

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. 32:402.1(A) and 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. 32:402.1(A) and 407(A)(2)(a), (b), (3), (4), and (5) are hereby
8 amended and reenacted and R.S. 32:407(A)(6) is hereby enacted to read as follows:

9 §402.1. Driver education; required

10 A. No application for a license for the operation of a motor vehicle shall be received
11 from any person ~~seventeen~~ eighteen years or older making application for the first time
12 unless there is also submitted with the application, on a form approved by the secretary of
13 the Department of Public Safety and Corrections or the Department of Education, written
14 evidence of the successful completion by the applicant of:

15 * * *

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

18 A.(1)

19 * * *

1 (2)(a) Upon completion of a driver's education course approved by the
2 Department of Public Safety and Corrections or the Department of Education and
3 upon passing a visual examination and a road knowledge test, including rules of the
4 road, signs, and signals, sharing the road with motorcycles and tractor/trailer trucks,
5 and not less than two questions relative to railroad and highway grade railroad safety,
6 an applicant at least fifteen years and six months of age, but less than ~~seventeen~~
7 eighteen years of age, applying for the first time may be issued a Class "E" learner's
8 license. The license may be issued for a four-year period at the same fee as a Class
9 "E" driver's license and must be maintained for at least one hundred eighty days,
10 unless prior to such time the driver reaches ~~seventeen~~ eighteen years of age, prior to
11 being converted to a Class "E" intermediate driver's license. The Class "E" learner's
12 license shall authorize the holder to drive while being accompanied by a licensed
13 parent, guardian, adult at least age twenty-one or older, or licensed sibling at least
14 age eighteen or older.

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

23 (3) The Class "E" learner's license may be converted to a Class "E"
24 intermediate license upon the applicant being at least sixteen years of age and
25 ~~passing an on-road driving test, provided that the applicant has held the license for~~
26 ~~at least one hundred eighty days if he is not seventeen years of age. No applicant~~
27 ~~shall be issued a Class "E" intermediate license unless a signed statement by the~~
28 ~~parent or legal guardian is provided to the department attesting that the applicant has~~
29 ~~a minimum of thirty-five hours of behind the wheel driving experience with a~~

1 ~~licensed adult driver. The intermediate license shall restrict those under the age of~~
2 ~~seventeen from driving between 11:00 p.m. and 5:00 a.m. unless otherwise~~
3 ~~accompanied by a licensed parent or guardian, by a licensed adult at least twenty-one~~
4 ~~years of age, or by a licensed sibling at least eighteen years of age. In addition to a~~
5 ~~licensed parent, sibling, guardian, or adult, there may be other members of the~~
6 ~~permittee's immediate family in the vehicle and when accompanied by a driver's~~
7 ~~education teacher there may be one or more fellow driver's education students in the~~
8 ~~vehicle.~~ meeting the following conditions:

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

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

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

19 (4) The intermediate license shall restrict those under the age of eighteen
20 from driving between 10:00 p.m. and 5:00 a.m. unless otherwise accompanied by a
21 licensed parent or guardian, by a licensed adult at least twenty-one years of age, or
22 by a licensed sibling at least eighteen years of age. The time restriction contained
23 in this Paragraph shall not apply to an intermediate licensee while he is traveling to
24 and from school sponsored events or his place of employment. In addition to a
25 licensed parent, sibling, guardian, or adult, there may be other members of the
26 intermediate licensee's immediate family in the vehicle. Unless accompanied by a
27 licensed parent, guardian, or adult at least age twenty-one or older, an intermediate
28 licensee may not at any time transport more than one passenger that is under twenty
29 years of age. The intermediate licensee shall not place the vehicle in motion until

1 every occupant of the vehicle has been restrained by a properly fastened seat belt or
2 other occupant restraint system unless such person is not required to be restrained
3 pursuant to R.S. 32:295.1.

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

11 ~~(5)~~ (6) The department may establish rules and regulations to extend the term
12 of the intermediate license if an applicant's license has been suspended, the applicant
13 has been placed on probation by a court due to a driving violation, or the applicant
14 has violated any of the provisions of Paragraph ~~(4)~~ (5) of this Subsection. The term
15 of the extension of the intermediate license shall be for no less than thirty days nor
16 more than one hundred eighty days from the end of any suspension or probation
17 period, or from the date he would otherwise have been eligible to apply for a Class
18 "E" permanent license in the case of a violation of Paragraph ~~(4)~~ (5) of this
19 Subsection. The applicant shall attend and successfully complete either an approved
20 driver education course or prelicensing training course, regardless of any prior
21 completion of such course, as a condition of reinstatement of the license suspended
22 pursuant to this Paragraph. The licensee shall have the right to an administrative
23 hearing to appeal the determination of the department to extend the applicant's
24 intermediate license. The provisions of this Paragraph shall apply to any licensee
25 who has not attained the age of eighteen.

26 * * *

27 Section 2. R.S. 32:407(E) is hereby repealed in its entirety.

28 Section 3. This Act shall become effective on January 1, 2011.

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)]

Downs

HB No. 1339

Abstract: Makes changes for Class "E" learner's license and Class "E" intermediate license application qualifications and age requirements.

Present law provides that no application for the operation of a motor vehicle shall be received from any person 17 years of age or older making an application for the first time unless certain conditions regarding driver education or prelicensing training courses are met by the applicant.

Proposed law provides that no application for the operation of a motor vehicle shall be received from any person 18 years of age or older making an application for the first time unless certain conditions regarding driver education or prelicensing training courses are met by the applicant.

Present law allows persons who are at least 15 years of age but less than 17 years of age to apply for a Class "E" learner's license for the first time.

Proposed law allows for persons who are at least 15 and a half years of age but less than 18 years of age to apply for a Class "E" learner's license for the first time

Present law requires holder of Class "E" learner's license to be maintained at least 180 days, unless prior to such time the driver reaches 17 years of age, prior to being converted to a Class "E" intermediate driver's license.

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 prohibits 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.

Proposed law provides that the driving time restriction imposed on intermediate licensees shall not apply if he is traveling to and from school sponsored events or his employment.

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 12 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.

Effective Jan. 1, 2011.

(Amends R.S. 32:402.1(A), 407(A)(2)(a), (b), (3), (4), and (5); Adds R.S. 32:407(A)(6); Repeals R.S. 32:407(E))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the engrossed bill.

1. Provided that no application for the operation of a motor vehicle shall be received from any person 18 years of age or older, rather than 17 year of age or older, making an application for the first time unless certain conditions regarding driver education or prelicensing training courses are met by the applicant.
2. Provided that the driving time restriction imposed on intermediate licensees shall not apply if he is traveling to and from school sponsored events or his place of employment.
3. Provided for an effective date of Jan. 1, 2011.