

DEPARTMENT OF PUBLIC SAFETY &
CORRECTIONS
OFFICE OF MOTOR VEHICLES

RULES AND REGULATIONS
FOR OPERATION OF A
38 HOUR COMMERCIAL DRIVING
SCHOOL

LOUISIANA ADMINISTRATIVE CODE
TITLE 55, PART III, CHAPTER 1,
SECTION 143

§143. Commercial Driving Schools—36 Hours

A. Definitions (also applies to six-hour schools)

Certificate of Completion—encompasses the uniform "Certificate of Successful Completion" designed by the Department of Public Safety and Corrections and issued by a certified and approved driver training school upon successful completion of an approved driver education 36-hour course or a prelicensing six-hour course.

Commercial School Instruction Permit—this permit applies to the six-hour behind-the-wheel course and is issued to a student who is not in possession of a valid driver's license or learner's permit. This permit is issued by the driver training school on a form approved and provided by the Department of Public Safety and Corrections and is only valid during behind-the-wheel instruction.

Department—any reference herein to the department shall be construed as referring to the Louisiana Department of Public Safety and Corrections, acting directly or through its duly authorized officers and agents, who are responsible for executing the provisions of the law, rules, regulations and standards as contained in these rules and regulations.

Driving School—a school maintained, classes conducted or instruction offered by any person, who has been certified and approved by the Department of Public Safety and Corrections, for a consideration, profit or tuition, the purpose of which is to educate or train an individual(s), either by practical or theoretical methods or both to improve licensed driver competency and driver performance levels.

Good Reputation—a person is considered to be of good reputation if:

- a. there are no felony convictions related to the operation of a school;
- b. there are no convictions for crimes involving violence, dishonesty, deceit, indecency or an offense involving moral turpitude;
- c. within the last five years, the person has not been successfully sued for fraud or deceptive trade practices;
- d. the person does not own a school currently in violation of the legal requirements; has never owned a school with habitual violations; or has never owned a school which closed with violations including, but not limited to, unpaid refunds;

e. the person has not falsified or withheld material information from representatives of the department or law enforcement officials;

f. within the last five years there have been no misdemeanor or felony convictions involving drug-related offenses or driving while intoxicated.

Motor Vehicle—every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Operator—every person who is in actual physical control of a motor vehicle upon a highway.

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

Revocation—licensee privilege to operate a driving school or to instruct (as provided in these rules and regulations) is terminated for at least one year or indefinitely.

Secretary—the Secretary of the Department of Public Safety and Corrections or his appointed designee.

Six-Hour Behind-the-Wheel Course—this program shall consist of a minimum of six hours of instruction with the student as the operator of a dual-controlled motor vehicle. A student must possess a valid driver's license or instruction permit during behind-the-wheel instruction. If under the age of 18, the student's parent or guardian must sign, authorizing the instruction.

Six-Hour Prelicensing Course—this program shall consist of six hours of classroom instruction required of first-time driver's license applicants at least 16 years of age, if a 30-hours classroom and six-hour behind-the-wheel course is not taken.

Street or Highway—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.

Suspension—licensee privilege to operate a driving school or to instruct (as provided in these rules and regulations) is temporarily withdrawn for less than one year.

Thirty-Hour Classroom Course—this program shall consist of a course of not less than 30 hours of classroom instruction.

B. Application for Original Commercial Driving School License

1. An applicant for a 36-hour commercial driving school license must be a Louisiana resident and complete and/or submit the following:

a. Application for Owner and Operator of a Commercial Driving School (DPSMV 2147). This form is furnished by the Office of Motor Vehicles and must be notarized. If such applicant also plans to serve as an instructor, refer to Subsection Q of this Section, "Qualifications for 30-Hour Classroom Instructor"; Subsection R of this Section, "Qualifications for Six-Hour Behind-The-Wheel Instructor" and Subsection S of this Section, "Application for Instructor Permit";

b. Application for Instructor of a Commercial Driving School (DPSMV 2148). This form is furnished by the Office of Motor Vehicles and must be notarized. It is required if the school owner/operator will also serve as an instructor, as well as for each additional instructor;

c. course guide;

d. program of instruction/course content;

e. Uniform Certificate of Successful Completion (sample copy with raised seal);

f. copy of driver education certification for instructor(s);

g. a photocopy of the driver's license;

h. \$25 certified check or money order for each class location and \$10 certified check or money order for each instructor statewide;

i. certificate of insurance identifying (by description and vehicle identification number) the vehicle(s) covered, effective dates and limits of liability.

