

2018 Regular Session

HOUSE BILL NO. 857

BY REPRESENTATIVE AMEDEE

MTR VEHICLE/DRIVER LIC: Establishes parent-taught driver education

1 AN ACT

2 To enact R.S. 32:402.2, relative to parent-taught driver education; to provide a purpose,
3 scope, and application for parent-taught driver education; to provide for definitions;
4 to provide for requirements, procedures, and standards for parent-taught driver
5 education; to provide for a curriculum; to provide for department rule making
6 authority; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:402.2 is hereby enacted to read as follows:

9 §402.2. Parent-taught driver education

10 A. This Section establishes requirements, procedures, and standards for the
11 following:

12 (1) The certification of parent-taught driver education courses.

13 (2) The authorization of parents to teach driver education to their qualified
14 children for the purposes of applying for a Class "D" driver's license.

15 B. The provisions of this Section shall apply only to persons described in the
16 driver education requirements provided in R.S. 32:402.1 and to individuals providing
17 or desiring to provide parent-taught driver education courses.

18 C. Notwithstanding any other provision of law to the contrary, the following
19 words and phrases, when used in this Section, shall have the meaning ascribed to
20 them in this Section, unless the context clearly indicates otherwise:

1 (1) "Parent" means the biological parent, adoptive parent, parent by
2 marriage, or court-appointed legal guardian of the student.

3 (2) "Parent instructor" means a parent accepted by the Department of Public
4 Safety and Corrections, public safety services, to teach a parent-taught driver
5 education course.

6 (3) "Parent-taught driver education course" means a course of driver
7 education instruction to be taught to a student by his or her parent.

8 (4) "Student" means an individual who is at least fifteen years of age and
9 meets the requirements of R.S. 32:431.1.

10 D.(1) Prior to teaching a department-approved and certified parent-taught
11 driver education course, a parent shall first request a parent-taught driver education
12 packet from the department.

13 (2) A request for a parent-taught driver education packet shall be made in
14 writing to the department and the packet shall contain the following:

15 (a) Parent-taught driver education course requirements and applicable fees.

16 (b) A copy of the provisions of law and rules in this Section.

17 (c) An affidavit to be completed and returned to the department prior to the
18 commencement of training by a parent instructor.

19 E. The following requirements shall apply to parents seeking to teach or
20 teaching a parent-taught driver education course:

21 (1) A parent-taught driver education course shall be instructed by a parent
22 as defined in Subsection C of this Section.

23 (2) Every parent instructor shall have a valid driver's license which shall be
24 in the parent instructor's possession at all times while performing behind-the-wheel
25 instruction and shall meet the following requirements:

26 (a) Be a citizen of the United States, or be lawfully present in the United
27 States, and be a resident of the state of Louisiana.

28 (b) Hold a valid Class "D" or "E" Louisiana driver's license.

1 (c) Has not had his driving privileges suspended or disqualified for driving
2 under the influence or driving while intoxicated within the last five years.

3 (d) Within the last three years, has not received any of the following:

4 (i) Three or more moving violations.

5 (ii) A citation for operating a vehicle while under suspension as provided in
6 R.S. 14:98.8.

7 (iii) Two or more violations of the safety belt use law as provided in R.S.
8 32:295.1.

9 (iv) Two or more citations for following vehicles too closely as provided in
10 R.S. 32:81.

11 (v) Three or more citations for exceeding the posted maximum speed limit
12 as provided in R.S. 32:61.

13 (vi) One or more citations for texting while driving as provided in R.S.
14 32:300.5.

15 (vii) Two or more citations for driving without insurance as provided in R.S.
16 32:861.

17 (viii) Two or more citations for reckless operation of a vehicle as provided
18 in R.S. 14:99.

19 (e) Does not have two or more insurance cancellations within the last twelve
20 months on his driving record.

21 (f) Has not provided false information with the application or falsified or
22 withheld documents or information from representatives of the department.

