

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

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AN ACT

To amend and reenact R.S. 32:402.1(A)(1) and (2)(introductory paragraph) and R.S. 40:1461(F) and (G), relative to driver education; to add a driving skills test administered by properly licensed third party examiner to driver education requirements; to provide for skills test for both participants and nonparticipants in a driver education course; to provide for restricted learners permit upon failure of the driving skills test and for readministration of the driving skills test until passing; to remove the requirement that licensed and contracted driving instructor training schools or agencies also become licensed third-party testers; to designate third-party examiner as licensed and contracted administrator of knowledge and driving skills test required for Class "D" or "E" license; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:402.1(A)(1) and (2)(introductory paragraph) are hereby amended and reenacted to read as follows:

§402.1. Driver education; required

A. No application for a license for the operation of a motor vehicle shall be received from any person making application for the first time unless there is also submitted with the application, on a form approved by the secretary of the

1 Department of Public Safety and Corrections, public safety services, written
2 evidence of the successful completion by the applicant of one of the following:

3 (1)(a) A "driver education course" administered by a Class "D" and "E"
4 driver education provider licensed and contracted pursuant to R.S. 40:1461 for any
5 person under the age of eighteen, which shall consist of not less than eight hours of
6 actual driving instruction, including the administering of the skills test, and thirty
7 hours of classroom instruction. A person shall not be allowed to receive more than
8 four hours of actual driving instruction on any single calendar day. The Department
9 of Public Safety and Corrections, public safety services, shall establish rules and
10 regulations to administer and define the requirements of the course. The rules and
11 regulations established by the Department of Public Safety and Corrections, public
12 safety services, shall provide for instruction relative to trailer safety, to the economic
13 effects of littering, to accessible parking and access aisles, and to appropriate driver
14 conduct when stopped by a law enforcement officer. Oversight review of these rules
15 shall be conducted by the House and Senate committees on transportation, highways
16 and public works in accordance with the Administrative Procedure Act.

17 (b)(i) ~~Upon completion of the required supervised driving practice pursuant~~
18 ~~to R.S.32:405.1 and 407, a~~ A properly licensed and contracted third-party ~~tester~~
19 examiner ~~may~~ shall administer the on-road driving skills test to the student prior to
20 the conclusion of the eight hours of actual driving instruction. Upon successful
21 completion of the instruction and skills test, such third-party ~~tester~~ examiner shall
22 provide the student with a department approved certificate of successful completion
23 of the instruction and skills test in a sealed envelope to be delivered to the
24 department.

25 (ii) If the student fails to successfully complete the skills test, the third-party
26 examiner shall issue a department approved certificate indicating completion of the
27 driver education course, but failure of the skills test. The student shall deliver this
28 certificate in a sealed envelope to the department. Upon receipt of this certificate,
29 the department shall issue a learner's permit with the appropriate restriction. A

1 parent or guardian of a seventeen year old first time applicant for a Class "E" license
2 shall provide a signed statement to the Class "D" and "E" driver education course
3 provider attesting that the applicant has completed a minimum of fifty hours of
4 supervised driving practice with a licensed parent, guardian, or adult at least age
5 twenty-one or older before retaking the skills test. If the first time applicant for a
6 Class "E" license is seventeen years of age and emancipated, the applicant shall
7 provide the attestation for himself, provided that the applicant has the necessary
8 identifying information and documents. If the student successfully completes the re-
9 administered skills test, the third party tester shall attach the signed statement to the
10 certificate of completion in a sealed envelope to be delivered to the department. This
11 process is to be repeated until the student successfully completes the skills test.