2. If the proposed classroom location will involve a change of occupancy (example: a warehouse or other nonclassroom facility to be renovated into a classroom), a "Plan Review Application Form" must be filed with and approved by the State Fire Marshal's Office in accordance with R.S. 40:1574 et seq.

3. License Fees. Every application for license must be accompanied by an application fee of \$25 per location for the school and \$10 for each individual instructor. If the application is approved, this rate will be charged each time the license is renewed. Licenses must be renewed by December 31 of each calendar year. (Applications for renewal must be submitted no later than the close of business, November 15 of each year.) All fees shall be submitted in the form of a certified check or money

order made payable to the Department of Public Safety and Corrections.

4. Effective Date. Each original license and instructor permit card shall be valid for the duration of the current calendar year during which time the application was made, unless said license or permit is suspended or revoked by the department. A calendar year is from January 1 through December 31.

5. Nontransferability. Licenses shall be nontransferable. In the event of change of ownership, application for a new license shall be made and the old license must be surrendered to the Office of Motor Vehicles before a new license will be issued to the new owner. The fee for the new license is \$25 for each school location and \$10 for each individual instructor payable as set forth and shall be submitted with the new application.

6. Display. The license must be conspicuously displayed in the licensee's principal place of business at all times. In the case of rented or leased space, the license must be displayed while the space is being used to conduct classes.

7. Loss, Mutilation or Destruction of School License, Instructor Permit. If a school license or instructor permit is lost or destroyed, a duplicate will be issued at no charge upon proof of the fact or, in the case of mutilation, upon surrender of such license.

8. Applications for new schools/classroom locations, which meet all requirements for acceptance, will be officially approved, entered into the computer and transmitted to all Office of Motor Vehicles field offices on the first of the month (or nearest regular working day) following acceptance. Also, all additional changes to these field office lists will be processed in a similar fashion.

C. Changes in Address(es) and/or Telephone Number(s). The Department of Public Safety and Corrections must be immediately notified in writing if there is any change in the address and/or telephone number of the school office, any classroom location or any driving school instructor. Failure to inform the department of the above changes shall be grounds for suspension or revocation of the driving school's license.

D. Renewal. Application for renewal of license shall be made on the prescribed form, accompanied by a fee of \$25 for the driving school license, per location, and \$10 for each individual instructor permit. The fees shall be submitted in the form of a money order or a certified check made payable to the Department of Public Safety and Corrections. No personal or business checks will be accepted. In the

event the application for renewal is rejected, the fees are returnable. In addition to the fees stated above, the following documentation must be submitted to the Office of Motor Vehicles before the close of business, November 15, of each year in order to remain currently licensed:

1. completed application for each school location;
2. completed application for each instructor;
3. certificate of insurance stating that all school vehicles are currently insured and that upon cancellation or expiration, the department will be notified. This certificate must be from the issuing insurance carrier, not the agency; identify (by description and vehicle identification number) the vehicle(s) covered; and, state the limits of coverage; and
4. copy of instructor's driver education certification or most recent instructor permit.

E. Location. Commercial driving school courses are not allowed to be taught out of a private residence. However, a residence may be used as an office location or "home office" provided that all records pertaining to the operation of the school are maintained in this office and made available for inspection upon request by any law enforcement officer or a duly authorized agent of the department. Records shall include but are not limited to course guides, card files, etc.

F. Office Requirements. All commercial driving schools shall operate from an office in the following manner:

1. the school's license must be conspicuously displayed in the business during operational hours; and
2. all records pertaining to the operation of the school shall be maintained in this office and must be available for inspection upon request by any law enforcement officer or a duly authorized agent of the department. Records shall include but are not limited to enrollment forms, card files, etc.

G. Driving School Name. No driving school shall conduct any business under a name that is deceptively similar to a name used by another driving school without the approval of the Office of Motor Vehicles. No driving school shall indicate either by name or by word of mouth that it is a division of the state. The school shall not use the word "state" or "education" in any part of the school name.

H. Branch Offices

1. A driving school desiring to open a branch office in a different location shall make application on the prescribed forms set forth in the rules and regulations, accompanied by the application fee of \$25 for each additional location. Each branch office must be equipped to and shall perform the same services as apply to the principal place of business.

