

Regular Session, 2012

ACT No. 751

HOUSE BILL NO. 589

BY REPRESENTATIVE ST. GERMAIN

1 AN ACT

2 To amend and reenact R.S. 32:408.1(2)(introductory paragraph), (3), and (4) and to enact
3 R.S. 32:408.1(5), relative to requiring third-party testers that administer tests for
4 commercial drivers to comply with certain federal regulations and to obtain a surety
5 bond; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:408.1(2)(introductory paragraph), (3), and (4) are hereby amended
8 and reenacted and R.S. 32:408.1(5) is hereby enacted to read as follows

9 §408.1. ~~Third party~~ Third-party testing; proof of testing

10 The Department of Public Safety and Corrections, public safety services, may
11 contract with or license another state, an employer, a private driver training facility,
12 driver education course provider, or other private institution, or a department,
13 agency, or instrumentality of a local government to administer the skills tests as
14 specified herein if all of the following conditions are met:

15 * * *

16 (2) The third party has a contract or license with the department to
17 administer skills tests for Class "D" or "E" driver's licenses containing, at a
18 minimum, provisions which:

19 * * *

20 (3) The third party has a contract or license with the department to
21 administer skills tests for Class "A", "B", or "C" driver's licenses which, at minimum,
22 complies with 49 CFR 383.75. In addition, the third-party tester must initiate and
23 maintain a surety bond in the amount of ten thousand dollars.

1 ~~(3)~~ (4) A driver applicant who takes and passes driving tests administered
 2 by an authorized third party shall provide evidence to the state licensing agency that
 3 he has successfully passed the driving tests administered by the third party on a form
 4 approved by the department.

5 ~~(4)~~ (5) Any third party or department employee authorized under the
 6 provisions of this Chapter to administer tests to applicants for commercial driver's
 7 licenses who falsifies information regarding test results or applicant qualification or
 8 who in any way participates in, aids, or abets the fraudulent testing or issuance to an
 9 applicant of a commercial driver's license or endorsement thereon shall be liable
 10 under this Chapter for civil penalties of not less than five hundred nor more than five
 11 thousand dollars per act. Furthermore, the department may establish procedures to
 12 void all transactions and any licenses issued as a result of such falsification or fraud,
 13 such procedures to be established pursuant to the Administrative Procedure Act.
 14 Any authorized third party tester suffering a sanction under the provisions of this
 15 Chapter shall forfeit his authorized third party testing status and contract and shall
 16 not qualify for such status henceforth.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____