2023 Regular Session

HOUSE BILL NO. 592

BY REPRESENTATIVE SCHAMERHORN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana. MTR VEHICLE/DRIVER LIC: Provides relative to driver education skills test

1	AN ACT
2	To amend and reenact R.S. 32:402.1(A)(2) and R.S. 40:1461(F) and (G) and to enact R.S.
3	32:407(G), relative to driver education; to allow a driving skills test administered by
4	a properly licensed third party examiner to driver education requirements for those
5	eighteen and up; to provide for a skills test for nonparticipants in a driver education
6	course; to remove the requirement that licensed and contracted driving instructor
7	training schools or agencies also become licensed third-party testers; to designate
8	third-party examiner as licensed and contracted administrator of knowledge and
9	driving skills test required for Class "D" or "E" license; to provide the option for a
10	parent or legal guardian to submit a signature electronically for certain credentials
11	which allow the operation of a motor vehicle; to provide for an effective date; and
12	to provide for related matters.
13	Be it enacted by the Legislature of Louisiana:
14	Section 1. R.S. 32:402.1(A)(2) is hereby amended and reenacted and R.S. 32:407(G)
15	is hereby enacted to read as follows:
16	§402.1. Driver education; required
17	A. No application for a license for the operation of a motor vehicle shall be
18	received from any person making application for the first time unless there is also
19	submitted with the application, on a form approved by the secretary of the

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3 4 (2) A "prelicensing training course" administered by a Class "D" and "E" driver education provider licensed and contracted pursuant to RS 40:1461 from for 5 6 any person eighteen years or older if a driver education course is not completed. The 7 prelicensing training course shall consist of a minimum of six hours of classroom 8 instruction and a minimum of eight hours of actual driving instruction, including the 9 administering of the skills test. A person shall not be allowed to receive more than 10 four hours of actual driving instruction on any single calendar day. A properly 11 licensed third-party examiner may, at his discretion, administer the skills test to the 12 student prior to the conclusion of the eight hours of actual driving instruction. Upon successful completion of the instruction and skills test, the third-party tester shall 13 14 provide the student with a department approved certificate of successful completion 15 in a sealed envelope to be delivered to the department. If the student fails to 16 successfully complete the skills test, the third-party examiner shall issue a 17 department approved certificate indicating completion of the driver education course, but failure of the skills test. The Department of Public Safety and Corrections, 18 19 public safety services, shall establish rules and regulations to administer and define 20 the requirements of the course. Oversight review of these rules shall be conducted 21 by the House and Senate committees on transportation, highways and public works 22 in accordance with the Administrative Procedure Act. The rules shall provide for: * 23 24 §407. Application of minors; revocation; applications of persons less than twenty-25 one years of age 26 * 27 G. In accordance with R.S. 9:2618, the department may develop a web-based 28 application by which a minor's parent or legal guardian has the option to provide an 29 electronic signature for all approvals, consents, or attestations required in connection

Department of Public Safety and Corrections, public safety services, written

evidence of the successful completion by the applicant of one of the following:

