

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 534 by Representative Carter

CURRICULA/DRIVER ED: Consolidates driver education programs under the auspices of the Department of Corrections and Public Safety, public safety services

Synopsis of Senate Amendments

- 1. Requires the rules and regulations established by the DPS&C office of public safety services for driver's education courses and "prelicensing training courses" to provide for instruction in the economic effects of littering to be established in conjunction with Keep Louisiana Beautiful, Inc. and requires oversight of such rules to be conducted by the House and Senate transportation committees in accordance with the APA.
- 2. Requires not less than two of the 32 items on the knowledge test for Class "D" and "E" licenses to be relative to the economic effects of littering.
- 3. Requires the deputy secretary of the DPSC office of public safety services, to establish rules and regulations governing the issuance and revocation of licenses for those operating private driving instructor training schools or agencies, the requirements and qualifications of each applicant, the enumeration of the terms of the contract and causes of suspension or revocation of the contract, and possible fines for violations committed thereunder and requires oversight of such rules to be conducted by the House and Senate transportation committees in accordance with the APA.

Digest of Bill as Finally Passed by Senate

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 DPS&C. The credit shall not apply to policies subject to a discount for an approved driver education course sanctioned by the Dept. 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 DPS&C, 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 DPS&C or Dept. 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 DPS&C, 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 17 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 DPS&C or the Dept. of Education, written evidence of the successful completion by the applicant of:

- (1) A "driver education course", which shall consist of not less than 8 hours of actual driving experience and 30 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 30 minutes of instruction relative to organ and tissue donation, approved by the DPS&C or the Dept. 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 DPS&C. 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 30 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 DPS&C, 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 Dept. 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 DPS&C 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.
- (4) Requires the rules and regulations established for driver's education courses and "prelicensing training courses" to provide for instruction in the economic effects of littering to be established in conjunction with Keep Louisiana Beautiful, Inc. and requires oversight of such rules to be conducted by the House and Senate transportation committees in accordance with the APA.

Present law upon completion of a driver's education course approved by the DPS&C or the Dept. 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 15 years of age, but less than 17 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 DPS&C, 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 15 years of age, but less than 17 years of age, applying for the first time may be issued a Class "E" learner's license.

Proposed law requires not less than two of the 32 items on the knowledge test for Class "D" and "E" licenses to be relative to the economic effects of littering.

Present law provides that the intermediate license shall restrict those under the age of 17 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 21 years of age, or a licensed sibling at least 18 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 21 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 21 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 21 years of age, or a licensed sibling at least 18 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 21 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 21 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 DPS&C, 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 DPS&C 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 DPS&C, 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 17 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 DPS&C or the Dept. of Education.

Proposed law provides that no person shall cause or knowingly permit his child or ward, under the age of 17 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 DPS&C.

Present law provides that any person who is at least 15 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 BESE or the DPS&C 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 15 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 DPS&C, 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 DPS&C 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 DPS&C 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 DPS&C, 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 DPS&C 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 deputy secretary of the Dept. 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 deputy secretary of Dept. 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 Dept. of Public Safety may make rules and regulations governing the making, issuance, and revocation of licenses and qualifications of each applicant subject to oversight by the Transportation Committees in accordance with the APA.

Proposed law provides that the deputy secretary of the DPS&C, 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 La. Dept. 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 La. Dept. 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 Dept. 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 DPS&C, public safety services.

Present law provides that the State BESE and the state Dept. of Education, in consultation with the DPS&C, shall establish and operate a driver education and training program for children.

Proposed law repeals present law.

Present law provides that the State BESE and the state Dept. of Education, in consultation with the DPS&C, 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 DPS&C involving instruction on organ and tissue donation shall be developed in conjunction with the federally designated organ procurement organization for the state of La.

Proposed law repeals present law.

Present law provides the provisions of present law ("R.S. 32:402.1") shall not apply to any person applying for a renewal license or to any person living 25 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 Dept. 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 16 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 BESE or the DPS&C.

Proposed law repeals present law.

Present law provides that the DPS&C, 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 30 minutes of instruction relative to organ and tissue donation. The State BESE and the state Dept. 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 La. 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. 22:1457(A)(2), R.S. 32:402(B)(1)(a)(ii)(bb), 402.1(A)(intro. para.), (1), (2)(intro. para.), (a), (b), and (g), 407(A)(2)(a), (4), and (6), 408(A)(1), (3), and (4)(a), 408.1(intro. para.), and (2), 416, 417(A), 422, 422.1, R.S. 40:1461, R.S. 47:305.26 and 479.1; adds R.S. 32:402.1(A)(3)(c); repeals R.S. 17:270, 271, and 271.1, R.S. 32:402.1(A)(2)(h) and (3)(a) and (b), (B), and (C) and 402.2)