2. If a branch office is discontinued, the branch office license must be surrendered to the Office of Motor Vehicles.

I. Employment of Additional Instructors. Refer to Subsection Q "Qualifications for 30-Hour Classroom Instructor", Subsection R, "Qualifications for Six-Hour Behind-the-Wheel Instructor" and Subsection S "Application for Instructor Permit."

J. Records. Every licensee shall maintain the following records:

1. a file setting forth the name and address, with respect to every person giving lessons, lectures, tutoring, instructions of any kind or any other services relating to instruction in the operation of a motor vehicle;

2. all schools shall make available records and necessary data required for licensing in compliance with the legal requirements for inspection by authorized representatives of the department. There may be announced or unannounced compliance surveys performed at the discretion of the department;

3. any funds received from, or on behalf of, a student shall be recorded and such records readily accessible to representatives of the department or any law enforcement official;

4. the schools shall retain all student records including copies of certificates of completion for at least three years. The actual written tests may be destroyed after entering the grade(s) into each student's records;

5. each driver training school shall be required to maintain a permanent record of lesson plans utilized for classroom instruction;

6. the individual student record form shall include, but not be limited to the following:

a. official name and address of the school as shown on the license issued by the Office of Motor Vehicles;

b. name, date of birth of the student, telephone number and physical address (other than P.O. Box) of the student;

c. applicable areas of instruction and instructional hours for classroom and behind-the-wheel instruction as well as observation and simulators, if applicable;

d. date of enrollment;

e. date instruction terminated, if applicable;

f. instruction permit number;

g. final grade earned;

h. printed name and driver's license number of instructor(s);

i. beginning and completion dates of the course;

j. printed name and signature of the school director or authorized representative;

k. preassigned completion certificate number assigned by the driver training school; and

l. copy of completion certificate.

7. Each student as well as the parent or guardian of any student under 18 years of age shall be required to present identification such as a copy of the birth certificate, Social Security card or any other documentation satisfactory to the driving school for purposes of providing proper identification.

K. Course Guide. A written contract is not required to receive instruction from a driver training school. However, every driver training school shall furnish each student with the following information in writing prior to the beginning of any instruction:

1. the total fee for the requested course of instruction which shall cover all expenses including the cost of the original and at least one additional copy of the certificate of completion provided to each student. The original, with original signatures, must be submitted to the Office of Motor Vehicles when the student makes application for his/her driver's license or learner's permit. The copy is for insurance purposes or for the student's personal file;

2. the school's cancellation and refund policy;

3. the school's standards of required behavior (including an absolute prohibition against cheating) as well as the consequences which will result if these standards are violated;

4. the school's regulations pertaining to absence, rescheduling procedures, and grading policy, indicating that a passing score of 80 percent must be accomplished to be issued a certificate of completion. The final examination may consist of a uniform test

developed and approved by the department and administered by the driving school;

5. any additional charge for the use of a school vehicle in taking behind-the-wheel instruction or for picking up a student or taking him to his residence or destination. There must be a verbal designation for such in addition to a written designation;

6. a description of the specific course that is to be instructed;

7. number of classroom instruction hours student will receive, if applicable;

8. number of behind-the-wheel instruction hours student will receive, if applicable and the requirement that the six-hours of behind-the-wheel instruction must be preceded by the 30-hours classroom instruction when both are combined into a 36-hour course. Students shall not receive more than a total of two hours of behind-the-wheel instruction per day;

9. in the case of a minor, behind-the-wheel instruction requires that the parent or the custodial guardian must sign the Commercial School Instruction Permit authorizing the driver training school to provide said instruction. Although an applicant must be at least 15 years of age to be issued a driver's license or learner's permit, he/she may enroll in a 36-hour commercial driving course at the minimum age of 14;

10. the school is prohibited from issuing a certificate of completion if the student has not met all of the requirements for course completion;

11. a school owner, instructor or employee shall not give a student the impression, by advertisement or otherwise, that a driver's license, learner's permit, or certificate of completion is guaranteed or assured to any student or individual who will take or complete any instruction or otherwise receive instruction in this driver training school;

12. a school owner, instructor or employee shall not give any representation that any school credit will be given upon completion of this course, without the expressed written approval of the Louisiana Department of Education;

13. in the event of a school closure, either by voluntary measures or by action of the Department of Public Safety and Corrections, a refund will be issued upon request. All refunds will be processed within 30 days after the effective date of termination or request, whichever is sooner;

