

Regular Session, 2011

SENATE BILL NO. 222

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

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**
17 **relative to the economic effects of littering**. The State Board of Elementary and
18 Secondary Education and the state Department of Education shall develop the organ
19 and tissue portion of the driver education and training program in conjunction with
20 the federally designated organ procurement organization for the state of Louisiana.
21 However, no student shall be required to take the organ and tissue donation
22 instruction if his parent or tutor submits a written statement indicating that such
23 instruction conflicts with the religious beliefs of the student. **The State Board of**
24 **Elementary and Secondary Education and the state Department of Education**
25 **shall develop the economic effects of littering portion of the driver education**
26 **and training program in conjunction with Keep Louisiana Beautiful, Inc. Prior**
27 **to implementation, the Department of Education shall adopt a rule relating to**
28 **such litter portion of the driver education and training program so developed**
29 **and shall submit the rule for oversight review to the House and Senate**

1 committees on transportation, highways, and public works in accordance with
2 the Administrative Procedure Act.

3 * * *

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

6 A.(1) * * *

7 (2) The program shall consist of a course of not less than six hours of actual
8 driving experience and thirty hours of classroom instruction which shall include
9 training on railroad and highway grade crossing safety and on sharing the road with
10 motorcycles and tractor-trailer trucks and at least thirty minutes of instruction
11 relative to organ and tissue donation and relative to the economic effects of
12 littering. The State Board of Elementary and Secondary Education and the state
13 Department of Education shall develop the organ and tissue donation portion of the
14 driver education and training program in conjunction with the federally designated
15 organ procurement organization for the state of Louisiana. However, no student shall
16 be required to take the organ and tissue donation instruction provided he submits a
17 written statement indicating that such instruction conflicts with his religious beliefs.

18 The State Board of Elementary and Secondary Education and the state
19 Department of Education shall develop the economic effects of littering portion
20 of the driver education and training program in conjunction with Keep
21 Louisiana Beautiful, Inc. Prior to implementation, the Department of Education
22 shall adopt a rule relating to such litter portion of the driver education and
23 training program so developed and shall submit the rule for oversight review
24 to the House and Senate committees on transportation, highways, and public
25 works in accordance with the Administrative Procedure Act.

26 * * *

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

29 §402.1. Driver education; required

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

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

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

- 26 (a) Licensing of training agencies.
- 27 (b) Course content and presentation.
- 28 (c) Instructor qualifications and certification.
- 29 (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., and adopted by rule. Prior to implementation, the rule shall be submitted for oversight review to the House and Senate committees on transportation, highways, and public works in accordance with the Administrative Procedure Act.

* * *

§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 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**

1 littering portion of the driver education and training program in conjunction
2 with Keep Louisiana Beautiful, Inc. Prior to implementation, the Department
3 of Education shall adopt a rule relating to such litter portion of the driver
4 education and training program so developed and shall submit the rule for
5 oversight review to the House and Senate committees on transportation,
6 highways, and public works in accordance with the Administrative Procedure
7 Act. The department shall compile and maintain a list of all department-approved
8 courses which shall be delivered to all persons who are decreed by a court to be
9 traffic violators and who are ordered by a court to attend a driver improvement
10 course for remediation purposes. The court shall allow a violator to select a course
11 within the judicial district in which he resides if there is no court-approved driving
12 course in such district provided that it is one of the courses on the department-
13 approved list.

14 * * *

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

16 A.(1) Except as otherwise provided, every applicant must pass a written
17 knowledge and skills test for a motor vehicle representative of the type of motor
18 vehicle he operates or expects to operate, or provide evidence on a form approved
19 by the department that he has successfully passed the written knowledge test and a
20 driving or skills test administered by an authorized third party. In addition to the
21 specialized knowledge and skills tests, each such examination shall include: a test
22 of: the applicant's eyesight; his ability to understand highway signs regulating,
23 warning, and directing traffic; his knowledge of railroad and highway grade crossing
24 safety; his knowledge of sharing the road with motorcycles and tractor/trailer trucks;
25 his knowledge of the economic effects of littering; and his knowledge of all
26 relevant traffic regulations.

27 * * *

28 (3) Each knowledge test for a Group "D" or "E" vehicle shall contain at least
29 ~~thirty~~ thirty-two items, exclusive of the number of items testing airbrake knowledge.

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

19 * * *

20 Section 4. This Act shall become effective on January 1, 2012.

The original instrument was prepared by Sharon F. Lyles. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Dawn Romero Watson.

DIGEST

Mills (SB 222)

Present law provides for BESE and DOE, in consultation with DPS&C, to establish and
operate a drivers education and training program for children 15 years of age or older as well
as for adults.

Proposed law adds that such courses shall include instruction relative to the economic effects
of littering. Provides that such instruction shall be developed by BESE and DOE in
conjunction with Keep Louisiana Beautiful, Inc. Requires that prior to implementation,
DOE adopt a rule relating to such litter program with legislative oversight of the House and
Senate committees on transportation, highways and public works.

Present law requires proof of successful completion of an approved drivers education course or prelicensing training course in order to apply for a drivers license for the first time.

Proposed law retains present law and adds instruction relative to the economic effects of littering as part of the required curriculum for an approved driver education course or prelicensing training course. Provides that the portion of the driver education course or prelicensing course approved by DPS&C involving instruction on the economic effects of littering be developed in conjunction with Keep Louisiana Beautiful, Inc., and be adopted by rule. Requires that prior to implementation, the rule be submitted to the House and Senate committees on transportation, highways and public works.

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

Proposed law provides that it shall be known as the Louisiana Increases Tourism Through Environmental Responsibility Act of 2011 or LITTER Act of 2011.

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".

Senate Floor Amendments to engrossed bill.

1. Includes instruction on economic effects of littering to the present law requirement of at least 30 minutes of instruction on organ and tissue donation.
2. Adds requirement that BESE and DOE's driver education and training program on the economic effects of littering program be adopted by DOE rule with legislative oversight of House and Senate committees on transportation, highways and public works.