

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)

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

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.

1 (e) Certificates of completion.

2 (f) Required records and reporting.

3 (g) Fees, which shall not exceed fifty dollars per student.

4 (h) Penalties.

5 (3)(a) \* \* \*

6 **(c) The portion of the "driver education course" or "prelicensing**  
7 **training course" approved by the Department of Public Safety and Corrections**  
8 **involving instruction on the economic effects of littering shall be developed in**  
9 **conjunction with Keep Louisiana Beautiful, Inc., and adopted by rule. Prior to**  
10 **implementation, the rule shall be submitted for oversight review to the House**  
11 **and Senate committees on transportation, highways, and public works in**  
12 **accordance with the Administrative Procedure Act.**

13 \* \* \*

14 §402.2. Driver improvement program for remediation

15 The Department of Public Safety and Corrections, office of motor vehicles,  
16 may approve court-ordered driver remediation courses or programs, in the same  
17 manner as "prelicensing training courses" are approved in R.S. 32:402.1(A)(2). All  
18 such approved driver remediation courses or programs shall include instruction on  
19 railroad grade crossing safety and on sharing the road with motorcycles and  
20 tractor/trailer trucks and at least thirty minutes of instruction relative to organ and  
21 tissue donation **and relative to the economic effects of littering**. The State Board  
22 of Elementary and Secondary Education and the state Department of Education shall  
23 develop the organ and tissue donation portion of the driver education and training  
24 program in conjunction with the federally designated organ procurement  
25 organization for the state of Louisiana. However, no student shall be required to take  
26 the organ and tissue donation instruction if he, or his parent or tutor if the student is  
27 a minor, submits a written statement indicating that such instruction conflicts with  
28 his religious beliefs. **The State Board of Elementary and Secondary Education**  
29 **and the state Department of Education shall develop the economic effects of**



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.

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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.

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#### 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.