14. any student(s) trained by an unlicensed instructor may be entitled to a refund of tuition and fees for the training provided by the unlicensed instructor(s) as determined by the department;

15. the course guide shall identify alternative testing techniques to be used for students with hearing, speech or learning disabilities. If needed, this information will be made available prior to enrollment of students;

16. the driver training school shall adhere to all applicable federal, state, and local laws and shall not engage in any form of unlawful discrimination or other illegal activities; and

17. the following statement must be included in the course guide handout:

"Any grievance(s) not resolved by the school may be forwarded to the Department of Public Safety and Corrections, Office of Motor Vehicles, Attention: CDL and Commercial Driving Schools Unit, P.O. Box 64886, Baton Rouge, LA 70896."

L. Insurance and Safety Requirements

1. The licensee must file with the department, evidence of insurance by a company authorized to do business in this state in the amount of at least \$25,000 because of bodily injury to, or death of, any one person in any one accident and subject to said limit for one person, to a limit of at least \$50,000 because of bodily injury or death of two or more persons in any one accident, and to a limit of \$10,000 because of destruction of property of others in any one accident. The driving school shall furnish evidence of such insurance coverage in the form of a certificate from the insurance carrier, which shall stipulate that the department shall be notified when the policy expires or is canceled, and shall include make, model, and vehicle identification number of the vehicle(s) being covered.

2. Fleet Policies. If the driving school is covered under a fleet policy and desires to add another vehicle to its fleet, it must advise the insurance company to notify the Department of Public Safety and Corrections that this unit (specifying the make, model and vehicle identification number) has been added. The insurance company need not furnish the department a copy of the insurance policy with the addition of the vehicle.

3. Every motor vehicle used for behind-the-wheel driver training shall be properly registered in Louisiana and display a current Louisiana inspection sticker. The vehicle shall be equipped with the following special equipment:

a. dual controls on the foot brake (and clutch on vehicles with manual transmission), located within easy reach of the instructor, capable of bringing the vehicle to a stop; and otherwise equipped in accordance with Louisiana motor vehicle laws;

b. safety belts to be worn by student, instructor and passenger(s), if applicable, in accordance with Louisiana law;

c. rearview mirrors, one on each side of the vehicle; and

d. cushions for the proper seating of students when necessary.

4. Every vehicle used for behind-the-wheel driver training shall contain proof of insurance in the vehicle at all times in accordance with R.S. 32:863(1).

5. Every vehicle used for behind-the-wheel driver training shall contain a conspicuously displayed, securely fastened sign to the rear stating "Student Driver." A sign bearing the name of the driver training school under which it is licensed may be used in lieu of the student driver sign. The sign shall be in plain view and shall have contrasting letters not less than 3 1/2 inches in height, readable from a distance of not less than 100 feet. A decal or sign listing the school name, address and phone number shall be displayed on each side of the vehicle.

6. Every vehicle used for behind-the-wheel driver training shall be maintained in safe mechanical and physical condition at all times.

M. Course Objectives

1. The educational objectives of driver training courses shall include, but not be limited to, promoting respect for and encouraging observance of traffic laws and traffic safety responsibilities of drivers and citizens, reducing traffic violations, reducing traffic-related injuries, deaths and economic losses, motivating continuing development of traffic related competencies and informing participants about the effects of alcohol and other drugs on driving ability.

2. Theoretical instruction shall include subject matter relating to rules and regulations of the road, safe driving practices, pedestrian safety and the driver's responsibility.

3. Practical instruction shall include the demonstration of and actual instructions in stopping, starting, turning, backing, parallel parking and

steering in a dual-controlled vehicle which meets the department's requirements.

4. A driver education course approved by the Department of Public Safety and Corrections shall consist of a minimum of 30 classroom hours of instruction and a minimum of six hours of behind-the-wheel instruction.

5. A behind-the-wheel course shall consist of a minimum of six hours of instruction where the student is the operator of a dual controlled motor vehicle.

N. Program of Instruction/Course Content (30-Hour Driver Education Course). The classroom portion of the 36-hour driver education course shall consist of a combined minimum total of 30 hours of instruction. The following topics shall be included in the instructional activities; however, the minimum time periods shown for each topic are optional.

1. Course Introduction. Minimum of 30 minutes (instructional objective—to orient students to the class):

- a. purpose and benefit of the course;
- b. requirements for receiving course credit;
- c. student course evaluation procedures.

