
DIGEST

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Carter

HB No. 534

Abstract: Consolidates driver's education programs under the auspices of the Department of Public Safety and Corrections, Public Safety Services.

Present law provides for a rate reduction for insurance upon application of a rate filing by the carrier on motor vehicle liability and physical damage insurance where the insured and principal operator, regardless of age, produces certification from the National Safety Council or its registered cooperating agencies, evidencing successful completion of the National Safety Council Defensive Driving Course or certification of successful completion of a defensive driving course approved and certified by the Department of Public Safety and Corrections. The credit shall not apply to policies subject to a discount for an approved driver education course sanctioned by the Department of Education.

Proposed law provides the credit shall not apply to policies subject to a discount for an approved driver education course sanctioned by the Department of Public Safety and Corrections, Public Safety Services.

Present law provides that it is unlawful to drive a motor vehicle on a public street unless the driver is licensed except for an unlicensed minor participating in a driver education course or a prelicensing training course approved and certified by the Department of Public Safety and Corrections or Department of Education.

Proposed law provides that it is unlawful to drive a motor vehicle on a public street unless the driver is licensed except for an unlicensed minor participating in a driver education course or a prelicensing training course approved and certified by the Department of Public Safety and Corrections, Public Safety Services.

Present law provides that no application for a license for the operation of a motor vehicle shall be received from any person seventeen years or older making application for the first time unless there is also submitted with the application, on a form approved by the secretary of the Department of Public Safety and Corrections or the Department of Education, written evidence of the successful completion by the applicant of:

- (1) A "driver education course", which shall consist of not less than eight hours of actual driving experience and thirty hours of classroom instruction, including but not limited to training on railroad and highway grade crossing safety and on sharing the road with motorcycles and tractor/trailer trucks and at least thirty minutes of instruction relative to

organ and tissue donation, approved by the Department of Public Safety and Corrections or the Department of Education.

(2) A "prelicensing training course" if a behind-the-wheel course is not completed. The prelicensing training course shall consist of a minimum of six hours of instruction in the National Safety Council's defensive driving course, Louisiana's traffic safety laws, and substance abuse education, or shall be an equivalent course approved and certified by the Department of Public Safety and Corrections. The course shall include training in railroad and highway grade crossing safety and on sharing the road with motorcycles and tractor/trailer trucks and at least thirty minutes of instruction relative to organ and tissue donation.

Proposed law provides that no application for a license for the operation of a motor vehicle shall be received from any person making application for the first time unless there is also submitted with the application, on a form approved by the secretary of the Department of Public Safety and Corrections, Public Safety Services, written evidence of the successful completion by the applicant of one of the following:

(1) A "driver education course", for minors under the age of 17 which shall consist of not less than eight hours of actual driving instruction. The Department of Public Safety and Corrections, Public Safety Services, shall establish rules and regulations to administer and define the requirements of the course.

(2) A "prelicensing training course" from any person 17 years or older if a driver education course is not completed. The prelicensing training course shall consist of a minimum of six hours of instruction. The Department of Public Safety and Corrections, Public Safety Services, shall establish rules and regulations to administer and define the requirements of the course.

(3) Oversight review of these rules shall be conducted by the House and Senate Committees on Transportation, Highways and Public Works. The proposed law provides the minimum of which the rules and regulations shall cover.

Present law upon completion of a driver's education course approved by the Department of Public Safety and Corrections or the Department of Education and upon passing a visual examination and a road knowledge test, including rules of the road, signs, and signals, sharing the road with motorcycles and tractor/trailer trucks, and not less than two questions relative to railroad and highway grade railroad safety, an applicant at least fifteen years of age, but less than seventeen years of age, applying for the first time may be issued a Class "E" learner's license.

Proposed law upon completion of a driver's education course approved by the Department of Public Safety and Corrections, Public Safety Services, and upon passing a visual examination and a road knowledge test, including rules of the road, signs, and signals, sharing the road with motorcycles and tractor/trailer trucks, and not less than two questions relative to railroad and highway grade railroad safety, an applicant at least fifteen years of age, but less than seventeen

years of age, applying for the first time may be issued a Class "E" learner's license.

