

Regular Session, 2011

SENATE BILL NO. 222

BY SENATORS MILLS, ADLEY, ERDEY, HEITMEIER, MCPHERSON, MOUNT AND  
SHAW

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;  
to name this Act the "Louisiana Increases Tourism Through Environmental  
Responsibility Act of 2011" or "LITTER Act of 2011"; and to provide for related  
matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known as the "Louisiana Increases Tourism Through  
Environmental Responsibility Act of 2011" or "LITTER Act of 2011".

Section 2. 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

1 each parish of this state for children who are fifteen years of age and older. The  
2 program shall consist of a course of not less than eight hours of actual driving  
3 experience and thirty hours of classroom instruction. A child who is in at least the  
4 ninth grade and is within ninety days of his fifteenth birthday may participate in the  
5 classroom instruction component of the program. The State Board of Elementary and  
6 Secondary Education shall provide written notice to each city, parish, and other local  
7 public school board of the requirements of this Subsection. The aims and purposes  
8 of the driver education and training program shall be to educate drivers to be  
9 competent and to develop a knowledge of those provisions of the law of this state  
10 relating to the operation of motor vehicles, a proper acceptance of personal  
11 responsibility in traffic, a true appreciation of the causes, seriousness, and  
12 consequences of traffic accidents, and the knowledge, attitudes, habits, and skills  
13 necessary for the safe operation of motor vehicles. The course shall include training  
14 on railroad and highway grade crossing safety and on sharing the road with  
15 motorcycles, tractor-trailer trucks, pedestrians, bicyclists, and transit vehicles, and  
16 at least thirty minutes of instruction relative to organ and tissue donation **and at least**  
17 **thirty minutes of instruction relative to the economic effects of littering.** The  
18 State Board of Elementary and Secondary Education and the state Department of  
19 Education shall develop the organ and tissue portion of the driver education and  
20 training program in conjunction with the federally designated organ procurement  
21 organization for the state of Louisiana. However, no student shall be required to take  
22 the organ and tissue donation instruction if his parent or tutor submits a written  
23 statement indicating that such instruction conflicts with the religious beliefs of the  
24 student. **The State Board of Elementary and Secondary Education and the state**  
25 **Department of Education shall develop the economic effects of littering portion**  
26 **of the driver education and training program in conjunction with Keep**  
27 **Louisiana Beautiful, Inc.**

28 \* \* \*

29 §271. Driver training required for certain adults; same purpose and use of same

facilities as in program for children

A.(1) \* \* \*

(2) The program shall consist of a course of not less than six hours of actual driving experience and thirty hours of classroom instruction which shall include training on 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 State Board of Elementary and Secondary Education and the state Department of Education shall develop the organ and tissue donation portion of the driver education and training program in conjunction with the federally designated organ procurement organization for the state of Louisiana. However, no student shall be required to take the organ and tissue donation instruction provided he submits a written statement indicating that such instruction conflicts with his religious beliefs. **The State Board of Elementary and Secondary Education and the state Department of Education shall develop the economic effects of littering portion of the driver education and training program in conjunction with Keep Louisiana Beautiful, Inc.**

\* \* \*

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

§402.1. Driver education; required

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

(1) A "driver education course", which shall consist of not less than eight hours of actual driving experience and thirty hours of classroom instruction, including but not limited to training on railroad and highway grade crossing safety

1 and on sharing the road with motorcycles and tractor/trailer trucks and at least thirty  
2 minutes of instruction relative to organ and tissue donation **and at least thirty**  
3 **minutes of instruction relative to the economic effects of littering**, approved by  
4 the Department of Public Safety and Corrections or the Department of Education.

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

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

26 (3)(a) \* \* \*

27 **(c) The portion of the "driver education course" or "prelicensing**  
28 **training course" approved by the Department of Public Safety and Corrections**  
29 **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, may approve court-ordered driver remediation courses or programs, in the same manner as "prelicensing training courses" are approved in R.S. 32:402.1(A)(2). All such approved driver remediation courses or programs shall include instruction on railroad 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 State Board of Elementary and Secondary Education and the state Department of Education shall develop the organ and tissue donation portion of the driver education and training program in conjunction with the federally designated organ procurement organization for the state of Louisiana. However, no student shall be required to take the organ and tissue donation instruction if he, or his parent or tutor if the student is a minor, submits a written statement indicating that such instruction conflicts with his religious beliefs. **The State Board of Elementary and Secondary Education and the state Department of Education shall develop the economic effects of littering portion of the driver education and training program in conjunction with Keep Louisiana Beautiful, Inc.** The department

shall compile and maintain a list of all department-approved courses which shall be delivered to all persons who are decreed by a court to be traffic violators and who are ordered by a court to attend a driver improvement course for remediation purposes. The court shall allow a violator to select a course within the judicial district in which he resides if there is no court-approved driving course in such district provided that it is one of the courses on the department-approved list.

\* \* \*

§408. Examination of applicants required; classes of licenses

A.(1) Except as otherwise provided, every applicant must pass a written

1 knowledge and skills test for a motor vehicle representative of the type of motor  
2 vehicle he operates or expects to operate, or provide evidence on a form approved  
3 by the department that he has successfully passed the written knowledge test and a  
4 driving or skills test administered by an authorized third party. In addition to the  
5 specialized knowledge and skills tests, each such examination shall include: a test  
6 of the applicant's eyesight; his ability to understand highway signs regulating,  
7 warning, and directing traffic; his knowledge of railroad and highway grade crossing  
8 safety; his knowledge of sharing the road with motorcycles and tractor/trailer trucks;  
9 **his knowledge of the economic effects of littering;** and his knowledge of all  
10 relevant traffic regulations.

11 \* \* \*

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

1 airbrake component of the skills test and, if the driver is issued a driver's license, the  
 2 airbrake restriction shall be indicated on the license.

3 \* \* \*

4 Section 4. 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

##### Mills (SB 222)

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))

##### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill.

1. Names the Act the "Louisiana Increases Tourism Through Environmental Responsibility Act of 2011" or "LITTER Act of 2011".