

SENATE BILL NO. 164

BY SENATOR ERDEY

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

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

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

12 * * *

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

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

16 (aa) When an agent, **a properly licensed and contracted third-party tester,**
17 or employee of the office of motor vehicles is administering an on-road driving skills
18 test required to obtain a Class "D" or "E" driver's license as provided in R.S. 32:408
19 **or to convert a Class "E" learner's license to a Class "E" intermediate license**
20 **as provided in R.S. 32:407.**

21 * * *

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

rules shall provide for:

(a)(i) Licensing of training agencies.

(b)(ii) Course content and presentation.

(c)(iii) Instructor qualifications and certification.

(d)(iv) Classroom size and facilities.

(e)(v) Certificates of completion.

(f)(vi) Required records and reporting.

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

(h)(viii) Penalties.

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

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

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

C. Beginning 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 this 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, no No application for the operation of a motor vehicle shall be received from a minor sixteen years of age or ~~older~~ younger unless there is also submitted with the application, on a form approved by the secretary of the Department of Public Safety and Corrections or his designee ~~public safety~~, written evidence of the successful completion by the applicant of a "driver education course" approved by

the State Board of Elementary and Secondary Education or the Department of Public Safety and Corrections. 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, the contractor-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.

* * *

§407. Application of minors; revocation; applications of persons less than twenty-one years of age

A. * * *

(3) The Class "E" learner's license may be converted to a Class "E" intermediate license upon the applicant being at least sixteen years of age and meeting the following conditions:

(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 fifty hours of supervised driving practice with a licensed parent, guardian, or adult at least age twenty-one or older. At least fifteen of these hours must be nighttime driving.

(b) The applicant ~~must~~ **shall** pass an on-road driving **skills** test. An applicant may satisfy this requirement by one of the following means:

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

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

(c) The applicant ~~must~~ **shall** have held the Class "E" learner's license for at least one hundred eighty days if he is not seventeen years of age while remaining accident free, except where the licensee was not at fault, and receiving no convictions for moving violations or violations of the seat belt or curfew laws of this

1 state or any law pertaining to drug or alcohol use.

2 * * *

3 Section 2. R. S. 40:1461(A), (C), and (E) are hereby amended and reenacted and R.S.
4 40:1461(F) and (G) are hereby enacted to read as follows:

5 §1461. Licensing **or contracting** of private training and driving instructor schools

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

11 * * *

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

14 * * *

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

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

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____