Present law provides that the intermediate license shall restrict those under the age of seventeen from driving between 11:00 p.m. and 5:00 a.m. unless otherwise accompanied by a licensed parent or guardian, a licensed adult at least twenty-one years of age, or a licensed sibling at least eighteen years of age. In addition to a licensed parent, sibling, or guardian, there may be other members of the permittee's immediate family in the vehicle. Unless accompanied by a licensed parent, guardian, or adult at least age twenty-one or older, an intermediate licensee may not between the hours of 6:00 p.m. and 5:00 a.m. transport more than one passenger that is under twenty-one years of age and not a member of the intermediate licensee's immediate family. When the intermediate licensee is accompanied by a driver's education teacher, there may be one or more fellow driver's education students in the vehicle.

Proposed law provides that the intermediate license shall restrict those under the age of seventeen from driving between 11:00 p.m. and 5:00 a.m. unless otherwise accompanied by a licensed parent or guardian, a licensed adult at least twenty-one years of age, or a licensed sibling at least eighteen years of age. In addition to a licensed parent, sibling, or guardian, there may be other members of the licensee's immediate family in the vehicle. Unless accompanied by a licensed parent, guardian, or adult at least age twenty-one or older, an intermediate licensee may not between the hours of 6:00 p.m. and 5:00 a.m. transport more than one passenger that is under twenty-one years of age and not a member of the intermediate licensee's immediate family. When the intermediate licensee is accompanied by a driver's education instructor, there may be one or more fellow driver's education students in the vehicle.

Present law provides that the department may establish rules and regulations to extend the term of the intermediate license if an applicant's license has been suspended, the applicant has been placed on probation by a court due to a driving violation, or the applicant has violated any of the certain portions of law. The applicant shall attend and successfully complete either an approved driver education course or prelicensing training course.

Proposed law provides that the department may establish rules and regulations to extend the term of the intermediate license if an applicant's license has been suspended, the applicant has been placed on probation by a court due to a driving violation, or the applicant has violated any of the certain portions of law. The applicant shall attend and successfully complete either an approved driver education course or prelicensing training course established under contract or license with the Department of Public Safety and Corrections, Public Safety Services.

Present law provides that the knowledge and skills tests for all applicants may be administered by the department or the department may elect to authorize a third party, including another state, an employer, a public license tag agent, a private training facility or other private institution, or a department, agency, or instrumentality of state or local government, to administer knowledge and skills tests to applicants for Class "D" or "E" drivers' licenses and to administer skills tests to applicants for a Class "A", "B", or "C" commercial driver's license.

Proposed law provides that the knowledge and skills tests for all applicants may be

administered by the department or the department may elect to authorize a third party, including another state, an employer, a public license tag agent, a private training facility or other private institution, driver education course provider, or a department, agency, or instrumentality of state or local government, to administer knowledge and skills tests to applicants for Class "D" or "E" drivers' licenses and to administer skills tests to applicants for a Class "A", "B", or "C" commercial driver's license.

Present law provides that the Department of Public Safety and Corrections may authorize another state, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of a local government to administer the skills tests as specified herein if certain conditions are met.

Proposed law provides that the Department of Public Safety and Corrections, Public Safety Services, may contract with or license another state, an employer, a private driver training facility, driver education course provider or other private institution, or a department, agency or instrumentality of a local government to administer the skills tests as specified herein if certain conditions are met.

Present law provides that no person shall cause or knowingly permit his child or ward, under the age of seventeen years, to drive a motor vehicle or a power cycle upon any public road or highway unless such child or ward is licensed by the state to do so. However, the provisions of this Section shall not apply to a minor who is participating in a driver education course or a prelicensing training course approved and certified by the Department of Public Safety and Corrections or the Department of Education.

Proposed law provides that no person shall cause or knowingly permit his child or ward, under the age of seventeen years, to drive a motor vehicle or a power cycle upon any public road or highway unless such child or ward is licensed by the state to do so. However, the provisions of this Section shall not apply to a minor who is participating in a driver education course or a prelicensing training course approved and certified by the Department of Public Safety and Corrections.

