

HIGHWAY SAFETY RELATED LAWS in LOUISIANA

(updated October 25, 2006)

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Graduated Licensing (R.S. 32:407) (R.S.17:270 specifies 30 in class hours and 6 on road hours)

- minors must participate in Drivers Ed. Class
- may possess a learners license at age 15-17
- must complete a on-road test, age 16 may receive a Class E intermediate restricted 11p-5a
- after one year of Class E full license , if there have been no violations
- 17 years of age the individual obtaining a license for the first time is not required to meet these standards

Zero Tolerance for under 21(R.S. 14:98.1) .02 BAC** for persons under 21 years of age

Alcohol under 21 (R.S. 14:93.10 R.S. 14:93.11 R.S. 14:93.12) It is illegal for persons under the age of 21 to buy, consume, or have an alcoholic beverage in their possession

Provider (R.S. 14:93.13) It is illegal for any person, other than a parent, spouse, or legal guardian, to purchase alcohol beverages on behalf of a person under 21 years of age.

Contributing (R.S. 14:92) Intentional, enticing, aiding , soliciting, or permitting, by anyone over the age of 17, of any child under the age of 17, with no exception for emancipation, marriage, or otherwise, to visit any place where alcohol is the principle commodity sold or given away.

Child Endangerment (R.S. 14:98.J) If a child 12 years or younger is a passenger in a vehicle where the driver is charged with DWI the minimum mandatory sentence for 1st -3rd DWI conviction shall not be suspended and for 4th DWI conviction at least two years of the sentence shall be imposed without benefit of suspension.

Improper Supervision (R.S. 14:92.2) A parent or legal custodian of a minor, through criminal negligence, the permitting of a minor to violate a local or municipal curfew ordinance or enter the premises known by the parent or custodian as a place of underage drinking.

Open Container (R.S. 32:300) It is illegal for any occupant of a vehicle to possess an alcoholic beverage that is open to consumption, passengers may consume

BAC .08 (R.S. 14:98) DWI for all drivers over the age of 21 is .08 BAC; under 21 the BAC limit is .02

Driver's License Seizure (R.S. 32:414-415.1) A DWI conviction will result in a 90 day suspended driver's license; if individual is under 21 years of age it will result in a 180 day suspended driver's license.

Refusal of chemical test and consequences (R.S. 32:666) A driver involved in a fatality does not have the right to refuse a chemical test to determine alcohol impairment. As a result of any other violation that prohibits operating a vehicle while intoxicated the suspect may refuse after being told the consequences. **Result of consequences:** Driver's license will be seized, issuance of license or permit denied for 6 months, refusal is admissible in a criminal action and a civil action to suspend, revoke, or cancel his driving privileges.

Primary seatbelt (R.S. 32:295.1) vehicle 10,000 lbs. or less, each driver or front seat passenger must have seat belt when vehicle is in motion

Child Occupant Seatbelt (32:295) Children under the age of 6 years or less than 60 lbs. must be in a child restraint system or booster seat that is age and size appropriate, in accordance with manufacturers recommendations. Children 6 to 12 years of age must be restrained by a lap belt, shoulder harness, or an age / size appropriate child safety or booster seat.

Motorcycle Helmet (R.S. 32:190) all motorcycle operators and passengers must wear a motorcycle helmet.

Driving with headsets on (R.S. 32:295.2) prohibits the wearing of headphones by any operator of a motor vehicle. "Headphones" are defined as a headset, headphone, or listening device other than a hearing aid , which covers or is inserted in both ears. Law enforcement and certain motorcycle helmets are exempted from enforcement. The penalty is a \$25 fine plus court costs.

Pickup Trucks (R.S. 32:284) under 12 years of age may not ride in an open truck bed or trailer

Incompetence (R.S. 32:424) The Department of Public Safety and Corrections may, with good cause, request any driver to submit to an examination to insure his competency to possess a Louisiana driver's license. Refusal to submit is grounds for suspension of license.



Louisiana Highway Safety Commission



Louisiana Injury and Fatality

crash facts

General Facts from 2005 data

- There were 963 persons killed in motor vehicle crashes (72.4% male and 27.6% female)
- There were 872 fatal crashes
- There were 82,500 persons injured
- 42% of Louisiana fatal crashes involved alcohol
- 108 pedestrians killed (10 were children aged 14 or under)
- 78% of pedestrians killed were male
- 22 bicyclists killed
- 74 motorcyclists killed
- Helmet use in motorcycle crashes was 81%
- 18 persons killed in crashes involving a train
- 60% of drivers involved in fatal crashes had a traffic violation

Impaired Driving

- About 3 in every 10 Americans will be involved in an alcohol-related crash as some time in their lives.
- In 2004, there were 403 alcohol related fatalities in Louisiana.
- The American Medical Association includes alcohol on the known carcinogenic list
- Youth (ages 15-20) represented 8% of Louisiana's drivers license population in 2005 and were involved in 13% of all fatal and injury crashes.

1st DWI conviction - maximum penalties (Note: 3rd plus DWI convictions are felonies)

- criminal record
- 6 months in jail
- \$1,000 fine plus court costs
- loss of driver's license for 90 days

Occupant Protection

- In 2006, 74.8% of Louisiana motorists wore their seat belt.
- 60% of drivers killed were not wearing a safety belt
- Nearly 18% of all high school students report they rarely or never wear safety belts when riding with someone else
- Helmets reduce the risk of death by 29% and the risk of fatal head injury by 40%

Economic Cost

- Average inpatient costs for traffic crash victims who did not use safety belts were 55% higher than for victims who were belted.
- 1st DWI conviction could cost \$5,000 in court costs, fines, vehicle impoundment, etc.
- If Louisiana citizens buckled up just 85% of the time we would save an estimate of \$136,883,803 annually

Louisiana Costs

	Average Cost per Person	Cost per Person including Loss of Quality of Life
Fatality	\$1,104,245	\$3,804,018
Severe Injury	\$ 816,026	\$1,771,036
Moderate Injury	\$ 142,898	\$ 266,772
Complaint	\$ 7,076	\$ 9,593
Property Damage Only	\$ 2,861	\$ 2,861