

2022 Regular Session

HOUSE BILL NO. 658

BY REPRESENTATIVE STAGNI

MOTOR VEHICLES: Modifies the membership of the Louisiana Advisory Council on Driver Education

1 AN ACT

2 To amend and reenact R.S. 32:422.2, relative to the Louisiana Advisory Council on Driver
3 Education membership; to modify the rules, regulations, and standards to include
4 driver education providers; to increase the membership of the council; to remove the
5 additional two-year cap on members appointed to the council; to increase the number
6 of unexcused absences; to modify the procedure for council vacancies and
7 appointment of council officers; to provide for council meeting venues; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:422.2 is hereby amended and reenacted to read as follows:

11 §422.2. The Louisiana Advisory Council on Driver Education

12 A. The Louisiana Advisory Council on Driver Education, referred to in this
13 Section as the "council", is hereby created to provide input, ~~and guidance,~~ and
14 recommendations to the Department of Public Safety and Corrections on matters
15 pertaining to rules, regulations, and standards for licensure of defensive driving
16 courses and driver education providers as provided in Chapter 29 of Part I of Title
17 55 of the Louisiana Administrative Code.

18 B. The council shall be composed of ~~five~~ thirteen voting members, ~~and two~~
19 ~~non-voting ex officio members appointed by the commissioner of the office of motor~~
20 ~~vehicles.~~ The membership shall consist of:

1 (1) ~~One current officer~~ Three members of the Driving School Association
2 of Louisiana appointed ~~from a list of three persons nominated~~ by the president of the
3 Driving School Association of Louisiana.

4 (2) Two members ~~owners of licensed and approved commercial driving~~
5 ~~schools in Louisiana with current membership in~~ the Driving School Association of
6 Louisiana the Americas appointed ~~from a list of four persons nominated~~ by the
7 president of the Driving School Association of Louisiana the Americas.

8 (3) Two secondary education professionals from the Department of
9 Education, ~~who are driver's education instructors,~~ appointed ~~from a list of four~~
10 ~~persons nominated~~ by the superintendent of the Department of Education.

11 (4) ~~One representative~~ Two members of the office of motor vehicles;
12 ~~licensing and certification division,~~ appointed ~~from a list of three persons nominated~~
13 by the commissioner of the office of motor vehicles.

14 (5) One representative of the Louisiana Highway Safety Commission
15 appointed from a list of three persons nominated by the executive director of the
16 Louisiana Highway Safety Commission.

17 (6) One member of the Louisiana State Police appointed by the
18 superintendent of the Louisiana State Police.

19 (7) One member of the Louisiana House of Representatives appointed by the
20 chairman of the House Committee on Transportation, Highways and Public Works.

21 (8) One member of the Senate appointed by the chairman of the Senate
22 Committee on Transportation, Highways and Public Works.

23 C. Members listed in Paragraphs ~~(B)(1) through (3)~~ (8) of Subsection ~~B~~
24 this Section shall be voting members. If a voting member is unable to attend a
25 meeting, he may designate a person to serve as a proxy for voting purposes, if such
26 act is executed in writing, signed by the member, and filed with the secretary at or
27 before the meeting.

1 D. Members shall be appointed to serve an initial two-year term on the
2 council and may be eligible to be reappointed to serve ~~an additional two-year term~~
3 terms.

4 E. A member shall be automatically removed from the ~~advisory~~ council if
5 he has more than ~~one~~ two unexcused ~~absence~~ absences during any twelve-month
6 period. An absence is excused for purposes of this Subsection when the cause is one
7 which a reasonably prudent person would deem to take precedence over fulfillment
8 of a solemn public duty or if the absence is known in advance by the member and he
9 notifies the chairman of his absence not less than twenty-four hours in advance of the
10 scheduled meeting. If a member designates a person to serve as a proxy as provided
11 in Subsection C of this Section, he shall still notify the chairman of his absence.

12 F. A quorum shall consist of a simple majority of the active voting members
13 or their proxies ~~if the bylaws so provide~~.

14 G. Whenever a vacancy occurs in a council seat, whether by death,
15 resignation, or automatic removal, such vacant seat shall no longer be counted as an
16 active voting member in determining a quorum until a successor has been appointed
17 by the ~~commissioner of the office of motor vehicles~~ appropriate official as provided
18 in Subsection B of this Section in the same manner as the original appointment to fill
19 the unexpired term.