2. The Traffic Safety Problem. Minimum of 90 minutes (instructional objective—to develop an understanding of the nature of the traffic safety problem and to instill in each student a sense of responsibility for its solution):

- a. identification of the overall traffic problem in the United States and Louisiana as well as the local law enforcement officials having jurisdiction where the course is being taught;
- b. death, injuries and economic loss resulting from motor vehicle crashes in Louisiana; and
- c. five leading causes of motor vehicle crashes in Louisiana as identified by the Department of Public Safety and Corrections.

3. Driving in the Highway Transportation System. Minimum of 90 minutes (instructional objective—understanding highway traffic systems and the driver's responsibilities):

- a. understanding the highway transportation system—people, vehicles, roads;
- b. keeping the highway traffic systems efficient—engineering, education, enforcement;

c. responsibilities of drivers—physical condition, driver's license, financial responsibility, safe vehicle.

4. Getting under Way. Minimum of 90 minutes (instructional objective—locating and identifying the location, purpose and operation of each indicator, gauge and control, thereby operating safely and conserving fuel):

- a. the view from behind the wheel, learning the controls—instrument panel, indicators, gauges, controls, lights, other signals;
- b. controls for safety—safety belts, passive restraints, head restraints and rearview mirrors;
- c. getting ready to drive, adjusting seat and mirrors, starting the engine.

5. Basic Driving Maneuvers. Minimum of 90 minutes (instructional objective—defensive driving):

- a. steering;
- b. accelerating;
- c. braking;
- d. changing lanes;
- e. turning;
- f. backing;
- g. changing direction;
- h. parking;
- i. passing; and
- j. railroad crossings.

6. Traffic Laws for Safety. Minimum of 120 minutes (instructional objective—familiarization with traffic and vehicle laws and to influence drivers to comply with laws on a voluntary basis):

- a. basic driving rules;
- b. right-of-way rules;
- c. speed laws;
- d. traffic signs and signals;
- e. pavement markings;
- f. highway markings; and
- g. special safety laws—DWI, implied consent, post-collision procedures.

7. Natural Laws and Driving. Minimum of 120 minutes (instructional objective—learning about forces that act on your vehicle and predicting how vehicle will respond):

a. understanding the natural laws—gravity, center of gravity, friction, energy of motion, centrifugal force, hydroplaning;

b. stopping distance—perception time and distance, reaction time and distance, braking distance; and

c. force of impact—factors affecting force of impact, energy-absorbing features in cars, passenger restraint.

8. A Strategy for Driving. Minimum of 120 minutes (instructional objective—identifying hazards, considering choices and taking action):

a. understanding the IPDE process—identifying problem, predicting outcome, deciding action, executing decision;

b. using the IPDE process—avoiding, separating and handling hazards, managing time, speed and space, following and stopping distance; and

c. trouble spots limiting use of IPDE process—limited visibility, traction, space.

9. Driving in City Traffic. Minimum of 120 minutes (instructional objective—identifying and handling city driving hazards):

a. characteristics of city driving—congestion, reduced speed, cross traffic;

b. using IPDE in city driving—incoming traffic, following traffic, tailgaters, intersections, multi-lane roads, one way streets; and

c. right of way situations—pedestrians, emergency vehicles, school buses.

10. Driving on Highways. Minimum of 120 minutes (instructional objective—adjusting driving to a variety of traffic patterns, speeds and road conditions):

a. characteristics of highway driving—less congestion, increased speeds, road conditions;

b. using IPDE on the highway—junctions, bridges, railroad crossings, hills and mountain roads;

c. driving on the expressways—minimum/maximum speeds, entering and exiting expressway, opposing or cross traffic;

d. driving to conserve fuel.

11. Sharing the Road with Other Users. Minimum of 90 minutes (instructional objective—learning special

characteristics and needs of other highway users and what to do to avoid conflicts with them):

a. pedestrians, animals, bicycles;

b. motorcycles and mopeds; and

c. other vehicles—large trucks, recreational vehicles;

12. Road Hazards and Vehicle Failures. Minimum of 120 minutes (instructional objective—identifying hazard(s), then acting to avoid them):

a. potential problems—visibility, traction;

b. other emergencies—controlling vehicle, swerving, skids, collisions, counterskids; and

c. vehicle equipment failures—tires, brakes, accelerator, steering, engine, lights.

