

2022 Regular Session

HOUSE BILL NO. 669

BY REPRESENTATIVE PIERRE

1 AN ACT

2 To amend and reenact R.S. 32:408.1(E) and R.S. 40:1461(A) and to enact R.S.
3 15:587(A)(1)(e)(vi) and (vii), relative to background checks of private training or
4 private driving instructor training schools or agencies; to provide for a criminal
5 history background check of every person engaged in private driving instructor
6 training school or agency; to provide for noncommercial driving examinations or
7 tests; to modify the procedure for a criminal history background check of the
8 principal of the third-party examiner or tester; to define the term " criminal history
9 background check"; to provide for fingerprints and other identifying information; to
10 require the office of motor vehicles to execute a thorough background investigation
11 to be conducted by the Louisiana Bureau of Criminal Identification and Information;
12 to provide for the cost of fingerprint cards; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

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

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

17 A.(1)(a)

18 * * *

19 (e)

20 * * *

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

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

* * *

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

§408.1. Third-party testing; proof of testing

* * *

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

6 * * *

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

8 §1461. Requirements for private training and driving instructor schools

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____