Present law provides that any person who is at least fifteen years of age may apply to the department for a school instruction permit if he is enrolled in a driver education course conducted by a person who meets certification requirements as established by the State Board of Elementary and Secondary Education or the Department of Public Safety and Corrections for teachers of driver education and traffic safety. The department may, in its discretion, after the applicant has successfully passed all parts of the examination, other than the driving test, issue to the applicant a school instruction permit for which no fee shall be charged. Such school instruction permit shall be valid only during the period of such instruction, and when the person to whom the permit is issued is accompanied by the high school instructor of driver education and traffic safety. Such permit shall be in the possession of the instructor during the period of its validity and shall be presented at any time for examination, when so requested by any law enforcement officer.

Proposed law provides that any person who is at least fifteen years of age may apply to the department for a school instruction permit if he is enrolled in a driver education course conducted by a person who meets certification requirements as established by the Department of Public Safety and Corrections, Public Safety Services for instructors of driver education and traffic safety. The department may, in its discretion, after the applicant has successfully passed all parts of the examination, other than the driving test, issue to the applicant a school instruction permit for which no fee shall be charged. Such driving school instruction permit shall be valid only during the period of such instruction, and when the person to whom the permit is issued is accompanied by the high school instructor of driver education and traffic safety. Such permit shall be in the possession of the instructor during the period of its validity and shall be presented at any time for examination, when so requested by any law enforcement officer.

Present law provides that persons licensed by the Department of Public Safety and Corrections to engage in the business of operating a driver training school or licensed instructors for such schools shall be authorized to issue Class "E" student driving permits on forms provided by the Department of Public Safety and Corrections in accordance with rules and regulations of the department. The Class "E" driving training school permits may be issued to persons who meet the age requirement for public school driver education courses. Such permit shall be valid only when the student is accompanied by a licensed instructor, and the licensed instructor shall maintain possession of the permit.

Proposed law provides that persons licensed by or contracted with the Department of Public Safety and Corrections, Public Safety Services, to engage in the business of operating a driver training school or approved or certified instructors for such schools shall be authorized to issue Class "E" student driving permits on forms provided by the Department of Public Safety and Corrections in accordance with rules and regulations of the department. The Class "E" driving training school permits may be issued to persons who meet the age requirement for public school driver education courses. Such permit shall be valid only when the student is accompanied by an approved or certified instructor, and the licensed instructor shall maintain possession of the permit for a period of time established by rule.

Present law provides that every person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses, shall apply for and procure a license from the Department of Public Safety. No person shall advertise or otherwise hold himself before the public, for remuneration, as qualified or licensed to train or instruct without having first obtained a license.

Proposed law provides that every person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses, shall apply for and procure a license or contract from the Department of Public Safety, Public Safety Services. No person shall advertise or otherwise hold himself before the public, for remuneration, as qualified, licensed or otherwise approved to train or instruct without having first obtained a license.

Present law provides that the secretary of the Department of Public Safety may make rules and regulations governing the making, issuance; and revocation of licenses and qualifications of each

applicant.

Proposed law provides that the deputy secretary of the Department of Public Safety and Corrections, Public Safety Services, may establish rules and regulations governing the issuance, and revocation of requirements and qualifications of each applicant and enumerating the terms of the contract and causes of suspension or revocation of the contract and possible fines for violations committed thereunder.

Present law provides that solely for purposes of the sales or use tax levied by the state, such tax shall not be due on vehicles furnished by a dealer in new vehicles when withdrawn from inventory and furnished to a secondary school, college or public school board on a free loan basis for exclusive use in a driver education program accredited by the Louisiana Department of Education.

Proposed law provides that solely for purposes of the sales or use tax levied by the state, such tax shall not be due on vehicles furnished by a dealer in new vehicles when withdrawn from inventory and furnished to a secondary school, college or public school board on a free loan basis for exclusive use in a driver education program accredited by the Louisiana Department of Public Safety and Corrections, Public Safety Services.

Present law provides that no dealer in new vehicles shall be required to pay the registration, title, and license fee or tax when registering a new vehicle withdrawn from inventory and furnished to any secondary school, college, or public school board on a free loan basis for exclusive use in a driver education program accredited by the Department of Education.