13. Driver Fitness and Highway Safety. Minimum of 90 minutes (instructional objective—ability to identify, predict, decide and execute driving maneuvers based on physical and mental condition):

a. physical condition—age, fatigue, coordination, vision, disabilities, hearing; and

b. mental condition—alertness, awareness, emotions.

14. Alcohol, Other Drugs, and Driving. Minimum of 90 minutes (instructional objective—to identify effects of alcohol and other drugs relating to driving ability):

a. drug use and abuse—dangers, cautions, effects;

b. alcohol and the driver—effects;

c. responsibilities as a driver, passenger, host, person;

d. possessing, obtaining or using a fraudulent driver's license, identification card; and

e. legal aspects.

15. Owning a Motor Vehicle. Minimum of 90 minutes (instructional objective—ability to pay for, register, purchase fuel and maintain upkeep on vehicle):

a. deciding to buy;

b. titling and registering vehicle;

c. insuring a motor vehicle; and

d. planning a trip—preparing vehicle and yourself.

16. Maintaining Your Vehicle. Minimum of 90 minutes (instructional objective—a well maintained vehicle is safer to drive):

- a. vehicle inspection;
- b. preventive maintenance—brakes, tires, steering/suspension, under the hood; and
- c. fuel economy—vehicle choice and maintenance, driving habits.

17. Comprehensive Summation of Unit(s)/Unit Test(s) and Final Examination. Minimum total of 240 minutes being dedicated throughout the 30-hour training course specifically for summation of unit(s)/unit test(s) and final examination.

O. Minimum Course Standards. An approved driver education course shall be presented in compliance with the following.

1. No more than 40 students, per instructor, per class shall be allowed in a driver education course. In the case of make-ups, an additional 10 students may be allowed.

2. The classroom portion of the driver education course, which must be successfully completed before the student is allowed to start the behind-the-wheel training, requires 30 hours of classroom instruction covering the topics outlined under Subsection N of this Section, "Program of Instruction/Course Content". A minimum of 22 1/2 hours (75 percent) will comprise the formalized instruction and a maximum of 7 1/2 hours (25 percent) will consist of audio visuals.

3. The formalized instruction will consist of one of the following:

- a. lecture format plus classroom discussion;
- b. computer format plus classroom discussion; and
- c. combination of lecture and computer format plus classroom discussion.

4. The audio visuals may include such aids as films, slides or videos specifically designed to supplement the formalized instruction.

5. Administrative procedures, such as enrollment shall not be included in instructional time.

6. Unit tests are to be given to measure the effectiveness of instruction during the course and a final examination is given to measure the comprehension level of students at the completion of

the course. Students may not be given credit for the driver education course unless they score 80 percent or more on all unit tests (if more than one unit test is administered) as well as the final examination. Test questions may be short answer, multiple choice, essay or a combination of these forms, but must be adequate to demonstrate transfer of knowledge.

7. No more than eight hours of instruction, including unit or final examination, shall be conducted per day.

8. No more than three students shall be allowed in a dual controlled vehicle that is being used for behind-the-wheel instruction, provided the vehicle is equipped for that many passengers. No more than two persons, the student driver and the driving instructor, shall be allowed in the front seat of such vehicle. Each student shall be provided a minimum of six hours of actual, behind-the-wheel instruction.

9. Students shall be provided with adequate break and lunch periods proportionate to instructional time. Lunch periods shall not be considered as part of the instructional time for a driver education course. Break periods are limited to 10 minutes per hour of instruction. All break periods shall be provided prior to the comprehensive summation and final examination.

P. Uniform Certificate of Successful Completion

1. Every driver training school approved and licensed by the Office of Motor Vehicles shall be required to serially number and otherwise complete the uniform "Certificate of Successful Completion" designed and approved by the Department of Public Safety and Corrections (see §153, Appendix A). Each certificate shall display a distinguishing raised seal, consisting of the driving school's name and logo (optional), affixed to the signature of the owner/operator.

2. The uniform "Certificate of Successful Completion" must be prepared in triplicate. The original (which has no expiration date and must be identical to the form approved by the Office of Motor Vehicles) shall be given to the student to present to the Office of Motor Vehicles as proof of compliance with the driver training requirement for a driver's license or learner's permit. A second copy is to be provided to the student for insurance purposes (if needed) and the third copy is to be maintained by the provider for a minimum of three years from the date of course completion. Upon request, driving schools are required (and may charge a nominal fee) to provide photocopies or duplicates of certificates of completion for a minimum of three years from the

date of course completion. Such duplicates must be certified (signed and dated) by the driving school owner/operator.