20 H. Officers of the council shall be appointed at the beginning of each new
21 term and shall include a chairman, vice chairman, ~~and~~ secretary, and two at-large
22 board members.

23 I. All meetings shall be quarterly and conducted in accordance with the
24 requirements of the state's Open Meetings Law. Procedural matters shall be
25 conducted in accordance with the latest edition of Robert's Rules of Order. Meetings
26 shall be held at any of the following venues:

27 (1) ~~the~~ The office of motor vehicles in Baton Rouge.

28 (2) A legislative committee room located in the Louisiana state capitol.

29 (3) Any electronic venue agreed upon by the council officers.

- 1 J. Members of the council shall serve without compensation and
2 reimbursement of expenses other than the compensation and reimbursement
3 provided for by their employers.
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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)]

HB 658 Engrossed

2022 Regular Session

Stagni

Abstract: Increases the Louisiana Advisory Council on Driver Education membership and provides for council responsibilities.

Present law creates the La. Advisory Council on Driver Education and provide rules, regulations, and standards for licensure of defensive driving courses as provided in present law.

Proposed law retains present law and adds the rules, regulations, and standards applicable for driver education providers.

Present law specifies that the La. Advisory Council on Driver Education consists of five voting members and two nonvoting ex-officio members appointed by the commissioner of the office of motor vehicles.

Proposed law modifies present law by removing the ex-officio members and increasing the voting members from five to 13 as follows:

- (1) Three members of the Driving School Association of La. appointed by the president of the Driving School Association of La.
- (2) Two members of the Driving School Association of the Americas appointed by the president of the Driving School Association of the Americas.
- (3) Two secondary education professionals from the Dept. of Education appointed by the superintendent of the Dept. of Education.
- (4) Two members of the office of motor vehicles appointed by the commissioner of the office of motor vehicles.
- (5) One representative of the La. Highway Safety Commission appointed from a list of three persons nominated by the executive director of the La. Highway Safety Commission.
- (6) One member of the La. State Police appointed by the superintendent of the La. State Police.
- (7) One member of the La. House of Representatives appointed by the chairman of the House Committee on Transportation, Highways and Public Works.
- (8) One member of the Senate appointed by the chairman of the Senate Committee on Transportation, Highways and Public Works.

Present law specifies that members are appointed to serve an initial two-year term on the council and may be eligible to be reappointed to serve an additional two-year term.

Proposed law retains present law and removes the two-year reappointment term for members.

Present law requires the removal of a member from the advisory council if he has more than one unexcused absence during any 12-month period.

Proposed law retains present law and increases the unexcused absence to two during any 12-month period.

Present law specifies a quorum consist of a simple majority of the active voting members or their proxies, if the bylaws provide.

Proposed law retains present law and removes the quorum requirement conditioned on the bylaws.

Present law specifies whenever a vacancy occurs in a council seat, whether by death, resignation, or automatic removal, such vacant seat will no longer be counted as an active voting member in determining a quorum until a successor has been appointed by the commissioner of the office of motor vehicles in the same manner as the original appointment to fill the unexpired term.

Proposed law modifies present law by specifying that the appointment of a vacant seat to be appointed by the appropriate official as provided in present law and proposed law.

Present law requires officers of the council to include a chairman, vice chairman, and secretary.

Proposed law modifies present law by requiring the council be appointed at the beginning of each new term and adds two at-large board members.

Present law specifies the duration and location for all meetings.

Proposed law retains present law and adds the following venues:

- (1) A legislative committee room located in the La. state capitol.
- (2) Any electronic venue agreed upon by the council officers.

(Amends R.S. 32:422.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Make technical changes.
2. Remove a provision that required the council to be composed of two non-voting ex officio members appointed by the commissioner of the office of motor vehicles.
3. Change the membership from one representative of the Strategic Highway Safety Plan appointed by the Regional Traffic Safety Coalition to one representative of the La. Highway Safety Commission appointed from a list of three persons nominated by the executive director of the La. Highway Safety Commission.
4. Expand the number of voting members from seven to 13.