23 (g) Maintains a valid email address for correspondence sent electronically
24 from the department.

25 (h) Submits a completed application package as provided in this Section.

26 (3) Every parent instructor shall exercise all due caution while instructing
27 a behind-the-wheel session, taking into account:

28 (a) The alertness and responsiveness of the student.

29 (b) The traffic, weather, atmospheric, and road conditions.

1 (c) The time of day.

2 (d) Any other factors the parent deems may adversely influence the ability
3 of the student to safely perform during the behind-the-wheel session.

4 F. Any student seeking to participate or participating in a parent-taught
5 driver education course shall be at least fifteen years of age, enrolled in school, and
6 maintain the requisite school attendance pursuant to R.S. 32:431.1.

7 G. The number of occupants in a motor vehicle being used for behind-the-
8 wheel instruction in a parent-taught driver education course shall be limited to not
9 more than two parent instructors and not more than two students.

10 H. Every parent shall submit the affidavit required by the department,
11 completed in full with all required information and signed by each parent desiring
12 to be a parent instructor. The parent shall not begin a parent-taught driver education
13 course until the affidavit has been accepted by the department.

14 I. Upon acceptance of the affidavit, the department shall return a copy of the
15 affidavit, marked "Accepted", to the parents. The parents may then begin the parent-
16 taught driver education course. The accepted affidavit shall be carried in the vehicle
17 at all times it is being used for a behind-the-wheel session of an approved parent-
18 taught driver education course.

19 J. Acceptance of the affidavit by the department is issued to the parents with
20 the understanding that no renewal of the acceptance is required with regard to the
21 students named on the affidavit. However, the department may cancel the
22 acceptance as provided in this Section.

23 K. The parents shall notify the department immediately, in writing, of any
24 changes to the information on the accepted affidavit. The parents shall temporarily
25 suspend the instruction of the parent-taught driver education course until the
26 department has approved the changes.

27 L. The course material for a parent-taught driver education course shall meet
28 the requirements of a driver education course as provided in R.S. 32:402.1(A)(1) and
29 be submitted to the department by a parent instructor for approval.

1 M. Parent-taught driver education students shall receive a minimum of eight
2 hours of actual driving instruction and thirty hours of classroom instruction pursuant
3 to R.S. 32:402.1.

4 N. The motor vehicle used in a behind-the-wheel session of a parent-taught
5 driver education course shall be operated in compliance with state law.

6 O. Prescribed forms.

7 (1) A completion certification shall be prepared by the parent instructor and
8 issued to the student upon the successful completion of course work, both classroom
9 and behind-the-wheel. The completion certificate shall be computer generated, in
10 a format required by the department, and shall contain the following:

11 (a) The full legal name of the parent-instructor.

12 (b) The full legal name of the student.

13 (c) The number of total hours of instruction and a breakdown of in-class and
14 behind-the-wheel instruction.

15 (d) The date of completion.

16 (e) The signature of the parent instructor.

17 (f) An authorization number issued by the department.

18 (2) The parent affidavit shall be included in the parent-taught driver
19 education packet as provided in this Section. The affidavit shall be completed and
20 signed by the parents who will be teaching the parent-taught driver education course
21 and the affidavit shall be submitted to and accepted by the department prior to
22 commencement of the parent-taught driver education course. The affidavit shall
23 contain the following information:

24 (a) The full legal name, mailing address, and driver's license number of each
25 parent desiring to be a parent instructor.

26 (b) The full legal name and mailing address of the student.

27 (c) A description of each vehicle to be used for behind-the-wheel instruction,
28 including:

29 (i) The make, model, and year.

1 (ii) The license plate number and expiration date.

2 (iii) The insurance company, policy number, and expiration date.

3 (d) A statement which affirms that each vehicle complies with the Louisiana
4 compulsory motor vehicle liability security requirements provided in R.S. 32:861
5 and safety and equipment requirements provided in R.S. 32:1 et. seq.

