

**NOTICE OF INTENT**  
Department of Public Safety and Corrections  
Office of Motor Vehicles  
(LAC 55:III.143-159)

Under the authority of R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles, hereby proposes to amend sections 143, 145, 146, 147, 148, 151, 153, 154, 157 and 159 under Chapter 1 to implement a more comprehensive version of Title 55 as it relates to the rules governing driving schools and the driver education program. In addition to a more comprehensive version of the rules governing driving schools and the driver education program, the Office of Motor Vehicles implements Act 295 of the 2019 Regular Legislative Session regarding when Class “E” temporary instructional permits are required and in providing an exception to ignition interlock requirements for certain applicants for Class “E” temporary instructional permits.

Title 55  
PUBLIC SAFETY  
Part III. Motor Vehicles  
Chapter 1. Driver’s License  
Subchapter A. General Requirements  
§143 Commercial Driving Schools

§143. Commercial Driving Schools  
Chapter 1. Driver’s License  
Subchapter A. General Requirements  
A. Definitions.

As used in this Chapter, the following terms have the meanings described below:

Adult- a person 18 years of age or older.

Background Check- a secure and reliable way to initiate a criminal check on potential owners, instructors, employees and other types of applicants.

Behind the Wheel Instruction- a course which shall consist of a minimum of eight hours of instruction with a student as the operator of a dual controlled motor vehicle. The course is also referred to as BTW.

Classroom Instruction – a driver education course that is administered in a classroom environment that enables a student to learn through various instructional methods, under the direct guidance of a properly licensed driver education instructor.

Commissioner- the assistant secretary of the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles.

30 Hour Classroom Course-a program which shall consist of a course of not less than 30 hours of classroom instruction required of first-time driver's license applicants' age 15 through 17 excluding lunch breaks. This course shall be conducted utilizing the curriculum contained in this Subchapter.

DPS-the Louisiana Department of Public Safety and Corrections, Public Safety Services, acting directly or through its duly authorized officers and representatives.

Driver Education Certificate of Completion-proof of completion of any portion of the driver education course or the pre-licensing course required by law. The course is administered by a certified and approved driving school in the form designated by the DPS. Driver Education Course – a formal class or program that prepares a new driver to obtain a learner’s permit or driver’s license. The course of study may be administered in a classroom, in a vehicle, online or a combination thereof. Individuals are instructed on the techniques of driving a vehicle, safety precautions and traffic regulations and laws.

Driver Educational Instructional Document – a document issued by the driving school on a form approved and provided by DPS. Driving instruction details, behind the wheel assessment and other information will be documented on this form.

Driving School-an entity licensed by DPS that offers instruction for the purpose of educating and training an individual, by offering a 38 hour driving course or a 14 hour pre-licensing course, or both.

Eight Hour Behind the Wheel Course Assessment-a program which shall consist of a minimum of eight hours of instruction with the student as the operator of a dual-controlled motor vehicle. If under the age of 18, the student's parent or guardian may sign, authorizing the instruction. A test is conducted or given at the end of the eight hour driver education course to determine a student’s driving ability.

Fees – the monetary amount for a school license, tester license or instructor license. All fees shall be submitted in the form of a money order, certified check or secondary school system checks.

Instructor – a person who is licensed to provide the driver education curriculum through classroom or behind the wheel instruction.

Instructor License-a license issued by DPS that authorizes the holder of the license to provide instruction in driver education courses.

Knowledge Test – final test for the driver education and pre-licensing classroom courses. This test is provided to the driving school by the Office of Motor Vehicles.

Letter of Warning – Identification of a violation. The letter will provide that the violation must be corrected and may provide directions and a timeframe of the plans for the suggested corrections.

Major Offense – an infraction of major regulations and policies outlined within this chapter, which may include but not be limited to, driving schools not adhering to all applicable federal and state laws or engaging in any form of unlawful discrimination or other activities. The Commissioner maintains discretion to determine any violations which will amount to a major offense and any monetary penalty to be assessed.

Minor Offense – an infraction of minor regulations and policies outlined within this chapter, which may include but not be limited to, failure to notify students of grievance procedures, accompanying students to OMV with the purpose of assisting the student in completion of the driver’s license exam, failure to display the driving school license at the place of business, failure to maintain lesson plans and schedules for the driving school. The Commissioner maintains discretion to determine any violations which will amount to a minor offense and any monetary penalty to be assessed.

