

Regular Session, 2012

HOUSE BILL NO. 589

BY REPRESENTATIVE ST. GERMAIN

MOTOR VEHICLES: Provides relative to third-party testers

1 AN ACT

2 To amend and reenact R.S. 32:408.1(2)(introductory paragraph) and to repeal R.S.
3 32:408.1(2)(a) through (e), relative to requiring third-party testers to comply with
4 certain federal regulations and to obtain a surety bond; repeals minimum
5 qualifications for third-party contracts; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:408.1(2)(introductory paragraph) is hereby amended and
8 reenacted to read as follows:

9 §408.1. ~~Third party~~ Third-party testing; proof of testing

10 The Department of Public Safety and Corrections, public safety services, may
11 contract with or license another state, an employer, a private driver training facility,
12 driver education course provider, or other private institution, or a department,
13 agency, or instrumentality of a local government to administer the skills tests as
14 specified herein if all of the following conditions are met:

15 * * *

16 (2) The third party has a contract or license with the department containing,
17 at a minimum, provisions which: comply with 49 CFR 383.75. In addition, the third-
18 party tester or examiner must initiate and maintain a surety bond in the amount of ten
19 thousand dollars.

20 * * *

21 Section 2. R.S. 32:408.1(2)(a) through (e) are hereby repealed in their entirety.

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)]

St. Germain

HB No. 589

Abstract: Provides that third-party testers with contracts with DPS&C to administer driving skills test shall comply with certain federal regulations and repeals minimum qualifications for contracts for third-party testers and DPS&C.

Present law provides that third-party testers administering skills tests have a contract or license with DPS&C, containing at minimum provisions which:

- (1) Allow DPS&C to conduct random examinations, inspections, and audits without prior notice;
- (2) Require DPS&C to conduct onsite inspections at least annually;
- (3) Require that all third-party examiners meet the same qualification and training standards as DPS&C examiners to the extent necessary to conduct skills tests;
- (4) Require that, at least on an annual basis, designated DPS&C employees take the tests actually administered by the third party as if said employee were a test applicant, or that the DPS&C test a sample of drivers who were examined by the third party to compare pass/fail results; and
- (5) Reserve unto DPS&C the right to take prompt and appropriate remedial action against the third-party testers in the event that the third party fails to comply with state or federal standards for the commercial driver's license testing program or with any other terms of the third-party contract.

Proposed law repeals the minimum qualifications.

Proposed law provides that third-party testers and examiners have a contract with DPS&C, containing at minimum, provisions which comply with 49 CFR 383.75. Also provides that the third-party tester must initiate and maintain a surety bond in the amount of \$10,000.

(Amends R.S. 32:408.1(2)(intro. para.); Repeals R.S. 32:408.1(2)(a)-(e)).

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Provided that third-party examiners, in addition to testers, initiate and maintain a surety bond in the amount of \$10,000.