crews

Abstract: Extends the postaccident drug testing requirement to accidents involving suspected serious injury.

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, or organs, or resulting in significant blood loss; (b) broken or distorted extremity; (c) crash 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.

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

Summary of Amendments Adopted by House

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

1. Modifies 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) crash 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.