Minor- a person under the age of eighteen (18).

Motor Vehicle- automobiles, trucks, truck-tractors, trailers and semi-trailers and motorcycles, propelled by steam, gasoline, electricity, or any other source of energy other

than muscular power, except farm implements temporarily operated or moved on a roadway or vehicles operated only on rails or tracks constructed therefor.

OMV- any reference herein to OMV shall be construed as referring to the Office of Motor Vehicles, Training and Certification Unit, P.O. Box 64886, Baton Rouge, LA 70896.

Operator- every person who is in actual physical control of a motor vehicle upon a roadway.

Owner- a person or provider who has the principle responsibility for a driver education program.

Penalty- monetary assessment for violation of prohibited activities and procedures outlined in this Chapter. Fine amounts will be based on the nature of the offense, the number of previous offenses, the number of rules violated and the number of times the violations occurred and will be determined by the Commissioner. Any penalty assessed shall be between \$100 and \$1,500 per violation.

Person- every natural person, firm, co-partnership, association or corporation.

Pre-licensing Course – a program which shall consist of six hours of classroom instruction and an eight hour behind the wheel course required of first-time driver’s license applicants eighteen years of age or above, if a 30-hour classroom course is not completed.

Revocation- termination of license to operate a driving school or to instruct at a driving school as provided in these rules and regulations.

Road Skills Test – a driving test that demonstrates the applicant’s ability to safely operate and maneuver a vehicle in traffic.

Secretary- the deputy secretary of the Department of Public Safety and Corrections, Public Safety Services, or his appointed designee.

School License- a license issued by DPS authorizing the holder of the license to provide driver education courses.

Street or Roadway- the entire width between the boundary lines of every publicly maintained thoroughfare when any part thereof is open to the use of the public for purposes of vehicular travel.

Student – a person who is enrolled or seeking enrollment in a driver education course or a pre-licensing course.

Supervision – the action or process of watching or directing what someone does or how something is done, or both.

Suspension- the temporary withdrawal of a school or instructor’s license for violations of the laws and rules pertaining to driver’s education, or both.

Teaching Certificate- a certificate issued by Louisiana Department of Education indicating the holder is qualified to teach in the secondary schools of this state.

Temporary Instructional Permit- a Class “E” temporary instructional permit (TIP) obtained from OMV prior to the administration of the knowledge test to the student, operating a motor vehicle during on-road skills instruction or to be administered a road skills test.

Third Party Examiner- an individual who has been licensed to administer road skills test through a third party tester.

Third Party Tester- for purposes of this Chapter, a driving school with which DPS has perfected a contract with to administer knowledge and road skills tests required by Louisiana law for driver’s license issuance.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1974 (August 2012), amended LR 38:3234 (December 2012), LR 43:1759 (September 2017), amended LR XX:XXXX (November 2019).

Title 55  
PUBLIC SAFETY  
Part III. Motor Vehicles  
Chapter 1. Driver's License  
Subchapter A. General Requirements  
§145 Qualifications for Private Driving School Owners and Instructors

**§145. Qualifications for Private Driving School Owners and Instructors**

A. – A. 1. ...

2. be at least 21 years of age and have at least 5 years of full licensure driving experience;

A. 3. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1975 (August 2012), amended LR 43:1761 (September 2017), amended LR XX:XXXX (November 2019).

Title 55  
PUBLIC SAFETY  
Part III. Motor Vehicles  
Chapter 1. Driver's License  
Subchapter A. General Requirements  
§147 General Regulations for Private Driving Schools

**§147. General Regulations for Private Driving Schools**

A. ...

1. The school shall provide a written document to the prospective student detailing the course to be provided and the fee charged for each service. This document may be signed by the parent (if the student is a minor) or a student (if over the age of eighteen) and the school owner. A copy of this document and the paid receipt shall be provided to the person that signs the document.

A. 2. – A. 6. ...

7. All schools shall post a sign within the classroom stating that anyone who wishes to file a complaint or has a grievance against the school may contact the Training and Certification Unit at the Office of Motor Vehicles, P.O. Box 64886, Baton Rouge, LA, 70896, Attn.: Training and Certification Unit. (225) 925-1795 or at [ladrivingschools@dps.la.gov](mailto:ladrivingschools@dps.la.gov).