1	with application of a minor for any credential authorized in this Chapter which		
2	allows the operation of a motor vehicle. The provisions of this Subsection shall not		
3	apply to a first or initial issuance of any license or permit under this Chapter. The		
4	first time or initial issuance shall be an in-person transaction.		
5	Section 2. R.S. 40:1461(F) and (G) are hereby amended and reenacted to read as		
6	follows:		
7	§1461. Requirements for private training and driving instructor schools		
8	* * *		
9	F. Every person licensed or contracted pursuant to this Section to operate a		
10	private driving instructor training school or agency, or providing driving courses,		
11	shall also be or become licensed or contracted on or before June 30, 2012, as a third-		
12	party tester pursuant to R.S. 32:408. Any currently licensed or contracted driving		
13	school or instructor who fails to become licensed as a third-party tester on or before		
14	June 30, 2012, shall be deemed to be ineligible to engage in the business of operating		
15	a private driving school, or instructing in a driving course in any manner until such		
16	school or instructor obtains such license or contract.		
17	G. Every person properly licensed pursuant to this Section on or after June		
18	30, 2012, shall administer in accordance with law and administrative rules		
19	promulgated by the Department of Public Safety and Corrections, as a third-party		
20	examiner, both the knowledge and on-road driving skills tests required for the		
21	issuance of a Class "D" or "E" license in Louisiana.		
22	Section 3. The administering of the road skills test prior to the conclusion of the		
23	eight hour behind the wheel training shall begin no later than January 1, 2024. In the event		
24	the office of motor vehicles completes any necessary rule making, policy changes, and		
25	system changes prior to January 1, 2024, the administering of the road skills test prior to the		
26	conclusion of the eight hour behind the wheel training may commence at that time.		
27	Section 4. This Act shall become effective upon signature by the governor or, if not		
28	signed by the governor, upon expiration of the time for bills to become law without signature		
29	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If		

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- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 2 effective on the day following such approval.

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 592 Engrossed	2023 Regular Session	Schamerhorn

Abstract: Revises portions of the driver education law to allow a skills test administered by a properly licensed and contracted third-party examiner to driver education courses. Provides for a skills test to be administered to students eighteen and up not participating in driver education course.

Present law provides for "driver education course" requirements.

<u>Proposed law</u> specifies that the driver education course be administered by a Class "D" and "E" driver education provider licensed and contracted under <u>present law</u>.

<u>Present law</u> requires at least eight hours of actual driving instruction as part of a "prelicensing training course" and includes the administration of the skills test at a properly licensed third-party examiner's discretion.

<u>Present law</u> authorizes a prelicensing training course for any person 18 or older if the driver education course is not completed.

<u>Proposed law</u> requires a "prelicensing training course" be administered by a Class "D" and "E" driver education provider licensed and contracted under <u>present law</u> when a person does not complete a drivers education course.

Proposed law removes this requirement.

<u>Present law</u> requires a prelicensing training course consist of a minimum of six hours classroom instruction and a minimum of eight hours of actual driving instruction.

<u>Proposed law</u> allows for the administration of the skills test by a third-party examiner as part of the prelicensing training course.

<u>Present law</u> requires every person licensed or contracted under <u>present law</u> to operate a private driving instructor training school or agency, or providing driving courses to also become licensed or contracted as third-party testers.

<u>Proposed law</u> removes the requirement that licensed and contracted driving instructor training schools or agencies also become licensed as third-party testers.

<u>Present law</u> requires every person licensed pursuant to <u>present law</u> become licensed or contracted as a third-party tester and to administer in accordance with law and administrative rules both the knowledge and on-road driving skills test required for a Class "D" or "E" license.

<u>Proposed law</u> designates a "third-party examiner" as a properly licensed and contracted administrator of the knowledge and on-road driving skills tests to administer under <u>present</u> <u>law</u> the knowledge and on-road driving skills test required for a Class "D" or "E" license.

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<u>Proposed law</u> allows for a web-based application by which a parent or legal guardian can provide electronic signatures for any credential authorized in <u>present law</u> in connection with a minor's application which allows for operation of a motor vehicle. Specifies that the electronic signature does not apply to a first or initial issuance of a license or permit, which must be an in-person transaction.

(Amends R.S. 32:402.1(A)(2) and R.S. 40:1461(F) and (G); Adds R.S. 32:407(G))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Transportation</u>, <u>Highways and Public Works</u> to the <u>original</u> bill:
- 1. Make technical changes.
- 2. Remove the skills test and revert back to present law.
- 3. Make administration of a skills test permissive, instead of mandatory.
- 4. Remove the option for a restricted permit.
- 5. Remove repeated administration of a skills test until the student successfully passes.
- 6. Allow a parent or guardian to provide an electronic signature for any credential authorized in present law for a minor to operate a motor vehicle.