Proposed law provides that no dealer in new vehicles shall be required to pay the registration, title, and license fee or tax when registering a new vehicle withdrawn from inventory and furnished to any secondary school, college, or public school board on a free loan basis for exclusive use in a driver education program accredited by the Public Safety and Corrections, Public Safety Services.

Present law provides that the State Board of Elementary and Secondary Education and the state Department of Education, in consultation with the Department of Public Safety and Corrections, shall establish and operate a driver education and training program for children.

Proposed law repeals present law.

Present law provides that the State Board of Elementary and Secondary Education and the state Department of Education, in consultation with the Department of Public Safety and Corrections, shall establish and operate a driver education and training program in each parish of this state for adults.

Proposed law repeals present law.

Present law provides that each city and parish school board, when sufficient funds are not provided by state or federal funding sources for drivers education and training programs, may authorize the conduct of such programs for secondary school students or adults at any school site within their jurisdiction on such a fee-paying basis as is necessary to cover the expenses associated with the conduct of such training, including the salary and benefits of an instructor.

Proposed law repeals present law.

Present law provides that no student shall be required to take the organ and tissue donation instruction required as part of any "driver education course" or "prelicensing training course" if he, or his parent or tutor if he is a minor, submits a written statement indicating that such instruction conflicts with his religious beliefs.

Proposed law repeals present law.

Present law provides the portion of the "driver education course" or "prelicensing training course" approved by the Department of Public Safety and Corrections involving instruction on organ and tissue donation shall be developed in conjunction with the federally designated organ procurement organization for the state of Louisiana.

Proposed law repeals present law.

Present law provides the provisions of this R.S. 32:402.1 shall not apply to any person applying for a renewal license or to any person living twenty-five miles or more distant from a location providing a "prelicensing training course".

Proposed law repeals present law.

Present law provides that beginning one year after the appropriation of funds by the legislature to the State Department of Education for the implementation of a driver education and training program for all children of secondary school age in each parish of this state, and upon the certification by the state superintendent of education to the secretary of public safety that such program is operating in each parish of this state, no application for the operation of a motor vehicle shall be received from a minor sixteen years of age or older unless there is also submitted with the application, on a form approved by the secretary of public safety, written evidence of the successful completion by the applicant of a "driver education course" approved by the State Board of Elementary and Secondary Education or the Department of Public Safety and Corrections.

Proposed law repeals present law.

Present law provides that the Department of Public Safety and Corrections, office of motor vehicles, may approve court-ordered driver remediation courses or programs, in the same manner as "prelicensing training courses" are approved by present law . All such approved driver remediation courses or programs shall include instruction on railroad grade crossing safety and on sharing the road with motorcycles and tractor/trailer trucks and at least thirty minutes of instruction relative to organ and tissue donation. The State Board of Elementary and Secondary Education and the state Department of Education shall develop the organ and tissue donation portion of the driver education and training program in conjunction with the federally designated organ procurement organization for the state of Louisiana. However, no student shall be required to take the organ and tissue donation instruction if he, or his parent or tutor if the student is a minor, submits a written statement indicating that such instruction conflicts with his religious beliefs. The department shall compile and maintain a list of all department-approved courses which shall be delivered to all persons who are decreed by a court to be traffic violators and who are ordered by a court to attend a driver improvement course for remediation purposes. The

court shall allow a violator to select a course within the judicial district in which he resides if there is no court-approved driving course in such district provided that it is one of the courses on the department-approved list.

Proposed law repeals present law.

(Amends R.S.32:402(B)(1)(a)(ii)(bb), 402.1(A)(introductory paragraph), (A)(1), (A)(2), (A)(2)(a), (g) and (h), 407(A)(2)(a), (4) and (6), 408(A)(4)(a), 408.1 (introductory paragraph), (2), (2)(a), (2)(b), (2)(c), (2)(d), and (2)(e), 416, 417, 422(A) and (B), 422.1 (A) and (B), R.S. 40:1461(A) and (C), R.S. 47:305.26 and 479.1; Repeals R.S. 17:270, 271 and 271.1, R.S. 32:402.1(A)(3)(a),(b), (B) and (C))