

2019 Regular Session

HOUSE BILL NO. 6

BY REPRESENTATIVE JENKINS

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

CRIME: Creates the crime of aggressive driving and provides for the elements and penalties of the offense

1 AN ACT

2 To enact R.S. 14:99.3 and Code of Criminal Procedure Article 211.3, relative to driving  
3 offenses; to create the crime of aggressive driving; to provide elements of the crime;  
4 to provide for criminal penalties; to provide for a suspension of the offender's  
5 driver's license; to authorize the issuance of a summons in lieu of arrest of persons  
6 who commit the offense; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:99.3 is hereby enacted to read as follows:

9 §99.3. Aggressive driving

10 A. A person commits the offense of aggressive driving when the person,  
11 during a single and continuous period of driving upon any public roadway or right  
12 of way, commits three or more of the following acts in a manner that endangers other  
13 persons or property:

- 14 (1) Exceeding the posted speed limit.
- 15 (2) Violating the maximum speed limit or the general speed law.
- 16 (3) Failing to obey traffic control signals or devices.
- 17 (4) Overtaking and passing another vehicle on the right by driving off the  
18 pavement or main traveled portion of the roadway.
- 19 (5) Engaging in unsafe lane changes.
- 20 (6) Following too closely.
- 21 (7) Failing to yield the right-of-way.

1           (8) Failing to drive within a marked lane of traffic.

2           (9) Failing to yield to approaching traffic when approaching or entering an  
3 intersection.

4           (10) Failing to signal when turning or stopping.

5           (11) Failing to stop at stop signs or yield at yield signs.

6           (12) Overtaking and passing a school bus when visual signals are in  
7 operation on the school bus.

8           B.(1) Except as provided in Paragraph (2) of this Subsection, any person  
9 convicted of the offense of aggressive driving as defined by this Section shall either  
10 be fined not more than five hundred dollars, imprisoned for not more than six  
11 months, or both. In addition to any fine or term of imprisonment imposed, the court  
12 shall require the offender to participate in a court-approved driver improvement  
13 program.

14           (2)(a) Any person convicted of a second or subsequent offense of aggressive  
15 driving as defined by this Section shall either be fined not more than one thousand  
16 dollars, imprisoned with or without hard labor for not more than one year, or both.  
17 In addition to any fine or term of imprisonment imposed, the court shall require the  
18 offender to participate in a court-approved driver improvement program.

19           (b) For purposes of this Paragraph, a prior conviction shall not include a  
20 conviction for an offense under this Section if the date of completion of sentence,  
21 probation, parole, or suspension of sentence for that offense is more than three years  
22 prior to the commission of the offense for which the offender is charged, and such  
23 conviction shall not be considered in the assessment of penalties provided for in this  
24 Paragraph.

25           C. In addition to the penalties imposed pursuant to Subsection B of this  
26 Section, upon conviction, plea of guilty, or nolo contendere, the driver's license of  
27 the offender shall be suspended for six months. The court shall surrender the driver's  
28 license to the Department Public Safety and Corrections for suspension. The court  
29 may issue an order which authorizes the department to issue a restricted driver's

1 license to the offender, for all or a portion of the six-month suspension period, upon  
2 a demonstration by the offender to the court that the suspension of driving privileges  
3 will deprive the offender or the offender's family of the necessities of life or prevent  
4 the offender from earning a livelihood. Such restrictions shall be determined by the  
5 court.

6 Section 2. Code of Criminal Procedure Article 211.3 is hereby enacted to read as  
7 follows:

8 Art. 211.3. Summons by officer instead of arrest and booking; aggressive driving

9 A. When a peace officer has reasonable grounds to believe a person has  
10 committed the offense of aggressive driving as defined in R.S. 14:99.3, he may issue  
11 a written summons instead of making an arrest if all of the following exist:

12 (1) The officer has reasonable grounds to believe that the person will appear  
13 upon summons.

14 (2) The officer has no reasonable grounds to believe that the person will  
15 cause injury to himself or another, will cause damage to property, or will continue  
16 in the same or a similar offense unless immediately arrested and booked.

17 (3) There is no necessity to book the person to comply with routine  
18 identification procedures.

19 B. In any case in which a summons has been issued, a warrant of arrest may  
20 later be issued in its place. If the offender fails to appear pursuant to the summons,  
21 the court shall immediate issue a warrant for the arrest of the offender.

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#### 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)]

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HB 6 Original

2019 Regular Session

Jenkins

**Abstract:** Creates the crime of aggressive driving and provides for the elements of the offense, criminal penalties, and the authority to issue a summons in lieu of arrest to those who commit the offense.

Proposed law creates the crime of aggressive driving and provides that a person commits the offense of aggressive driving when the person, during a single and continuous period of

driving upon any public roadway or right of way, commits three or more of the following acts in a manner that endangers other persons or property:

- (1) Exceeding the posted speed limit.
- (2) Violating the maximum speed limit or the general speed law.
- (3) Failing to obey traffic control signals or devices.
- (4) Overtaking and passing another vehicle on the right by driving off the pavement or main traveled portion of the roadway.
- (5) Engaging in unsafe lane changes.
- (6) Following too closely.
- (7) Failing to yield the right-of-way.
- (8) Failing to drive within a marked lane of traffic.
- (9) Failing to yield to approaching traffic when approaching or entering an intersection.
- (10) Failing to signal when turning or stopping.
- (11) Failing to stop at stop signs or yield at yield signs.
- (12) Overtaking and passing a school bus when visual signals are in operation on the school bus.

Proposed law provides for the following penalties:

- (1) For a first offense, the offender shall either be fined not more than \$500, imprisoned for not more than six months, or both. In addition, the court shall require the offender to participate in a court-approved driver improvement program.
- (2) For a second or subsequent offense, the offender shall either be fined not more than \$1,000, imprisoned with or without hard labor for not more than one year, or both. In addition, the court shall require the offender to participate in a court-approved driver improvement program.

For these purposes, a prior conviction shall not include a conviction for this offense if the date of completion of sentence, probation, parole, or suspension of sentence for that offense is more than three years prior to the commission of the offense for which the offender is charged.

Proposed law provides that the driver's license of any person convicted of proposed law shall be suspended for six months. Authorizes the issuance of a restricted license for the six-month period, or any portion thereof, in certain cases.

Proposed law authorizes a peace officer to issue a summons, in lieu of making an arrest, to any person who commits the offense of aggressive driving if all of the following exist:

- (1) The officer has reasonable grounds to believe that the person will appear upon summons.
- (2) The officer has no reasonable grounds to believe that the person will cause injury to himself or another, will cause damage to property, or will continue in the same or a similar offense unless immediately arrested and booked.
- (3) There is no necessity to book the person to comply with routine identification procedures.

In any case in which a summons has been issued, proposed law provides that a warrant of arrest may later be issued in its place; and further provides that if the offender fails to appear pursuant to the summons, the court shall immediately issue a warrant for the arrest of the offender.

(Adds R.S.14:99.3 and C.Cr.P. Art. 211.3)