

Regular Session, 2010

HOUSE BILL NO. 1339

BY REPRESENTATIVE DOWNS

MTR VEHICLE/DRIVER LIC: Provides for additional requirements and restrictions for drivers' licenses for minors

1 AN ACT

2 To amend and reenact R.S. 32:407(A)(2)(a), (b), (3), (4), and (5), to enact R.S.
3 32:407(A)(6), and to repeal R.S. 32:407(E), relative to driver's licenses for minors;
4 to provide additional requirements and restrictions for driver's licenses for minors;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:407(A)(2)(a), (b), (3), (4), and (5) is hereby amended and
8 reenacted and R.S. 32:407(A)(6) is hereby enacted to read as follows:

9 §407. Application of minors; revocation; applications of persons less than twenty-
10 one years of age

11 A.(1)

12 * * *

13 (2)(a) Upon completion of a driver's education course approved by the
14 Department of Public Safety and Corrections or the Department of Education and
15 upon passing a visual examination and a road knowledge test, including rules of the
16 road, signs, and signals, sharing the road with motorcycles and tractor/trailer trucks,
17 and not less than two questions relative to railroad and highway grade railroad safety,
18 an applicant at least fifteen years and six months of age, but less than ~~seventeen~~
19 eighteen years of age, applying for the first time may be issued a Class "E" learner's
20 license. The license may be issued for a four-year period at the same fee as a Class

1 "E" driver's license and must be maintained for at least one hundred eighty days,
2 unless prior to such time the driver reaches ~~seventeen~~ eighteen years of age, prior to
3 being converted to a Class "E" intermediate driver's license. The Class "E" learner's
4 license shall authorize the holder to drive while being accompanied by a licensed
5 parent, guardian, adult at least age twenty-one or older, or licensed sibling at least
6 age eighteen or older.

7 (b) Any applicant at least sixteen years of age, but less than ~~seventeen~~
8 eighteen years of age, moving into Louisiana from another state shall be eligible for
9 the issuance of a Class "E" intermediate driver's license provided such applicant
10 meets all other requirements for licensure in Louisiana and furnishes the department
11 with proof of successful completion of an equivalent driver's education course and
12 proof of issuance of a learner's license for a minimum of one hundred eighty days,
13 unless prior to such time the driver reaches ~~seventeen~~ eighteen years of age, from the
14 state of previous residence.

15 (3) The Class "E" learner's license may be converted to a Class "E"
16 intermediate license upon the applicant being at least sixteen years of age and
17 ~~passing an on-road driving test, provided that the applicant has held the license for~~
18 ~~at least one hundred eighty days if he is not seventeen years of age. No applicant~~
19 ~~shall be issued a Class "E" intermediate license unless a signed statement by the~~
20 ~~parent or legal guardian is provided to the department attesting that the applicant has~~
21 ~~a minimum of thirty-five hours of behind the wheel driving experience with a~~
22 ~~licensed adult driver. The intermediate license shall restrict those under the age of~~
23 ~~seventeen from driving between 11:00 p.m. and 5:00 a.m. unless otherwise~~
24 ~~accompanied by a licensed parent or guardian, by a licensed adult at least twenty-one~~
25 ~~years of age, or by a licensed sibling at least eighteen years of age. In addition to a~~
26 ~~licensed parent, sibling, guardian, or adult, there may be other members of the~~
27 ~~permittee's immediate family in the vehicle and when accompanied by a driver's~~
28 ~~education teacher there may be one or more fellow driver's education students in the~~
29 ~~vehicle. meeting the following conditions:~~

1 (a) The applicant's parent or legal guardian must provide a signed statement
2 to the department attesting that the applicant has completed a minimum of fifty hours
3 of supervised driving practice with a licensed parent, guardian, or adult at least age
4 twenty-one or older. At least ten of these hours must be nighttime driving.

5 (b) The applicant must pass an on-road driving test.

6 (c) The applicant must have held the Class "E" learner's license for at least
7 one hundred eighty days if he is not eighteen years of age while remaining accident
8 free, except where the licensee was not at fault, and receiving no convictions for
9 moving violations or violations of the seat belt or curfew laws of this state or any law
10 pertaining to drug or alcohol use.

11 (4) The intermediate license shall restrict those under the age of eighteen
12 from driving between 10:00 p.m. and 5:00 a.m. unless otherwise accompanied by a
13 licensed parent or guardian, by a licensed adult at least twenty-one years of age, or
14 by a licensed sibling at least eighteen years of age. In addition to a licensed parent,
15 sibling, guardian, or adult, there may be other members of the intermediate licensee's
16 immediate family in the vehicle. Unless accompanied by a licensed parent, guardian,
17 or adult at least age twenty-one or older, an intermediate licensee may not at any
18 time transport more than one passenger that is under twenty years of age. The
19 intermediate licensee shall not place the vehicle in motion until every occupant of
20 the vehicle has been restrained by a properly fastened seat belt or other occupant
21 restraint system unless such person is not required to be restrained pursuant to R.S.
22 32:295.1.

