

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. 32:405.1 and 407(A)(3), (4), and (5), to enact R.S. 32:407(A)(6),
3 and to repeal R.S. 32:407(E), relative to driver's licenses for minors; to provide
4 additional requirements and restrictions for driver's licenses for minors; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:405.1 and 407(A)(3), (4), and (5) are hereby amended and
8 reenacted and R.S. 32:407(A)(6) is hereby enacted to read as follows:

9 §405.1. Age requirements

10 Subject to R.S. 32:407, a Class "E" driver's license or a Class "D" chauffeur's
11 license shall be granted to a person seventeen years of age or above. Class "A", "B",
12 or "C" licenses shall be granted only to persons eighteen years of age or above.
13 Notwithstanding any provision to the contrary, a seventeen year old or older first
14 time applicant for a Class "E" license shall provide a signed statement to the
15 department attesting that the applicant has completed a minimum of fifty hours of
16 supervised driving practice with a licensed parent, guardian, or adult at least age
17 twenty-one or older. At least fifteen of these hours must be nighttime driving.

18 However, hazardous materials endorsements shall be issued only to persons twenty-
19 one years of age or above. The age limitations are subject to the minimum age
20 requirements set forth in the Federal Motor Carrier Safety Act of 1986 and the

1 regulations promulgated thereunder relative to licensing of carriers in interstate
2 commerce.

3 * * *

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

6 A.(1)

7 * * *

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

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

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

28 (c) The applicant must have held the Class "E" learner's license for at least
29 one hundred eighty days if he is not seventeen years of age while remaining accident

1 free, except where the licensee was not at fault, and receiving no convictions for
2 moving violations or violations of the seat belt or curfew laws of this state or any law
3 pertaining to drug or alcohol use.

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

18 ~~(4)~~ (5) Upon completing the Class "E" intermediate licensing stage, and upon
19 demonstrating that the licensee has remained accident free, except in cases where the
20 licensee was not at fault, has received no convictions for moving violations, and has
21 received no convictions for violations of the seat belt or curfew laws of this state or
22 any laws pertaining to drug or alcohol use for twelve consecutive months after being
23 issued his intermediate license, an applicant may be issued full Class "E" driving
24 privileges.

25 ~~(5)~~ (6) The department may establish rules and regulations to extend the term
26 of the intermediate license if an applicant's license has been suspended, the applicant
27 has been placed on probation by a court due to a driving violation, or the applicant
28 has violated any of the provisions of Paragraph ~~(4)~~ (5) of this Subsection. The term
29 of the extension of the intermediate license shall be for no less than thirty days nor

1 more than one hundred eighty days from the end of any suspension or probation
 2 period, or from the date he would otherwise have been eligible to apply for a Class
 3 "E" permanent license in the case of a violation of Paragraph ~~(4)~~ (5) of this
 4 Subsection. The applicant shall attend and successfully complete either an approved
 5 driver education course or prelicensing training course, regardless of any prior
 6 completion of such course, as a condition of reinstatement of the license suspended
 7 pursuant to this Paragraph. The licensee shall have the right to an administrative
 8 hearing to appeal the determination of the department to extend the applicant's
 9 intermediate license. The provisions of this Paragraph shall apply to any licensee
 10 who has not attained the age of eighteen.

11 * * *

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

13 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 first time application for a Class "E" license shall be received from any person 17 years of age or older unless there is also submitted with the application written evidence of the successful completion by the applicant of a full 28 hour driver's education course or of an approved six hour "pre-licensing" training course.

Proposed law retains present law and adds that no first time application for a Class "E" license shall be received from any person 17 years of age or older unless there is also submitted with the application a signed statement to the department attesting that the applicant has completed a minimum of fifty hours of supervised driving practice with a licensed parent, guardian, or adult at least age 21 or older. At least 15 hours must be nighttime driving.

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.

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 15 of these hours must be nighttime driving.
- (b) The applicant must pass an on-road driving test.
- (c) The applicant must remain 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.

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 retains present law and adds that, 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 non-immediate family member passenger that is under 21 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. 32:405.1, 407(A)(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.

House Floor Amendments to the engrossed bill.

1. Restored age requirements to transition from a Learner's Permit, Intermediate License, and Class "E" driver's license to present law requirements.
2. Deleted all committee amendments, except for amendment pertaining to effective date.
3. Added that no first time application for a Class "E" license shall be received from any person 17 years of age or older unless there is also submitted with the application a signed statement to the department attesting that the applicant has completed a minimum of 50 hours of supervised driving practice with a licensed parent, guardian, or adult at least age 21 or older. At least 15 hours must be nighttime driving.
4. Added that 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 non-immediate family member passenger that is under 21 years of age.