

Regular Session, 2011

SENATE BILL NO. 164

BY SENATOR ERDEY

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

DRIVER EDUCATION. Requires currently licensed or contracted third-party testers administering driver's education courses to be licensed or contracted to administer on-road driving skills tests; requires such third-party testers to administer such test; and requires driver education courses or "prelicensing training courses" before issuance of most first-time driver's licenses (8/15/11)

# AN ACT

To amend and reenact R.S. 32:402 (B)(1)(a)(ii)(aa), 402.1(A), (B) and (C), and 407(A)(3), and R.S. 40:1461(A), (C), and (E) and to enact R.S. 40:1461(F) and (G), relative to driver education; to provide relative to licensing of private training and driving instructor schools; to provide relative to the on-road driving skills test; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:402 (B)(1)(a)(ii)(aa), 402.1(A), (B) and (C) and 407(A)(3) are hereby amended and reenacted to read as follows:

§402. All drivers must secure license; exception; emergency vehicle exceptions; military personnel exceptions; violations

\* \* \*

B.(1)(a)(i) \* \* \*

(ii) The provisions of Item (i) of this Subparagraph shall not apply in the following circumstances:

(aa) When an agent, **a properly licensed and contracted third-party tester,** or employee of the office of motor vehicles is administering an on-road driving skills

test required to obtain a Class "D" or "E" driver's license as provided in R.S. 32:408  
or to convert a Class "E" learner's license to a Class "E" intermediate license  
as provided in R.S. 32:407.

\* \* \*

§402.1. Driver education; required

A. (1) No application for a license for the operation of a motor vehicle shall be received from any person ~~seventeen years or older~~ making application for the first time unless there is also submitted with the application, on a form approved by the secretary of the Department of Public Safety and Corrections or the Department of Education, written evidence of the successful completion by the applicant of one of the following:

~~(1)~~(a) A "driver education course", which shall consist of not less than eight hours of actual driving experience and thirty hours of classroom instruction, including but not limited to training on railroad and highway grade crossing safety and on sharing the road with motorcycles and tractor-trailer trucks and at least thirty minutes of instruction relative to organ and tissue donation, approved by the Department of Public Safety and Corrections or the Department of Education. Upon completion of the required supervised driving practice pursuant to R.S. 32:405.1 and R.S. 32:407, a properly licensed and contracted third-party tester may administer the on-road driving skills test to the student. Upon successful completion, such third-party tester shall provide the student with a department approved certificate of successful completion in a sealed envelope to be delivered to the department.

~~(2)~~(b) A "prelicensing training course" if a behind-the-wheel course is not completed. The prelicensing training course shall consist of a minimum of six hours of instruction in the National Safety Council's defensive driving course, Louisiana's traffic safety laws, and substance abuse education, or shall be an equivalent course approved and certified by the Department of Public Safety and Corrections. The course shall include training in railroad and highway grade crossing safety and on

1 sharing the road with motorcycles and tractor/trailer trucks and at least thirty minutes  
 2 of instruction relative to organ and tissue donation. The secretary of the Department  
 3 of Public Safety and Corrections shall adopt rules relating to the "prelicensing  
 4 training course". Oversight review of these rules shall be conducted by the House  
 5 and Senate ~~C~~committees on ~~T~~ransportation, ~~H~~ighways and ~~P~~ublic ~~W~~orks. The  
 6 rules shall provide for:

7 ~~(a)~~**(i)** Licensing of training agencies.

8 ~~(b)~~**(ii)** Course content and presentation.

9 ~~(c)~~**(iii)** Instructor qualifications and certification.

10 ~~(d)~~**(iv)** Classroom size and facilities.

11 ~~(e)~~**(v)** Certificates of completion.

12 ~~(f)~~**(vi)** Required records and reporting.

13 ~~(g)~~**(vii)** Fees, which shall not exceed fifty dollars per student.

14 ~~(h)~~**(viii)** Penalties.

15 ~~(3)~~**(2)**(a) No student shall be required to take the organ and tissue donation  
 16 instruction required as part of any "driver education course" or "prelicensing training  
 17 course" if he, or his parent or tutor if he is a minor, submits a written statement  
 18 indicating that such instruction conflicts with his religious beliefs.

19 (b) The portion of the "driver education course" or "prelicensing training  
 20 course" approved by the Department of Public Safety and Corrections involving  
 21 instruction on organ and tissue donation shall be developed in conjunction with the  
 22 federally designated organ procurement organization for the state ~~of Louisiana~~.

23 \* \* \*

24 B. The provisions of this Section shall not apply to any person applying for  
 25 a renewal license under the provisions of this Chapter ~~or to any person living twenty-~~  
 26 ~~five miles or more distant from a location providing a "prelicensing training course".~~

27 C. ~~Beginning one year after the appropriation of funds by the legislature to~~  
 28 ~~the State Department of Education for the implementation of a driver education and~~  
 29 ~~training program for all children of secondary school age in each parish of this state,~~

\* \* \*

A. \*            \*            \*

(a) The applicant's parent or legal guardian ~~must~~ **shall** provide a signed statement to the department attesting that the applicant has completed a minimum of 40 hours of supervised driving practice with a licensed parent, guardian, or adult age twenty-one or older. At least fifteen of these hours must be nighttime driving.

**(i) The applicant passes the test administered by an employee of the**

1 department.

2 (ii) The applicant provides a certificate to the department from an agent  
3 or properly licensed and contracted third-party tester as provided in this  
4 Chapter.

