



MOSELEY
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Life Sentences and Legislatures

Lessons Learned from a 110-year Driver Sentence and Notable Legislation from the 2022 Georgia General Assembly

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Facts of Accident

- ▶ April 25, 2019 Accident
- ▶ I-70 East near Denver, Colorado
- ▶ Speed
- ▶ 4 deaths, 2 serious injuries
- ▶ 28 vehicles
- ▶ But...
 - Brake Failure
 - Tried Emergency Brakes
- ▶ But, but...
 - Passed at least one runaway truck ramp
 - Reckless driving in hours before the crash
 - Pulled over, but then continued





Photo: Denver Post

Photo: NBC News



Sentencing

- ▶ 40 criminal counts
 - 4 counts of vehicular homicide
 - 6 counts of 1st degree assault
 - 24 counts of attempted 1st degree assault
 - 2 counts of vehicular assault
 - 1 county of reckless driving
 - 3 counts of “crime of violence”
- ▶ Colorado “Mandatory” Minimum Sentences
- ▶ December 2021
 - 110 years in prison for 26 year-old truck driver



Public Outcry

- ▶ Protests
- ▶ Driver Boycott
- ▶ Change.org petition
- ▶ Celebrities
- ▶ Politicians
- ▶ Outcome
 - 12/31/21 – Sentence reduced to 10 years
 - 1/13/22 – Scheduled resentencing