23 ~~(4)~~ (5) Upon completing the Class "E" intermediate licensing stage, and upon
24 demonstrating that the licensee has remained accident free, except in cases where the
25 licensee was not at fault, has received no convictions for moving violations, and has
26 received no convictions for violations of the seat belt or curfew laws of this state or
27 any laws pertaining to drug or alcohol use for twelve consecutive months after being
28 issued his intermediate license, an applicant may be issued full Class "E" driving
29 privileges.

Proposed law requires holder of Class "E" learner's license to be maintained at least 180 days unless prior to such time the driver reaches 18 years of age, prior to being converted to a Class "E" intermediate driver's license.

Present law allows any applicant who is at least 16 years of age, but less than 17 years of age, moving into La. from another state shall be eligible for the issuance of a Class "E" intermediate driver's license provided such applicant meets certain requirements, unless prior to such time the driver reaches 17 years of age, from the state of previous residence.

Proposed law allows any applicant who is at least 16 years of age, but less than 18 years of age, moving into La. from another state shall be eligible for the issuance of a Class "E" intermediate driver's license provided such applicant meets certain requirements, unless prior to such time the driver reaches 18 years of age, from the state of previous residence.

Present law allows the Class "E" learner's license to be converted to a Class "E" intermediate license upon the applicant being at least 16 years of age and passing an on-road driving test, provided that the applicant has held the license for at least 180 days if he is not 17 years of age.

Present law prohibits an applicant from being issued a Class "E" intermediate license unless a signed statement by the parent or legal guardian is provided to the department attesting that the applicant has a minimum of 35 hours of behind the wheel driving experience with a licensed adult driver.

Present law allows the holders of the intermediate license under the age of 17 from driving between 11:00 p.m. and 5:00 a.m. unless otherwise accompanied by a licensed parent or guardian, by a licensed adult at least 21 years of age, or by a licensed sibling at least 18 years of age.

Proposed law allows the Class "E" learner's license to be converted to a Class "E" intermediate license upon the applicant being at least 16 years of age and meeting the following conditions:

- (a) The applicant's parent or legal guardian must provide a signed statement to the department attesting that the applicant has completed a minimum of 50 hours, rather than 35 hours as stated in present law, of supervised driving practice with a licensed parent, guardian, or adult at least age 21 or older. Proposed law requires at least 10 of these hours must be nighttime driving.
- (b) The applicant must pass an on-road driving test.
- (c) The applicant must have held the Class "E" learner's license for at least 180 days if he is not 18 years of age, rather than 17 years of age as stated in present law, while remaining accident free, except where the licensee was not at fault, and receiving no convictions for moving violations or violations of the seat belt or curfew laws of this state or any law pertaining to drug or alcohol use. Present law does not contain the "accident free" conditions.

Proposed law restricts the intermediate licensee who is under the age of 18, rather than 17 years of age as stated in present law, from driving between 10:00 p.m., rather than 11:00 p.m. as stated in present law, and 5:00 a.m. unless otherwise accompanied by a licensed parent or guardian, by a licensed adult at least 21 years of age, or by a licensed sibling at least 18 years of age.

Present law provides that in addition to a licensed parent, sibling, guardian, or adult, there may be other members of the permittee's immediate family in the vehicle and when accompanied by a driver's education teacher there may be one or more fellow driver's education students in the vehicle.

Proposed law provides that in addition to a licensed parent, sibling, guardian, or adult, there may be other members of the intermediate licensee's immediate family in the vehicle. Unless accompanied by a licensed parent, guardian, or adult at least age 21 or older, an intermediate licensee may not at any time transport more than one passenger that is under 20 years of age.

Present law provides that upon completing the Class "E" intermediate licensing stage, and upon demonstrating that the licensee has remained accident free, except in cases where the licensee was not at fault, has received no convictions for moving violations, and has received no convictions for violations of the seat belt or curfew laws of this for twelve consecutive months after being issued his intermediate license, an applicant may be issued full Class "E" driving privileges.

Proposed law adds requirement to present law that the driver not be convicted of any laws pertaining to drug or alcohol use for 12 consecutive months after being issued his intermediate license to be issued full Class "E" driving privileges.

Proposed law requires that the intermediate licensee shall not place the vehicle in motion until every occupant of the vehicle has been restrained by a properly fastened seat belt or other occupant restraint system unless such person is not required to be restrained pursuant to R.S. 32:295.1.

Present law provides for special provisions for unemancipated minors who apply for any type of license between the ages of 15 and 18 and suspension terms.

Proposed law repeals present law.

(Amends R.S. 32:407(A)(2)(a), (b), (3), (4), and (5); Adds R.S. 32:407(A)(6); Repeals R.S. 32:407(E))