

Regular Session, 2010

HOUSE BILL NO. 1339

BY REPRESENTATIVE DOWNS

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
21 regulations promulgated thereunder relative to licensing of carriers in interstate
22 commerce.

23 * * *

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

3 A.(1)

4 * * *

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

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

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

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

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

15 ~~(4)~~ (5) Upon completing the Class "E" intermediate licensing stage, and upon
16 demonstrating that the licensee has remained accident free, except in cases where the
17 licensee was not at fault, has received no convictions for moving violations, and has
18 received no convictions for violations of the seat belt or curfew laws of this state or
19 any laws pertaining to drug or alcohol use for twelve consecutive months after being
20 issued his intermediate license, an applicant may be issued full Class "E" driving
21 privileges.

22 ~~(5)~~ (6) The department may establish rules and regulations to extend the term
23 of the intermediate license if an applicant's license has been suspended, the applicant
24 has been placed on probation by a court due to a driving violation, or the applicant
25 has violated any of the provisions of Paragraph ~~(4)~~ (5) of this Subsection. The term
26 of the extension of the intermediate license shall be for no less than thirty days nor
27 more than one hundred eighty days from the end of any suspension or probation
28 period, or from the date he would otherwise have been eligible to apply for a Class
29 "E" permanent license in the case of a violation of Paragraph ~~(4)~~ (5) of this
30 Subsection. The applicant shall attend and successfully complete either an approved

1 driver education course or prelicensing training course, regardless of any prior
 2 completion of such course, as a condition of reinstatement of the license suspended
 3 pursuant to this Paragraph. The licensee shall have the right to an administrative
 4 hearing to appeal the determination of the department to extend the applicant's
 5 intermediate license. The provisions of this Paragraph shall apply to any licensee
 6 who has not attained the age of eighteen.

7 * * *

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____