

Regular Session, 2011

SENATE BILL NO. 222

BY SENATOR MILLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES. Requires driver education courses, training programs, and prelicensing training courses for children and adults to include teaching the economic effects of littering. (1/1/12)

AN ACT

To amend and reenact R.S. 17:270(A) and 271(A)(2) and R.S. 32:402.1(A)(1) and (2), 402.2, and 408(A)(1) and (3); and to enact R.S. 32:402.1(A)(3)(c), relative to requiring driver education courses, training programs, and prelicensing training courses for children and adults to include teaching the economic effects of littering; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:270(A) and 271(A)(2) are hereby amended and reenacted to read as follows:

§270. Driver education and training program for children

A. The State Board of Elementary and Secondary Education and the state Department of Education, in consultation with the Department of Public Safety and Corrections, shall establish and operate a driver education and training program in each parish of this state for children who are fifteen years of age and older. The program shall consist of a course of not less than eight hours of actual driving experience and thirty hours of classroom instruction. A child who is in at least the ninth grade and is within ninety days of his fifteenth birthday may participate in the

1 classroom instruction component of the program. The State Board of Elementary and
2 Secondary Education shall provide written notice to each city, parish, and other local
3 public school board of the requirements of this Subsection. The aims and purposes
4 of the driver education and training program shall be to educate drivers to be
5 competent and to develop a knowledge of those provisions of the law of this state
6 relating to the operation of motor vehicles, a proper acceptance of personal
7 responsibility in traffic, a true appreciation of the causes, seriousness, and
8 consequences of traffic accidents, and the knowledge, attitudes, habits, and skills
9 necessary for the safe operation of motor vehicles. The course shall include training
10 on railroad and highway grade crossing safety and on sharing the road with
11 motorcycles, tractor-trailer trucks, pedestrians, bicyclists, and transit vehicles, and
12 at least thirty minutes of instruction relative to organ and tissue donation **and at least**
13 **thirty minutes of instruction relative to the economic effects of littering.** The
14 State Board of Elementary and Secondary Education and the state Department of
15 Education shall develop the organ and tissue portion of the driver education and
16 training program in conjunction with the federally designated organ procurement
17 organization for the state of Louisiana. However, no student shall be required to take
18 the organ and tissue donation instruction if his parent or tutor submits a written
19 statement indicating that such instruction conflicts with the religious beliefs of the
20 student. **The State Board of Elementary and Secondary Education and the state**
21 **Department of Education shall develop the economic effects of littering portion**
22 **of the driver education and training program in conjunction with Keep**
23 **Louisiana Beautiful, Inc.**

24 * * *

25 §271. Driver training required for certain adults; same purpose and use of same
26 facilities as in program for children

27 A.(1) * * *

28 (2) The program shall consist of a course of not less than six hours of actual
29 driving experience and thirty hours of classroom instruction which shall include

1 training on railroad and highway grade crossing safety and on sharing the road with
2 motorcycles and tractor-trailer trucks and at least thirty minutes of instruction
3 relative to organ and tissue donation **and at least thirty minutes of instruction**
4 **relative to the economic effects of littering.** The State Board of Elementary and
5 Secondary Education and the state Department of Education shall develop the organ
6 and tissue donation portion of the driver education and training program in
7 conjunction with the federally designated organ procurement organization for the
8 state of Louisiana. However, no student shall be required to take the organ and tissue
9 donation instruction provided he submits a written statement indicating that such
10 instruction conflicts with his religious beliefs. **The State Board of Elementary and**
11 **Secondary Education and the state Department of Education shall develop the**
12 **economic effects of littering portion of the driver education and training**
13 **program in conjunction with Keep Louisiana Beautiful, Inc.**

14 * * *

15 Section 2. R.S. 32:402.1(A)(1) and (2), 402.2, and 408(A)(1) and (3) are hereby
16 amended and reenacted and R.S. 32:402.1(A)(3)(c) is hereby enacted to read as follows:

17 §402.1. Driver education; required

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

23 (1) A "driver education course", which shall consist of not less than eight
24 hours of actual driving experience and thirty hours of classroom instruction,
25 including but not limited to training on railroad and highway grade crossing safety
26 and on sharing the road with motorcycles and tractor/trailer trucks and at least thirty
27 minutes of instruction relative to organ and tissue donation **and at least thirty**
28 **minutes of instruction relative to the economic effects of littering,** approved by
29 the Department of Public Safety and Corrections or the Department of Education.

(2) A "prelicensing training course" if a behind-the-wheel course is not completed. The prelicensing training course shall consist of a minimum of six hours of instruction in the National Safety Council's defensive driving course, Louisiana's traffic safety laws, and substance abuse education, or shall be an equivalent course approved and certified by the Department of Public Safety and Corrections. The course shall include training in railroad and highway grade crossing safety and on sharing the road with motorcycles and tractor/trailer trucks and at least thirty minutes of instruction relative to organ and tissue donation **and at least thirty minutes of instruction relative to the economic effects of littering**. The secretary of the Department of Public Safety and Corrections shall adopt rules relating to the "prelicensing training course". Oversight review of these rules shall be conducted by the House and Senate Committees on Transportation, Highways and Public Works. The rules shall provide for:

- (a) Licensing of training agencies.
- (b) Course content and presentation.
- (c) Instructor qualifications and certification.
- (d) Classroom size and facilities.
- (e) Certificates of completion.
- (f) Required records and reporting.
- (g) Fees, which shall not exceed fifty dollars per student.
- (h) Penalties.

