

2016 Regular Session

HOUSE BILL NO. 1138 (Substitute for House Bill No. 822 by Representative Montoucet)

BY REPRESENTATIVE MONTOUCET

MTR VEHICLE/DRIVER LIC: Provides for the issuance and requirement of a Class "E" temporary instructional permit for driver's education students

1 AN ACT

2 To enact R.S. 32:402.1(E) and to repeal R.S. 32:422(B) and 422.1, relative to permits and
3 licenses issued to persons to operate motor vehicles; to provide for the issuance of
4 a temporary instructional permit for first-time applicants for driving privileges prior
5 to beginning a driver's education or training course; to provide for the imposition of
6 a fee; to provide for exceptions; to repeal existing authority for the issuance of
7 certain permits authorizing certain persons to drive with certain driving instructors;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:402.1(E) is hereby enacted to read as follows:

11 §402.1. Driver education; required

12 * * *

13 E.(1) Any person who is at least of age to participate in the classroom
14 instruction portion of a driver education course, driver training program, or a
15 prelicensing training course shall apply to the department for a Class "E" temporary
16 instructional permit prior to enrolling in any driver education course, driver training
17 program, or prelicensing training course. The application for a Class "E" temporary
18 instructional permit shall be in accordance with R.S. 32:409.1 and R.S. 32:410. The
19 fee for a Class "E" temporary instructional permit shall be the same as the fee for a
20 Class "E" driver's license.

1 (2) A person shall be required to possess a Class "E" temporary instructional
2 permit in order to enroll in any driver education course, driver training program, or
3 prelicensing training course.

4 (3) A person with a Class "E" temporary instructional permit required by this
5 Subsection is permitted to operate a motor vehicle on the public highways and streets
6 of this state only when the permit holder is accompanied by an instructor of driver
7 education and traffic safety, and while actually operating a motor vehicle during the
8 behind-the-wheel instruction or during the administration of the skills test.

9 (4) The holder of a Class "E" temporary instructional permit required by this
10 Subsection shall be in possession of the permit during the period of its validity and
11 such permit shall be presented for examination when so requested by any law
12 enforcement officer or representative of the department.

13 (5) Upon successful completion of a driver education course, driver training
14 program, or prelicensing training course and the knowledge test, a person shall
15 surrender a Class "E" temporary instructional permit issued pursuant to this
16 Subsection to the department and apply for the issuance of an age appropriate
17 learner's license. The department shall not charge a fee for a learner's license issued
18 in connection with the surrender of a Class "E" temporary instructional permit.

19 (6) The Class "E" temporary instructional permit issued pursuant to this
20 Subsection shall not be required for any person to enroll in a driver education course,
21 driver training program, or prelicensing course administered in conjunction with a
22 National Guard Youth Challenge Program. A person enrolled in a driver education
23 course, driver training program, or prelicensing course administered in conjunction
24 with a National Guard Youth Challenge Program may operate a motor vehicle on the
25 public highways of this state without a Class "E" temporary instructional permit
26 provided that such person is accompanied by an instructor of driver education and
27 safety.

28 Section 2. R.S. 32:422(B) and 422.1 are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1138 Reengrossed

2016 Regular Session

Montoucet

Abstract: Provides for the issuance of a Class "E" temporary instructional permit.

Present law authorizes a person who is at least 15 years of age to apply to the Dept. of Public Safety and Corrections, public safety services, for a school instruction permit if he is enrolled in a driver education course conducted by a person who meets certification requirements as established by the Dept. of Public Safety and Corrections, public safety services, for instructors of driver education and traffic safety.

Present law authorizes the department, in its discretion, after the applicant has successfully passed all parts of the examination, other than the driving test, to issue the applicant a school instruction permit for which no fee shall be charged.

Present law provides that such driving school instruction permit is valid only during the period of such instruction, and when the person to whom the permit is issued is accompanied by the instructor of driver education and traffic safety.

Present law requires such permit to be in the possession of the instructor during the period of its validity and that it is presented at any time for examination, when so requested by any law enforcement officer.

Present law provides that upon completion of such course of instruction, it is the responsibility of the instructor, as directed by the department, to return for cancellation any and all permits which have been issued and are held by him.

Present law authorizes persons licensed or contracted with the Department of Public Safety and Corrections, public safety services, to engage in the business of operating a driver training school or approved and certified instructors for such schools to issue Class "E" student driving permits.

Present law authorizes a Class "E" student driving permit to be issued to a person who meets the age requirement for driver education courses. Such permit is only valid when the student is accompanied by an approved and certified instructor, and the approved and certified instructor is required to maintain possession of the permit for a period of time established by rule.

Proposed law repeals present law.

Proposed law requires any person who is at least of age to participate in the classroom instruction portion of a driver education course, driver training program, or a prelicensing training course to apply to the Dept. of Public Safety and Corrections, public safety services, for a Class "E" temporary instructional permit prior to enrolling in any driver education course, driver training program, or a prelicensing training course.

Proposed law provides that the application for a Class "E" temporary instructional permit shall be in accordance with present law (R.S. 32:409.1 and R.S. 32:410).

Proposed law provides that the fee for a Class "E" temporary instructional permit will be the same as the fee for a Class "E" driver's license.

Proposed law requires a person possess a Class "E" temporary instructional permit in order to enroll in a driver education course, driver training program, or a prelicensing training course.

Proposed law limits a person with a Class "E" temporary instructional permit to operating a motor vehicle on the public highways and streets of this state only when the permit holder is accompanied by an instructor of driver education and traffic safety, and while actually operating a motor vehicle during the behind-the-wheel instruction or during the administration of the skills test.

Proposed law requires the holder of a Class "E" temporary instructional permit to be in possession of the permit during the period of its validity and to present such permit for examination when so requested by any law enforcement officer or representative of the Dept. of Public Safety and Corrections, public safety services.

Proposed law requires that upon successful completion of a driver education course, driver training program, or a prelicensing training course and the knowledge test, a person shall surrender a Class "E" temporary instructional permit issued pursuant to proposed law to the Dept. of Public Safety and Corrections, public safety services, and apply for the issuance of an age appropriate learner's license.

Proposed law prohibits the Dept. of Public Safety and Corrections, public safety services, from charging a fee for a learner's license issued in connection with the surrender of a Class "E" temporary instructional permit.

Proposed law exempts participants in a driver education course, driver training program, or prelicensing course administered in conjunction with a National Guard Youth Challenge Program from obtaining the Class "E" temporary instructional permit required by proposed law. Also authorizes such person to operate a motor vehicle on public highways without a Class "E" temporary instructional permit if the person is accompanied by an instructor of driver education and safety.

(Adds R.S. 32:402.1(E); Repeals R.S. 32:422(B) and 422.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Repeal a provision of present law relative to the issuance of driver training schools or approved and certified instructors for such schools to issue Class "E" student driving permits.
2. Exempt persons taking part in driver training in conjunction with the National Guard Youth Challenge Program from requirements of proposed law.