A. 8. – A. 13. ...

B. Surety Bond

1. School owners shall be required to maintain a \$20,000 surety bond while maintaining a license to operate a driving school. In the event of a change of primary or main location of the driving school, a rider to the bond indicating the new address must be obtained and provided to OMV.

B.2. – C. 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1977 (August 2012), amended LR 40:2604 (December 2014), LR 41:2665 (December 2015), LR 43:1765 (September 2017), amended LR XX:XXXX (November 2019).

Title 55  
PUBLIC SAFETY  
Part III. Motor Vehicles  
Chapter 1. Driver's License  
Subchapter A. General Requirements  
§148 Secondary/Alternative School Driver Education Program

**§148. Secondary/Alternative School Driver Education Program**

A. 1 – A. 3.b. ...

4. All instructors shall be approved by DPS and obtain an instructor's license prior to providing instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1978 (August 2012), amended LR 43:1766 (September 2017), amended LR XX:XXXX (November 2019).

Title 55  
PUBLIC SAFETY  
Part III. Motor Vehicles  
Chapter 1. Driver's License  
Subchapter A. General Requirements  
§151 Regulations for All Driver Education Providers

**§151. Regulations for All Driver Education Providers**

A. General Requirements

1. The school owner may designate a representative (licensed instructor or office staff of the school) to oversee and assume responsibility for the operation of the school and to sign school documents, except for the Third Party Tester Agreement. The completed Assignment of Designated Representative form must be on file with DPS.

A. 2. – A. 28. ...

29. Repealed.

B. Records Regulations.

1. A school shall have a commercially established primary location where records shall be kept in a secure manner. Records shall be available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Only schools which are currently licensed by June 30, 2012 and currently maintain records at the owner's residence are allowed to do so. If the physical location where records are kept is the owner's residence, the owner agrees to make the records available for inspection. All schools licensed from this point forward will be required to maintain a primary location for the records.

B. 2. – 6. b. i. ...

- ii. optional parental/guardian consent for minor applicants, including identification presented;

B. 6. b. iii. – C. 9. ...

10. Daily quizzes are recommended to measure the effectiveness of instruction during the classroom course. Daily quizzes shall not replace the final test.

C. 11. – E. 2. ...

3. Once a year DPS shall furnish the school with new versions of the knowledge test. The school shall shred all previous versions of the tests upon receipt of the new updated versions.

C. 4. – F. 6. ...

G. Temporary Instruction Permit

1. Prior to the administration of a knowledge test in a driver education or pre-licensing course, driving skills instruction in a driver education or pre-licensing course or the administration of a road skills test, a student shall obtain a temporary instructional permit (TIP) from OMV as required by R.S. 32:402.1. School owners will verify that the permit has been obtained and shall make a copy of the TIP to be included in the student's file.
2. In the event that the person applying for a TIP has or has had his driving privileges suspended pursuant to R.S. 32:661 et seq., and the person is required to have an ignition interlock as a condition of reinstatement, then the TIP may be issued for purposes of operating a motor vehicle during the behind the wheel portion of the driver education or pre-licensing course or during the administration of the road skills test without an ignition interlock device being required.

H. – H. 1. ...

2. The domiciliary parent/guardian of a minor student may sign the consent prior to any behind the wheel instruction. The consent shall be signed in the presence of the owner or an instructor.

H. 3. – H. 13. ...

14. Approved scoring criteria shall be standardized, as determined and approved by DPS. Each applicant starts with 100 points. The applicant shall receive 70 points or better to pass the eight-hour behind-the-wheel course.
15. If the driving school instructor suspects that the person is impaired at the time he presents himself for the behind the wheel instruction and training, the driving school instructor shall not conduct the behind the wheel instruction and the driving school instructor shall promptly report the incident to the OMV.
16. Neither the driving school instructor, nor the driving school employing the driving school instructor, shall be liable in any manner to any person who is denied behind the wheel instruction and training except for any partial refund attributable to the behind the wheel portion of the driver education or pre-licensing course.

I. – J. 6. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1980 (August 2012), amended LR 41:151 (January 2015), amended LR 43:1767 (September 2017), amended LR XX:XXXX (November 2019).