(3)(a) * * *

(c) The portion of the "driver education course" or "prelicensing training course" approved by the Department of Public Safety and Corrections involving instruction on the economic effects of littering shall be developed in conjunction with Keep Louisiana Beautiful, Inc.

* * *

§402.2. Driver improvement program for remediation

The Department of Public Safety and Corrections, office of motor vehicles,

1 may approve court-ordered driver remediation courses or programs, in the same
2 manner as "prelicensing training courses" are approved in R.S. 32:402.1(A)(2). All
3 such approved driver remediation courses or programs shall include instruction on
4 railroad grade crossing safety and on sharing the road with motorcycles and
5 tractor/trailer trucks and at least thirty minutes of instruction relative to organ and
6 tissue donation **and at least thirty minutes of instruction relative to the economic**
7 **effects of littering.** The State Board of Elementary and Secondary Education and the
8 state Department of Education shall develop the organ and tissue donation portion
9 of the driver education and training program in conjunction with the federally
10 designated organ procurement organization for the state of Louisiana. However, no
11 student shall be required to take the organ and tissue donation instruction if he, or his
12 parent or tutor if the student is a minor, submits a written statement indicating that
13 such instruction conflicts with his religious beliefs. **The State Board of Elementary**
14 **and Secondary Education and the state Department of Education shall develop**
15 **the economic effects of littering portion of the driver education and training**
16 **program in conjunction with Keep Louisiana Beautiful, Inc.** The department
17 shall compile and maintain a list of all department-approved courses which shall be
18 delivered to all persons who are decreed by a court to be traffic violators and who are
19 ordered by a court to attend a driver improvement course for remediation purposes.
20 The court shall allow a violator to select a course within the judicial district in which
21 he resides if there is no court-approved driving course in such district provided that
22 it is one of the courses on the department-approved list.

23 * * *

24 §408. Examination of applicants required; classes of licenses

25 A.(1) Except as otherwise provided, every applicant must pass a written
26 knowledge and skills test for a motor vehicle representative of the type of motor
27 vehicle he operates or expects to operate, or provide evidence on a form approved
28 by the department that he has successfully passed the written knowledge test and a
29 driving or skills test administered by an authorized third party. In addition to the

1 specialized knowledge and skills tests, each such examination shall include: a test
2 of the applicant's eyesight; his ability to understand highway signs regulating,
3 warning, and directing traffic; his knowledge of railroad and highway grade crossing
4 safety; his knowledge of sharing the road with motorcycles and tractor/trailer trucks;
5 his knowledge of the economic effects of littering; and his knowledge of all
6 relevant traffic regulations.

7 * * *

8 (3) Each knowledge test for a Group "D" or "E" vehicle shall contain at least
9 ~~thirty~~ thirty-two items, exclusive of the number of items testing airbrake knowledge.
10 Not less than two of the ~~thirty~~ thirty-two items shall be relative to railroad and
11 highway grade crossing safety. Not less than two of the thirty-two items shall be
12 relative to the economic effects of littering. For each endorsement, the knowledge
13 test and the airbrake component of the basic knowledge test shall contain a number
14 of questions that is sufficient to test the applicant's knowledge of the required subject
15 matter with validity and reliability. The applicant for a Class "A", "B", "C", "D", or
16 "E" license shall correctly answer at least eighty percent of the questions on each
17 knowledge test in order to achieve a passing score on such knowledge test. To
18 achieve a passing score on the skills test, an applicant for a Class "A", "B", "C", "D",
19 or "E" license shall demonstrate that he can successfully perform all of the required
20 skills. If an applicant for a Class "A", "B", or "C" commercial driver's license scores
21 less than eighty percent on the airbrake component of the basic knowledge test, the
22 driver shall fail the airbrake component and, if the driver is issued a driver's license,
23 an airbrake restriction shall be indicated on the commercial driver's license. If an
24 applicant for a Class "A", "B", or "C" commercial driver's license performs the skills
25 test in a vehicle not equipped with air brakes, the driver shall have omitted the
26 airbrake component of the skills test and, if the driver is issued a driver's license, the
27 airbrake restriction shall be indicated on the license.

28 * * *

29 Section 3. This Act shall become effective on January 1, 2012.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

Proposed law retains present law requirements regarding driver education courses, training programs, and prelicensing training courses for children and adults and will require such driver education courses, training programs, and prelicensing training courses have at least thirty minutes of instruction relative to the economic effects of littering.

Proposed law requires the economic effects of littering portion of driver education courses, training programs, and prelicensing training courses be developed in conjunction with Keep Louisiana Beautiful, Inc.

Proposed law increases the number of knowledge test questions from 30 to 32 and requires that a least 2 test questions be on the economic effects of littering.

Effective January 1, 2012.

(Amends R.S. 17:270(A) and 271(A)(2) and R.S. 32:402.1(A)(1) and (2), 402.2, and 408(A)(1) and (3); adds R.S. 32:402.1(A)(3)(c))