6 (e) Statements to which the parents and students express understanding and
7 agreement.

8 (i) The affidavit does not constitute authorization for the student to drive in
9 lieu of possession of valid Louisiana driver's license, nor is it a substitute for
10 insurance verification.

11 (ii) The accepted copy of the affidavit shall be carried in the vehicle during
12 any behind-the-wheel session of parent-taught driver education and shall be
13 presented upon demand to any law enforcement officer or department employee.

14 (iii) No more than two students and two parent instructors shall occupy the
15 vehicle during any behind-the-wheel session of parent-taught education.

16 (iv) All state laws regarding the operation of a motor vehicle and all rules of
17 the department regarding parent-taught driver education shall be obeyed by the
18 students and parents.

19 (v) The parents and students shall notify the department immediately if any
20 information on the submitted affidavit changes.

21 (vi) The parents and students agree to hold harmless and free from any
22 liability the department, the department's employees, and the state of Louisiana.

23 (f) A uniquely assigned authorization number issued by the department upon
24 acceptance of the affidavit.

25 P.(1) The department may cancel or deny certification of or acceptance to
26 a parent-taught driver's education program as follows:

27 (a) Cancel the certification of a parent-taught driver education parent
28 instructor for failure to comply with any provisions of state law, federal regulation,
29 or department rule.

1 (b) Deny acceptance to any parent applying for acceptance as a parent
2 instructor for failure to meet the requirements prescribed by this Section.

3 (2) Any of the following occurrences shall constitute automatic cancellation
4 of the acceptance of parent instructors:

5 (a) Lapse in liability insurance on any vehicle listed in the affidavit.

6 (b) Suspension, revocation, cancellation, or denial of driving privileges of
7 any parent or student named in the affidavit.

8 (c) Lapse in the registration of any vehicle listed in the affidavit.

9 (d) Failure of any student named in the affidavit to meet the school
10 attendance requirements provided in R.S. 32:431.1.

11 Q. Any parent instructor or parent whose acceptance is cancelled or denied,
12 as provided in this Section, shall not be eligible to reapply for certification or
13 acceptance for a period of six months from the date of cancellation or denial.

14 R. Where it is determined that a minor disqualification exists that may be
15 readily rectified by the parent, the department may informally notify such party by
16 mail, electronic mail, or telephone of such minor disqualification, with a request for
17 compliance within a specified period of time. If such party fails to rectify the
18 disqualification or violation, the department may proceed with any action described
19 in Subsection (P) of this Section.

20 Section 2. The Department of Public Safety and Corrections shall promulgate rules
21 and regulations as necessary to implement the provisions of this Act.

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 857 Original

2018 Regular Session

Amedee

Abstract: Establishes requirements, procedures, and standards for parent-taught driver education.

Proposed law provides a purpose and scope of parent-taught driver education courses.

Proposed law defines "parent", "parent instructor", "parent-taught driver education course", and "student".

Proposed law provides for the contents of a parent-taught driver education packet and requires that the packet be requested from the Dept. of Public Safety and Corrections (department) prior to teaching a department-approved and certified parent-taught driver education course.

Proposed law establishes requirements for parents, students, and the vehicles to be used in the parent-taught driver education course.

Proposed law creates a process for the submission of an affidavit by a parent and acceptance by the department.

Proposed law requires the course materials for a parent-taught driver education course to meet the requirements of a driver education course as provided for in present law. Further requires that the parent-instructor submit the course materials to the department for approval.

Proposed law establishes required hours of instruction and vehicle operation during a parent-taught driver education course.

Proposed law provides for the cancellation or denial of acceptance of a parent instructor or any parent applying for acceptance as a parent instructor.

Proposed law provides for automatic cancellation of parent instructors.

Proposed law provides requirements for reapplication for certification or acceptance and minor disqualifications.

Proposed law requires the department promulgate rules and regulations as necessary to implement proposed law.

(Adds R.S. 32:402.2)