12 (2) A "prelicensing training course" administered by a Class "D" and "E"
13 driver education provider licensed and contracted pursuant to RS 40:1461 from for
14 any person eighteen years or older if a driver education course is not completed. The
15 prelicensing training course shall consist of a minimum of six hours of classroom
16 instruction and a minimum of eight hours of actual driving instruction, including the
17 administering of the skills test. A person shall not be allowed to receive more than
18 four hours of actual driving instruction on any single calendar day. A properly
19 licensed third-party examiner shall administer the skills test to the student prior to
20 the conclusion of the eight hours of actual driving instruction. Upon successful
21 completion of the instruction and skills test, the third-party tester shall provide the
22 student with a department approved certificate of successful completion in a sealed
23 envelope to be delivered to the department. If the student fails to successfully
24 complete the skills test, the third-party examiner shall issue a department approved
25 certificate indicating completion of the driver education course, but failure of the
26 skills test. The student shall deliver this certificate in a sealed envelope to be
27 delivered to the department. Upon receipt of this certificate, the department shall
28 issue a learner's permit with the appropriate restriction. Prior to retaking the skills
29 test, a person eighteen years or older, shall provide a signed statement to the Class

1 "D" and "E" driver education course provider attesting that the applicant has
2 completed a minimum of fifty hours of supervised driving practice with a licensed
3 parent, guardian, or adult at least age twenty-one or older before retaking the skills
4 test. If the student successfully completes the re-administered skills test, the
5 third-party examiner shall attach the signed statement to the certificate of completion
6 in a sealed envelope to be delivered to the department. This process is to be repeated
7 until the student successfully completes the skills test. The Department of Public
8 Safety and Corrections, public safety services, shall establish rules and regulations
9 to administer and define the requirements of the course. Oversight review of these
10 rules shall be conducted by the House and Senate committees on transportation,
11 highways and public works in accordance with the Administrative Procedure Act.

12 The rules shall provide for:

13 * * *

14 Section 2. R.S. 40:1461(F) and (G) are hereby amended and reenacted to read as
15 follows:

16 §1461. Requirements for private training and driving instructor schools

17 * * *

18 F. ~~Every person licensed or contracted pursuant to this Section to operate a~~
19 ~~private driving instructor training school or agency, or providing driving courses,~~
20 ~~shall also be or become licensed or contracted on or before June 30, 2012, as a third-~~
21 ~~party tester pursuant to R.S. 32:408. Any currently licensed or contracted driving~~
22 ~~school or instructor who fails to become licensed as a third-party tester on or before~~
23 ~~June 30, 2012, shall be deemed to be ineligible to engage in the business of operating~~
24 ~~a private driving school, or instructing in a driving course in any manner until such~~
25 ~~school or instructor obtains such license or contract.~~

26 G. Every person properly licensed pursuant to this Section on or after June
27 30, 2012, shall administer in accordance with law and administrative rules
28 promulgated by the Department of Public Safety and Corrections, as a third-party

1 examiner, both the knowledge and on-road driving skills tests required for the
2 issuance of a Class "D" or "E" license in Louisiana.

3 Section 3. The administering of the road skills test prior to the conclusion of the
4 eight hour behind the wheel training shall begin no later than January 1, 2024. In the event
5 the office of motor vehicles completes any necessary rule making, policy changes, and
6 system changes prior to January 1, 2024, the administering of the road skills test prior to the
7 conclusion of the eight hour behind the wheel training may commence at that time.

8 Section 4. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 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 Original

2023 Regular Session

Schamerhorn

Abstract: Revises portions of the driver education law to add a skills test administered by a properly licensed and contracted third-party examiner to driver education courses. Provides for restricted permit upon failure of the skills test and readministration of the skills test. Provides for skills test to be administered to students not participating in driver education course.

Present law provides for "driver education course" requirements.

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

Present law requires at least eight hours of actual driving instruction.

Proposed law includes administering the driving skills test in present law.

Proposed law requires a properly licensed and contracted third-party examiner administer an on-road driving skills test both participants in a "driver education course" and non participants prior to the eight hours of actual driving instruction.

Proposed law provides for a restricted learners permit when a student fails the skills test and for re-administration of the skills test until the student passes.

Proposed law provides for a "prelicensing training course" administered by a Class "D" and "E" driver education provider licensed and contracted under present law when a person does not complete a drivers education course.

Proposed law provides for the administration of the skills test by a third-party examiner as part of the prelicensing training course and readministration of the skills test until the student passes.

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

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

(Amends R.S. 32:402.1(A)(1) and (2)(introductory paragraph) and R.S. 40:1461(F) and (G))