

TALKING POINTS FOR HB 2300 – SB 2425

Elena Zamora, a 17 year old student at Hume Fogg High School in Nashville, was killed December 19, 2013 when she was hit by a truck driver who “didn’t see her”.

The driver had a legal responsibility to yield to a pedestrian in a crosswalk.

The existing law makes it a crime to fail to yield the right of way and to injure or kill a person. The driver was convicted of a misdemeanor and his penalty was a \$500 fine.

Because of the current language in the statute \$500 is the maximum penalty for causing a death and the fine for serious bodily injury is only \$250. The Attorney General confirmed that is the correct interpretation of the statute. (Opinion 16-03).

This bill would amend the “Failure to yield right of way” statute to try to make amends for the killing of Elena Zamora and any future deaths or serious injuries.

The penalty for killing a person would become a standard Class A misdemeanor with up to 11 months, 29 days of jail time and/or a \$2,500 fine. Under current law a judge could revoke the offender’s license for up to one year.

The penalty for a serious injury would be a Class B misdemeanor with a penalty of up to 6 months in jail and/or a fine of \$500. Current law allows license revocation for up to 6 months.

A district attorney can negotiate a lesser charge at any time.

HB 2300 – SB 2425 Summary

The amended bill will change the penalty for TCA 55-8-197, Failure to Yield the Right of Way, to make a violation leading to a death a standard Class A misdemeanor. A violation leading to serious bodily injury will be a standard Class B misdemeanor.

The current law limits the penalty to \$500 for a death and \$250 for serious bodily injury. The current law also allows for revocation of the violators driver's license.

A Class A misdemeanor is punishable under current law by a fine not greater than \$2,500 or up to 11 months 29 days in jail or both.

A Class B misdemeanor is punishable by a fine not greater than \$500 and no more than 6 months in jail or both.