5 (c) The applicant ~~must~~ shall have held the Class "E" learner's license for at  
6 least one hundred eighty days if he is not seventeen years of age while remaining  
7 accident free, except where the licensee was not at fault, and receiving no  
8 convictions for moving violations or violations of the seat belt or curfew laws of this  
9 state or any law pertaining to drug or alcohol use.

10 \* \* \*

11 Section 2. R. S. 40:1461(A), (C), and (E) are hereby amended and reenacted and R.S.  
12 40:1461(F) and (G) are hereby enacted to read as follows:

13 §1461. Licensing or contracting of private training and driving instructor schools

14 A. Every person engaged in the business of operating a private driving  
15 instructor training school or agency, or providing driving courses, shall apply for and  
16 procure a license from the Department of Public Safety and Corrections. No person  
17 shall advertise or otherwise hold himself before the public, for remuneration, as  
18 qualified or licensed to train or instruct without having first obtained a license.

19 \* \* \*

20 C. The secretary ~~may make~~ shall adopt rules and regulations governing the  
21 making, issuance, and revocation of licenses and qualifications of each applicant.

22 \* \* \*

23 E. The fees collected under this Section shall be paid to the office of motor  
24 vehicles of the Department of Public Safety and Corrections and used for its  
25 maintenance, operation, and supervision.

26 F. Every person licensed or contracted pursuant to this Section to  
27 operate a private driving instructor training school or agency, or providing  
28 driving courses, shall also be or become licensed or contracted on or before  
29 June 30, 2012, as a third-party tester pursuant to R.S. 32:408. Any currently

licensed or contracted driving school or instructor who fails to become licensed as a third-party tester on or before June 30, 2012, shall be deemed to be ineligible to engage in the business of operating a private driving school, or instructing in a driving course in any manner until such school or instructor obtains such license or contract.

G. Every person properly licensed pursuant to this Section on or after June 30, 2012, shall administer in accordance with law and administrative rules promulgated by the Department of Public Safety and Corrections, both the knowledge and on-road driving skills tests required for the issuance of a Class "D" or "E" license in Louisiana.

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The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

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#### DIGEST

Erdey (SB 164)

Present law requires most people to pass an on-road driving skills test administered by the state or a "third party tester" such as a private driving school or agency before receiving a driver's license.

Proposed law requires every person licensed to operate a private driving school or agency, or to provide driving courses by the DPSC on or after June 30, 2012, to administer the knowledge and on-road driving skills test required for the issuance of a Louisiana Class "D" or "E" license.

Proposed law requires a person licensed or contracted to operate a private driver education school or agency or to provide driving courses to be or become licensed or contracted on or before June 30, 2012, as a third party tester pursuant to R.S. 32:408. Until the license or contract is obtained the person is ineligible to operate a driver's education course or instruct in such a course.

Present law requires a first-time application for a driver's license received from a person 17 years or older to contain written evidence of the successful completion by the applicant of either (1) a "driver education course" or (2) a "prelicensing training course" if a behind-the-wheel course is not completed. However, any person living 25 miles or more distant from a location providing a "prelicensing training course" is exempt from this requirement.

Proposed law requires any first time applicant for a driver's license to complete either of the courses above and deletes the 25-mile exemption.

Present law provides that an application for a driver's license received from a person 16 years of age or older must contain written evidence of the successful completion by the applicant of an approved "driver education course" one year after the appropriation of funds by the legislature to the State Department of Education for the implementation of a driver education and training program for all children of secondary school age in each parish of the

state, and upon the certification by the state superintendent of education to the secretary of public safety that such program is operating in each parish of this state.

Proposed law requires the driver's education course of applicants 16 years of age or younger and eliminates the requirement for an appropriation and certification by the Department of Education of a state-wide driver education course in each parish before the completion of the driver education course is required of applicants 16 years of age or younger.

Present law provides that a Class "E" driver's license or a Class "D" chauffeur's license shall be granted to a person 17 years old or above subject to R.S. 32:407.

Present law provides that notwithstanding any provision to the contrary, a 17-year-old or older 1<sup>st</sup> time applicant for a Class "E" license shall provide a signed statement to the department attesting that the applicant has completed a minimum of 50 hours of supervised driving practice with a licensed parent, guardian, or adult at least age 21 or older and that at least 15 of such hours are nighttime driving.

Present law provides that a Class "E" learner's license may be converted to a Class "E" intermediate license once an applicant is at least 16 years of age and meets the following requirements:

1. Completes at least 50 hours of supervised driving practice, 15 hours of which must be nighttime driving and presents a signed statement attesting to such driving practice by applicant's parent or legal guardian.
2. Passes an on-road driving test.
3. Has held a Class "E" learner's license for at least 180 days and remains accident free, except where applicant was not at fault, and has not been convicted of a moving violation, a seat belt violation, or a violation of curfew, or drug or alcohol use laws.

Proposed law retains present law and specifically provides for a driver education instructor to administer the on-road driving skills test and to issue a department approved certificate of completion of such test to the department.

Effective August 15, 2011.

(Amends R.S. 32:402(B)(1)(a)(ii)(aa), 402.1(A), (B), and (C), and 407(A)(3), and R.S. 40:1461(A), (C), and (E); adds R.S. 40:1461(F) and (G))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill.

1. Requires any first time application for a driver's license to complete either (1) a "driver education course" or (2) a "prelicensing training course" if a behind-the-wheel course is not completed.
2. Specifies that the driver's education instructor or 3<sup>rd</sup> party tester must be "contracted" as well as licensed to administer the on-road driving skills test.
3. Requires currently contracted driving instructor training schools or agencies, or those providing courses, to also become "licensed or contracted" as a third-party tester before June 30, 2012.

Senate Floor Amendments to engrossed bill.

1. Technical amendments.