Regular Session, 2010

23

## ACT No. 1039

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.

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§407. Application of minors; revocation; applications of persons less than twentyone years of age

A.(1)

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intermediate license upon the applicant being at least sixteen years of age and passing an on-road driving test, provided that the applicant has held the license for at least one hundred eighty days if he is not seventeen years of age. No applicant shall be 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 thirty-five hours of behind the wheel driving experience with a licensed adult driver. The intermediate license shall restrict those under the age of seventeen 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 twenty-one years of age, or by a licensed sibling at least eighteen years of age. 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. 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 fifty hours of supervised driving practice with a licensed parent, guardian, or adult at least age twenty-one or older. At least fifteen 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 one hundred eighty days if he is not seventeen years of age 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.

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(4) The intermediate license shall restrict those under the age of seventeen from driving between 11:00 p.m. and 5:00 a.m. unless otherwise accompanied by a licensed parent or guardian, a licensed adult at least twenty-one years of age, or a licensed sibling at least eighteen years of age. In addition to a licensed parent, sibling, or guardian, there may be other members of the permittee's immediate family in the vehicle. Unless accompanied by a licensed parent, guardian, or adult at least age twenty-one or older, an intermediate licensee may not between the hours of 6:00 p.m. and 5:00 a.m. transport more than one passenger that is under twenty-one years of age and not a member of the intermediate licensee's immediate family. When the intermediate licencee is accompanied by a driver's education teacher, there may be one or more fellow driver's education students in the vehicle. 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.

(4) (5) 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 state or any laws pertaining to drug or alcohol use for twelve consecutive months after being issued his intermediate license, an applicant may be issued full Class "E" driving privileges.

(5) (6) The department may establish rules and regulations to extend the term of the intermediate license if an applicant's license has been suspended, the applicant has been placed on probation by a court due to a driving violation, or the applicant has violated any of the provisions of Paragraph (4) (5) of this Subsection. The term of the extension of the intermediate license shall be for no less than thirty days nor more than one hundred eighty days from the end of any suspension or probation period, or from the date he would otherwise have been eligible to apply for a Class "E" permanent license in the case of a violation of Paragraph (4) (5) of this 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 intermediate license. The provisions of this Paragraph shall apply to any licensee 5 6 who has not attained the age of eighteen. 7 Section 2. R.S. 32:407(E) is hereby repealed in its entirety. 8 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

**ENROLLED** 

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APPROVED: \_\_\_\_\_