

2022 Regular Session

HOUSE BILL NO. 669

BY REPRESENTATIVE PIERRE

MTR VEHICLE/DRIVER LIC: Provides relative to background checks of private training or driving instructor training schools or agencies

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AN ACT

To amend and reenact R.S. 32:408.1(E) and R.S. 40:1461(A) and to enact R.S. 15:587(A)(e)(vi) and (vii), relative to background checks of private training or private driving instructor training schools or agencies; to provide for a criminal history background check of every person engaged in private driving instructor training school or agency; to provide for noncommercial driving examinations or tests; to modify the procedure for a criminal history background check of the principal of the third-party examiner or tester; to define the term " criminal history background check"; to provide for fingerprints and other identifying information; to require the office of motor vehicles to execute a thorough background investigation to be conducted by the Louisiana Bureau of Criminal Identification and Information; to provide for the cost of fingerprint cards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(e)(vi) and (vii) are hereby enacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

A.

\* \* \*

1 (e)

2 \* \* \*

3 (vi) The office of motor vehicles shall execute a thorough background  
4 investigation, including a criminal history background check of every applicant for  
5 the purpose of verifying the qualifications of the applicant or renewal pursuant to the  
6 requirements of this Section. For purposes of this Item, a "criminal history  
7 background check" shall be defined as all state records of arrest, prosecution,  
8 conviction, including those which have been expunged or dismissed pursuant to the  
9 Code of Criminal Procedure Articles 893 or 894, as well as national records which  
10 shall include fingerprints of the applicant and other identifying information, if so  
11 requested by the department.

12 (vii) The department shall require any current or prospective person engaged  
13 in the business of operating a private driving instructor training school or agency, or  
14 providing driving courses pursuant to R.S. 32:408.1 or R.S. 40:1461 to submit to a  
15 criminal history records check to be conducted by the Louisiana Bureau of Criminal  
16 Identification and Information. Fingerprints and other identifying information from  
17 the current or prospective person engaged in the business of operating a private  
18 driving instructor training school or agency, or providing driving courses shall be  
19 submitted to the bureau. In addition, when the department requests national criminal  
20 history records check, the bureau shall forward the fingerprints to the Federal Bureau  
21 of Investigation for a national criminal history records check and shall provide the  
22 agency with the national criminal history record information of the current or  
23 prospective person engaged in the business of operating a private driving instructor  
24 training school or agency, or providing driving courses pursuant to R.S. 32:408.1 or  
25 R.S. 40:1461. Cost incurred by the department for processing Louisiana State Police  
26 and Federal Bureau of Investigation fingerprint cards shall be borne by the applicant.

27 \* \* \*

1 Section 2. R.S. 32:408.1(E) is hereby amended and reenacted to read as follows:

2 §408.1. Third-party testing; proof of testing

3 \* \* \*

4 E. The principal of the third-party examiner or tester who has or is seeking  
5 a contract with the Department of Public Safety and Corrections, public safety  
6 services, to administer commercial or noncommercial driving examinations and tests  
7 shall consent to, pass, and pay the costs of ~~an annual~~ a criminal history background  
8 check pursuant to R.S. 15:587.

9 \* \* \*

10 Section 3. R.S. 40:1461(A) is hereby amended and reenacted to read as follows:

11 §1461. Requirements for private training and driving instructor schools

12 A.(1) Every person engaged in the business of operating a private driving  
13 instructor training school or agency, or providing driving courses, shall apply for and  
14 procure a license from the Department of Public Safety and Corrections, public  
15 safety services. No person shall advertise or otherwise hold himself before the  
16 public, for remuneration, as qualified, licensed, or otherwise approved to train or  
17 instruct without having first obtained a license or contract with the Department of  
18 Public Safety and Corrections, public safety services.

19 (2) Every person engaged in the business of operating a private driving  
20 instructor training school or agency, or providing driving courses who has or is  
21 seeking a contract or license with the Department of Public Safety and Corrections,  
22 public safety services, shall consent to, pass, and pay the costs of a criminal history  
23 background check pursuant to R.S. 15:587.

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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)]

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HB 669 Original

2022 Regular Session

Pierre

**Abstract:** Establishes criminal history background check requirements for every person engaged in the operation of a private training or driving instructor school.

Proposed law requires the office of motor vehicles to execute a thorough background investigation, including a criminal history background check, of every applicant for the purpose of verifying the qualifications of the applicant or renewal pursuant present law.

Proposed law defines a "criminal history background check" as all state records of arrest, prosecution, conviction, including those which have been expunged or dismissed pursuant to present law, and national records which is required to include fingerprints of the applicant and other identifying information, if so requested by the department.

Proposed law requires any current or prospective person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses pursuant to present law to submit to a criminal history records check to be conducted by the La. Bureau of Criminal Identification and Information. Further, requires fingerprints and other identifying information from the current or prospective person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses to be submitted to the bureau.

Proposed law requires the bureau to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check when requested by the department. Further, requires bureau to provide the agency with the national criminal history record information of the current or prospective person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses pursuant to present law.

Proposed law requires the cost associated with fingerprint cards to be paid by the applicant.

Present law requires the principal of the third-party examiner or tester seeking a contract with the Dept. of Public Safety and Corrections, public safety services to administer commercial driving examinations to consent to and pay the costs associated with an annual background check.

Proposed law retains present law and adds noncommercial driving examinations and tests and modifies the procedure for a criminal history background check pursuant to present law.

Proposed law requires every person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses who has or is seeking a contract or license with the Dept. of Public Safety and Corrections, public safety services, to consent to, pass, and pay the costs of a background check pursuant present law.

(Amends R.S. 32:408.1(E) and R.S. 40:1461(A); Adds R.S. 15:587(A)(e)(vi) and (vii))