

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.

1 AN ACT

2 To amend and reenact R.S. 17:270(A) and 271(A)(2) and R.S. 32:402.1(A)(1) and (2),  
3 402.2, and 408(A)(1) and (3); and to enact R.S. 32:402.1(A)(3)(c), relative to  
4 requiring driver education courses, training programs, and prelicensing training  
5 courses for children and adults to include teaching the economic effects of littering;  
6 to name this Act the "Louisiana Increases Tourism Through Environmental  
7 Responsibility Act of 2011" or "LITTER Act of 2011"; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

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

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

14 §270. Driver education and training program for children

15 A. The State Board of Elementary and Secondary Education and the state  
16 Department of Education, in consultation with the Department of Public Safety and  
17 Corrections, shall establish and operate a driver education and training program in  
18 each parish of this state for children who are fifteen years of age and older. The  
19 program shall consist of a course of not less than eight hours of actual driving  
20 experience and thirty hours of classroom instruction. A child who is in at least the  
21 ninth grade and is within ninety days of his fifteenth birthday may participate in the  
22 classroom instruction component of the program. The State Board of Elementary and  
23 Secondary Education shall provide written notice to each city, parish, and other local  
24 public school board of the requirements of this Subsection. The aims and purposes

1 of the driver education and training program shall be to educate drivers to be  
2 competent and to develop a knowledge of those provisions of the law of this state  
3 relating to the operation of motor vehicles, a proper acceptance of personal  
4 responsibility in traffic, a true appreciation of the causes, seriousness, and  
5 consequences of traffic accidents, and the knowledge, attitudes, habits, and skills  
6 necessary for the safe operation of motor vehicles. The course shall include training  
7 on railroad and highway grade crossing safety and on sharing the road with  
8 motorcycles, tractor-trailer trucks, pedestrians, bicyclists, and transit vehicles, and  
9 at least thirty minutes of instruction relative to organ and tissue donation **and**  
10 **relative to the economic effects of littering**. The State Board of Elementary and  
11 Secondary Education and the state Department of Education shall develop the organ  
12 and tissue portion of the driver education and training program in conjunction with  
13 the federally designated organ procurement organization for the state of Louisiana.  
14 However, no student shall be required to take the organ and tissue donation  
15 instruction if his parent or tutor submits a written statement indicating that such  
16 instruction conflicts with the religious beliefs of the student. **The State Board of**  
17 **Elementary and Secondary Education and the state Department of Education**  
18 **shall develop the economic effects of littering portion of the driver education**  
19 **and training program in conjunction with Keep Louisiana Beautiful, Inc. Prior**  
20 **to implementation, the Department of Education shall adopt a rule relating to**  
21 **such litter portion of the driver education and training program so developed**  
22 **and shall submit the rule for oversight review to the House and Senate**  
23 **committees on transportation, highways, and public works in accordance with**  
24 **the Administrative Procedure Act.**

25 \* \* \*

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

28 A.(1) \* \* \*

29 (2) The program shall consist of a course of not less than six hours of actual  
30 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 relative to the economic effects of**  
4 **littering**. The State Board of Elementary and Secondary Education and the state  
5 Department of Education shall develop the organ and tissue donation portion of the  
6 driver education and training program in conjunction with the federally designated  
7 organ procurement organization for the state of Louisiana. However, no student shall  
8 be required to take the organ and tissue donation instruction provided he submits a  
9 written statement indicating that such instruction conflicts with his religious beliefs.  
10 **The State Board of Elementary and Secondary Education and the state**  
11 **Department of Education shall develop the economic effects of littering portion**  
12 **of the driver education and training program in conjunction with Keep**  
13 **Louisiana Beautiful, Inc. Prior to implementation, the Department of Education**  
14 **shall adopt a rule relating to such litter portion of the driver education and**  
15 **training program so developed and shall submit the rule for oversight review**  
16 **to the House and Senate committees on transportation, highways, and public**  
17 **works in accordance with the Administrative Procedure Act.**

18 \* \* \*

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

21 §402.1. Driver education; required

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

27 (1) A "driver education course", which shall consist of not less than eight  
28 hours of actual driving experience and thirty hours of classroom instruction,  
29 including but not limited to training on railroad and highway grade crossing safety  
30 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**, approved by 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 relative to the economic effects of littering**. The secretary of the Department of Public Safety and Corrections shall adopt rules relating to the **"driver education course" and "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., and adopted by rule. Prior to implementation, the rule shall be submitted for oversight review to the House**

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

3 \* \* \*

4 §402.2. Driver improvement program for remediation

5 The Department of Public Safety and Corrections, office of motor vehicles,  
6 may approve court-ordered driver remediation courses or programs, in the same  
7 manner as "prelicensing training courses" are approved in R.S. 32:402.1(A)(2). All  
8 such approved driver remediation courses or programs shall include instruction on  
9 railroad grade crossing safety and on sharing the road with motorcycles and  
10 tractor/trailer trucks and at least thirty minutes of instruction relative to organ and  
11 tissue donation and relative to the economic effects of littering. The State Board  
12 of Elementary and Secondary Education and the state Department of Education shall  
13 develop the organ and tissue donation portion of the driver education and training  
14 program in conjunction with the federally designated organ procurement  
15 organization for the state of Louisiana. However, no student shall be required to take  
16 the organ and tissue donation instruction if he, or his parent or tutor if the student is  
17 a minor, submits a written statement indicating that such instruction conflicts with  
18 his religious beliefs. The State Board of Elementary and Secondary Education  
19 and the state Department of Education shall develop the economic effects of  
20 littering portion of the driver education and training program in conjunction  
21 with Keep Louisiana Beautiful, Inc. Prior to implementation, the Department  
22 of Education shall adopt a rule relating to such litter portion of the driver  
23 education and training program so developed and shall submit the rule for  
24 oversight review to the House and Senate committees on transportation,  
25 highways, and public works in accordance with the Administrative Procedure  
26 Act. The department shall compile and maintain a list of all department-approved  
27 courses which shall be delivered to all persons who are decreed by a court to be  
28 traffic violators and who are ordered by a court to attend a driver improvement  
29 course for remediation purposes. The court shall allow a violator to select a course  
30 within the judicial district in which he resides if there is no court-approved driving

1 course in such district provided that it is one of the courses on the department-  
2 approved list.

3 \* \* \*

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

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

16 \* \* \*

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

1 driver shall fail the airbrake component and, if the driver is issued a driver's license,  
2 an airbrake restriction shall be indicated on the commercial driver's license. If an  
3 applicant for a Class "A", "B", or "C" commercial driver's license performs the skills  
4 test in a vehicle not equipped with air brakes, the driver shall have omitted the  
5 airbrake component of the skills test and, if the driver is issued a driver's license, the  
6 airbrake restriction shall be indicated on the license.

7 \* \* \*

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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