

2023 Regular Session

HOUSE BILL NO. 592

BY REPRESENTATIVE SCHAMERHORN

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

MTR VEHICLE/DRIVER LIC: Provides relative to driver education skills test

1 AN ACT
2 To amend and reenact R.S. 32:402.1(A)(2) and R.S. 40:1461(F), to enact R.S. 32:407(G),
3 and to repeal R.S. 40:1461(G), relative to driver education; to allow a driving skills
4 test administered by a properly licensed third party examiner to driver education
5 requirements for those eighteen years of age and older; to provide for a skills test for
6 nonparticipants in a driver education course; to remove the requirement that licensed
7 and contracted driving instructor training schools or agencies also become licensed
8 third-party testers; to designate third-party examiner as licensed and contracted
9 administrator of knowledge and driving skills test required for Class "D" or "E"
10 license; to provide the option for a parent or legal guardian to submit a signature
11 electronically for certain credentials which allow the operation of a motor vehicle;
12 to provide for an effective date; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 32:402.1(A)(2) is hereby amended and reenacted and R.S. 32:407(G)
15 is hereby enacted to read as follows:

16 §402.1. Driver education; required

17 A. No application for a license for the operation of a motor vehicle shall be
18 received from any person making application for the first time unless there is also
19 submitted with the application, on a form approved by the secretary of the

1 Department of Public Safety and Corrections, public safety services, written
2 evidence of the successful completion by the applicant of one of the following:

3 * * *

4 (2) A "prelicensing training course" administered by a Class "D" and "E"
5 driver education provider licensed and contracted pursuant to RS 40:1461 from for
6 any person eighteen years or older if a driver education course is not completed. The
7 prelicensing training course shall consist of a minimum of six hours of classroom
8 instruction and a minimum of eight hours of actual driving instruction, including the
9 administering of the skills test. A person shall not be allowed to receive more than
10 four hours of actual driving instruction on any single calendar day. A properly
11 licensed third-party examiner may, at his discretion, administer the skills test to the
12 student prior to the conclusion of the eight hours of actual driving instruction. Upon
13 successful completion of the instruction and skills test, the third-party tester shall
14 provide the student with a department approved certificate of successful completion
15 in a sealed envelope to be delivered to the department. If the student fails to
16 successfully complete the skills test, the third-party examiner shall issue a
17 department approved certificate indicating completion of the driver education course,
18 but failure of the skills test. The Department of Public Safety and Corrections,
19 public safety services, shall establish rules and regulations to administer and define
20 the requirements of the course. Oversight review of these rules shall be conducted
21 by the House and Senate committees on transportation, highways and public works
22 in accordance with the Administrative Procedure Act. The rules shall provide for:

23 * * *

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

26 * * *

27 G. In accordance with R.S. 9:2618, the department may develop a web-based
28 application by which a minor's parent or legal guardian has the option to provide an
29 electronic signature for all approvals, consents, or attestations required in connection

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
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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 592 Reengrossed

2023 Regular Session

Schamerhorn

Abstract: Revises portions of the driver education law to allow a skills test administered by a properly licensed and contracted third-party examiner to driver education courses. Provides for a skills test to be administered to students eighteen years of age or older participating in driver education course.

Present law provides for "driver education course" requirements.

Proposed law specifies that the driver education course be administered by a Class "D" and "E" driver education provider licensed and contracted under present law.

Present law requires at least eight hours of actual driving instruction as part of a "prelicensing training course" and includes the administration of the skills test at a properly licensed third-party examiner's discretion.

Present law authorizes a prelicensing training course for any person 18 or older if the driver education course is not completed.

Proposed law requires a "prelicensing training course" be administered by a Class "D" and "E" driver education provider licensed and contracted under present law when a person does not complete a drivers education course.

Proposed law removes this requirement.

Present law requires a prelicensing training course consist of a minimum of six hours classroom instruction and a minimum of eight hours of actual driving instruction.

Proposed law allows for the administration of the skills test by a third-party examiner as part of the prelicensing training course.

Present law requires every person licensed or contracted under present law to operate a private driving instructor training school or agency, or providing driving courses to also become licensed or contracted as third-party testers.

Proposed law removes the requirement that licensed and contracted driving instructor training schools or agencies also become licensed as third-party testers.

Present law requires every person licensed pursuant to present law become licensed or contracted as a third-party tester and to administer in accordance with law and administrative rules both the knowledge and on-road driving skills test required for a Class "D" or "E" license.

Proposed law designates a "third-party examiner" as a properly licensed and contracted administrator of the knowledge and on-road driving skills tests to administer under present law the knowledge and on-road driving skills test required for a Class "D" or "E" license.

Proposed law allows for a web-based application by which a parent or legal guardian can provide electronic signatures for any credential authorized in present law in connection with a minor's application which allows for operation of a motor vehicle. Specifies that the electronic signature does not apply to a first or initial issuance of a license or permit, which must be an in-person transaction.

(Amends R.S. 32:402.1(A)(2) and R.S. 40:1461(F); Adds R.S. 32:407(G); Repeals R.S. 40:1461(G))

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 the skills test and revert back to present law.
3. Make administration of a skills test permissive, instead of mandatory.
4. Remove the option for a restricted permit.
5. Remove repeated administration of a skills test until the student successfully passes.
6. Allow a parent or guardian to provide an electronic signature for any credential authorized in present law for a minor to operate a motor vehicle.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.