HLS 23RS-760 REENGROSSED

2023 Regular Session

HOUSE BILL NO. 592

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BY REPRESENTATIVE SCHAMERHORN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

MTR VEHICLE/DRIVER LIC: Provides relative to driver education skills test

2 To amend and reenact R.S. 32:402.1(A)(2) and R.S. 40:1461(F), to enact R.S. 32:407(G), 3 and to repeal R.S. 40:1461(G), relative to driver education; to allow a driving skills 4 test administered by a properly licensed third party examiner to driver education 5 requirements for those eighteen years of age and older; to provide for a skills test for 6 nonparticipants in a driver education course; to remove the requirement that licensed 7 and contracted driving instructor training schools or agencies also become licensed 8 third-party testers; to designate third-party examiner as licensed and contracted 9 administrator of knowledge and driving skills test required for Class "D" or "E" 10 license; to provide the option for a parent or legal guardian to submit a signature 11 electronically for certain credentials which allow the operation of a motor vehicle; 12 to provide for an effective date; and 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

Page 1 of 5

submitted with the application, on a form approved by the secretary of the

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2	evidence of the successful completion by the applicant of one of the following:
3	* * *
4	(2) A "prelicensing training course" administered by a Class "D" and "E"
5	driver education provider licensed and contracted pursuant to RS 40:1461 from for
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
13	successful completion of the instruction and skills test, the third-party tester shall
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,
18	but failure of the skills test. The Department of Public Safety and Corrections,
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

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) is hereby amended and reenacted to read as follows:
6	§1461. Requirements for private training and driving instructor schools
7	* * *
8	F. Every person licensed or contracted pursuant to this Section to operate a
9	private driving instructor training school or agency, or providing driving courses,
10	shall also be or become licensed or contracted on or before June 30, 2012, as a third-
11	party tester pursuant to R.S. 32:408. Any currently licensed or contracted driving
12	school or instructor who fails to become licensed as a third-party tester on or before
13	June 30, 2012, shall be deemed to be ineligible to engage in the business of operating
14	a private driving school, or instructing in a driving course in any manner until such
15	school or instructor obtains such license or contract.
16	G. Every person properly licensed pursuant to this Section on or after June
17	30, 2012, shall administer in accordance with law and administrative rules
18	promulgated by the Department of Public Safety and Corrections, as a third-party
19	examiner, both the knowledge and on-road driving skills tests required for the
20	issuance of a Class "D" or "E" license in Louisiana.
21	Section 3. R.S. 40:1461(G) is hereby repealed in its entirety.
22	Section 4. 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 5. 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

- 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 Reengrossed

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 years of age or older participating in driver education course.

<u>Present law</u> 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 present law.

<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.

Page 4 of 5

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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); Adds R.S. 32:407(G); Repeals R.S. 40:1461(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.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.