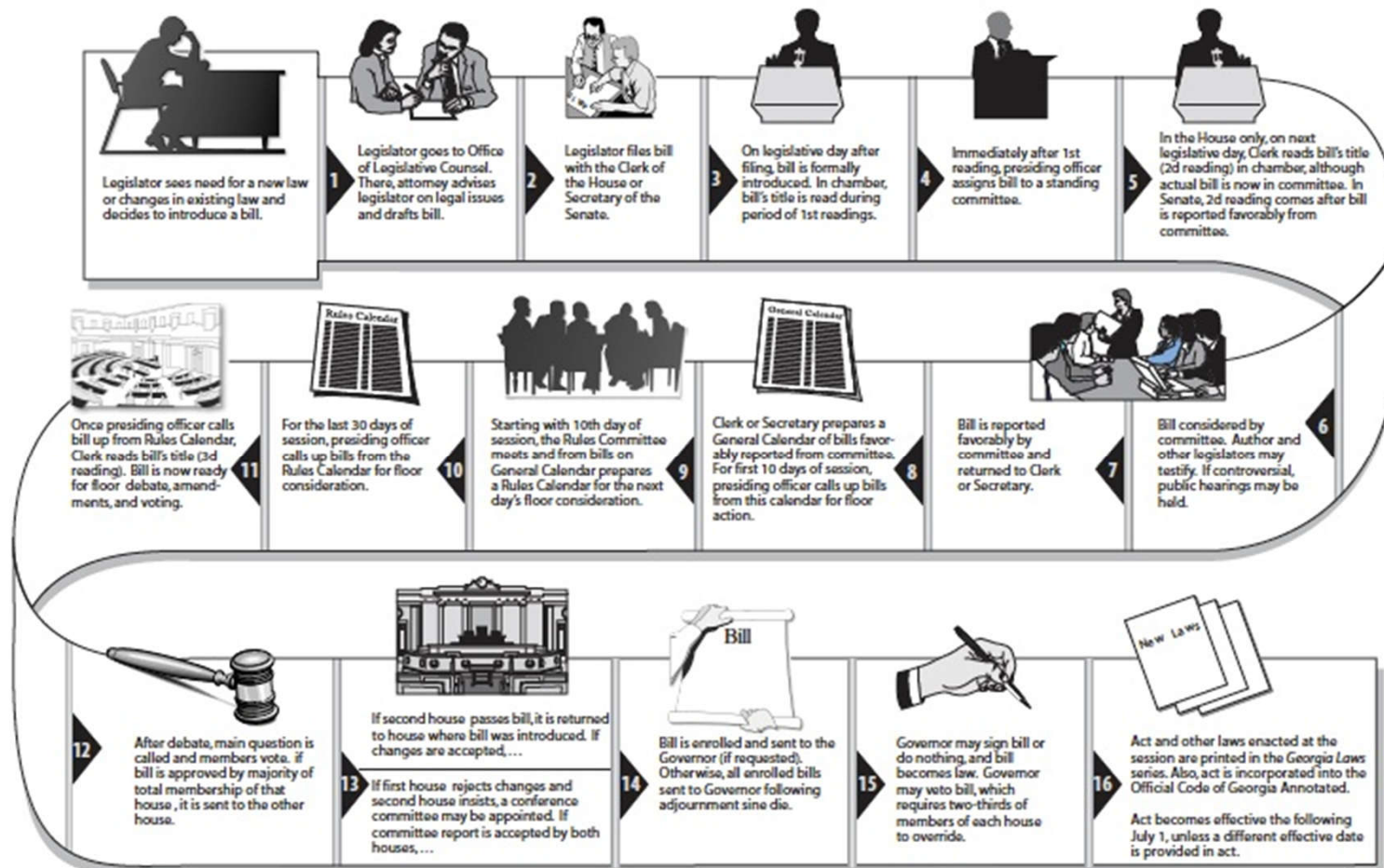


Takeaways

- ▶ Tragic accident
- ▶ Clear liability
- ▶ Direct Negligence Claims
- ▶ Reaction to Reduced Sentence
 - State's Attorney
 - Judge
 - Victim Families
- ▶ Elephant(s) in the Room
 - Industry Goodwill
 - Motor Carrier Responsibility



Georgia Legislative Cycle



Immediate Legislation

- ▶ Apportioning Fault ([HB 961](#) / [SB 329](#))
 - “The Hatcher Fix”—[Alston & Bird, LLP v. Hatcher Mgmt. Holdings, LLC](#), 312 Ga. 350 (2021)
 - Strikes 4 words; Adds 6 words; and saves millions
 - Senate versus House distinctions
 - House: Applies to cases filed after law takes effect
 - Senate: Applies to causes of action accruing on or after law takes effect



Ongoing Legislation

- ▶ Tolling SoL Pending Traffic Citation ([SB 160](#))
 - “The Benecke Fix”—[Benecke v. Parker](#), 285 Ga. App. 733 (2009); [Williams v. Durden](#), 347 Ga. App. 363 (2018)
 - Statute would only toll when felony is involved—not a complete removal of tolling provision
- ▶ Elimination of Direct Action ([SB 191](#))
 - Introduced in 2021 but voted down in committee
 - Strong GTLA opposition



Enacted Legislation

- ▶ Suspension of Motor Fuel Tax ([HB 304](#))
 - Through May 31, 2022
 - Doesn't affect fed tax
 - Levied on distributors
 - Tax revenue earmarked for roads and bridges ~ \$160M per month



Photo by Kei'Yona Jordon (WGCL-Columbus)

Other Ideas for Legislation

- ▶ 2019 Study Committee on Reducing Georgia's Cost of Doing Business
 - Seatbelt Admissibility
 - Phantom Damages
 - Pre-Dissmissal Rule
 - Proportionality in Discovery
 - Mandatory Scheduling Orders
 - Trial Bifurcation
 - Increase of Weight Variants for Intrastate Carriers



Shenanigans

- ▶ Placement on the [Rules Calendar](#) on the last day speaks volumes.
- ▶ Legislation never truly dies on Crossover Day; it's simply reincarnated elsewhere. Also explains why some parties remain neutral until the end.
 - Committee Substitutes
 - Conference Committee
 - Floor Amendments on Sine Die
 - Governor's Veto
- ▶ Crossover: March 15
- ▶ Sine Die: April 4



Photo by Joe McTyre (AP Images)

Resources

- ▶ Study Committee Report:
<http://www.senate.ga.gov/committees/Documents/FINAL-REPORT-Senate-Study-Committee-on-Reducing-Georgia%27s-Cost-of-Doing-Business.pdf>
- ▶ (Un)official Glossary of Legislative Terms:
<https://www.ajc.com/news/state--regional-govt--politics/don-catfish-this-for-the-childrens-legislative-glossary/Werodf9mZChO8Zmt6XobbM/>



Questions?





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