Title 55  
PUBLIC SAFETY  
Part III. Motor Vehicles  
Chapter 1. Driver's License  
Subchapter A. General Requirements  
§153 Parental Orientation

**§153. Parental Orientation  
(Formerly §154)**

A. – C. ...

- D. In the event the parent is unable to attend the Parental Responsibility Segment, the school may offer the class information online or in a handout that contains all the information that would normally be presented in the class. The parent must initial they have received the information and this must be made part of the student's file. If the class is taken online, confirmation of the online class should also be included in the student's file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A) (1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1985 (August 2012), amended LR 38:3235 (December 2012), LR 43:1772 (September 2017), LR XX:XXXX (November 2019).

Title 55  
PUBLIC SAFETY  
Part III. Motor Vehicles  
Chapter 1. Driver's License  
Subchapter A. General Requirements  
§157 General Regulations for Third Party Testers

**§157. General Regulations for Third Party Testers**

A. – E. 10. ...

11. A road skills test shall not be administered to an individual unless the individual is at least of the age of 16 but less than 17 and has held a Learner's Permit for at least 180 days.
12. If the Third Party Examiner suspects that the person is impaired at the time he presents himself for the administration of a road skills test, the examiner shall not administer the road skills test and the examiner shall promptly report the incident to the OMV.
13. Neither the examiner nor the Third Party Tester employing the examiner shall be liable in any manner to any person who is denied the road skills test except for the refund attributable to the fees charged for a road skills test.



F. – G. 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A) (1) and R.S. 40:1461.

HISTORICAL NOTE: HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1985 (August 2012), amended LR 38:3235 (December 2012), LR 43:1778 (September 2017), LR XX:XXXX (November 2019).

Title 55  
PUBLIC SAFETY  
Part III. Motor Vehicles  
Chapter 1. Driver's License  
Subchapter A. General Requirements  
§159 Suspension, Revocation and Penalty Assessment

**§159. Suspension, Revocation and Penalty Assessment**

A. – A. 5. ...

6. Each school shall respond to the findings in the compliance review as to how the school shall correct the violations within the prescribed time stated in the compliance review. The response may be sent via email.

B. – B. 2. d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A) (1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:1780 (September 2017), amended LR XX:XXXX (November 2019).

**FAMILY IMPACT STATEMENT**

The Effect of this rule on the Stability of the Family. This rule will have no effect on the stability of the family.

The Effect of this rule on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. This rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

The Effect of this rule on the Functioning of the Family. This rule will have no effect on the functioning of the family.

The Effect of this rule on Family Earnings and Family Budget. This rule will have no effect on family earning and family budget.

The Effect of this rule on the Behavior and Personal Responsibility of Children. This rule will have no effect on the behavior and personal responsibility of children.

The Effect of this rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. This rule will have no effect on the ability of the family or local government to perform the function as contained in the proposed rules.

### **POVERTY IMPACT STATEMENT**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

### **PROVIDER IMPACT STATEMENT**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### **PUBLIC COMMENTS**

Interested persons may submit written comments to Laura C. Hopes, Attorney, Louisiana State Police, 7979 Independence Blvd., Suite 307, Baton Rouge, Louisiana 70806. She is responsible for responding to inquiries regarding this proposed Rule.

### **REQUEST FOR PUBLIC HEARING**

Requests for a public hearing must be submitted in writing either via email or written correspondence. Requests for a public hearing shall be sent to [Laura.hopes@la.gov](mailto:Laura.hopes@la.gov) or to Laura C. Hopes, Attorney, Louisiana State Police, 7979 Independence Blvd., Suite 307, Baton Rouge, Louisiana 70806. The deadline for submitting a request for public hearing is September 10, 2019. All requests for a public hearing sent via written correspondence must be received by September 10, 2019. A public hearing will be held on Wednesday, September 25, 2019 at 10:00 a.m. at 7979 Independence Boulevard, Suite 301, Baton Rouge, Louisiana 70806. If the requisite number of comments are not received, the hearing will be cancelled. Please call and confirm the hearing will be conducted before attended.

### **FISCAL AND ECONOMIC IMPACT STATEMENT**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (SUMMARY)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the de minimis cost of promulgation for FY 19-20.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will not affect revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

It is anticipated that implementation of this proposed rule will not have economic cost or benefits to directly affected persons or non-governmental groups for FY 19-20, FY 20-21, and FY 21-22.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This rule has no known effect on competition and employment.