3. All unissued certificates of completion must be safeguarded at all times. The certificates must be kept in a secure place under lock and key and only available to those representatives of the driver training school authorized to issue such certificates.

4. Every driver training school shall maintain an ascending numerical accounting record of all certificates issued. The records and all unissued certificates shall be open for inspection by the Office of Motor Vehicles or any law enforcement agency during normal business hours. Failure to make records available for inspection or to account for all unissued certificates shall result in the suspension or revocation of the driver training school license and/or instructor permit(s), in addition to any criminal penalties that may be imposed by law.

5. Certificates of completion shall be issued to students who successfully complete a driver training course as approved by the Office of Motor Vehicles. The issuance of a certificate to a person who has not successfully completed an approved driver training course shall be considered as sufficient cause for revocation of the driver training school license and/or the instructor permit(s), in addition to any criminal penalties that may be imposed by law.

6. Lost or stolen certificates of completion shall be reported to the Office of Motor Vehicles immediately. If a theft or suspected theft has occurred, the local law enforcement agency must also be notified and a police report sent to the local Office of Motor Vehicles immediately. Theft of certificates or possession of stolen certificates of completion shall result in the criminal prosecution of the person(s) responsible.

7. Driving schools may add or reference and attach a note to the certificate of completion to advise the parent(s) and/or local Office of Motor Vehicles field office relative to a student's driving proficiency.

Q. Qualifications for 30-Hour Classroom Instructor. A person is qualified to be a 30-hour classroom instructor who:

1. is a person of good moral character and reputation;
2. has met all applicable requirements of the Department of Public Safety and Corrections;
3. is at least 21 years of age;
4. possesses a high school diploma or a GED;

5. holds at least a valid Class "E" Louisiana driver's license; and

6. currently holds a valid teaching certificate or a certificate of completion of a driver education course at least equivalent to a 30-hour classroom course which has been approved by the Department of Public Safety and Corrections or the Department of Education.

R. Qualifications for Six-Hour Behind-the-Wheel Instructor. A person is qualified to be a six-hour behind-the-wheel instructor who:

1. is a person of good moral character and reputation;
2. has met all applicable requirements of the Department of Public Safety and Corrections;
3. is at least 21 years of age;
4. possesses a high school diploma or a GED;
5. holds at least a valid Class "D" Louisiana chauffeur's license;

6. has visual acuity not worse than 20/40 in each eye, with or without corrective lenses (An instructor cannot be missing an eye, hand or foot. Also, an applicant with a "03" or "04" restriction will not be considered for an instructor permit.);

a. "03" Restriction: Using Left outside Rearview Mirror. This restriction will be added to individuals who have impaired vision worse than 20/40 in either or both eyes. The "03" restriction does not mean that eyes cannot be improved;

b. "04" Restriction: Eyes Cannot Be Improved. This is an information code designed to avoid the continued referral of an applicant whose vision cannot be improved;

7. currently holds a valid teaching certificate or a certificate of completion of a driver education course at least equivalent to a 30-hour classroom course which has been approved by the Department of Public Safety and Corrections or the Department of Education; and

8. driving school instructors shall not provide more than a total of eight hours of behind-the-wheel instruction per day.

S. Application for Instructor Permit

1. An applicant for a 36-hour commercial driving school instructor permit must complete and/or submit the following:

a. Application for Instructor of a Commercial Driving School (DPSMV 2148). This

form is furnished by the Office of Motor Vehicles and must be notarized;

- b. copy of driver education certification;
- c. photocopy of driver's license; and

d. \$10 certified check or money order made payable to the Department of Public Safety and Corrections.

2. Additional details regarding these requirements follow. Application for an instructor permit shall be made on forms supplied by the department. The application must be notarized and signed by the owner (unless the owner is making application) of the driving school, thus indicating that said person is or will be employed by the school. This applies to renewals as well as original application.

3. No person shall perform any instructional duties as an owner or employee of any school or branch thereof unless such person shall meet the qualifications for instructors as provided for in these rules and regulations.

T. Carrying Instructor and School Instruction Permits

1. The instructor permit and commercial school instruction permit must be carried in the vehicle at all times while behind-the-wheel driving instructions are being given.

2. The commercial school instruction permit shall be valid only during the period of instruction, and when the person to whom the permit is issued is accompanied by a certified instructor. Such permit shall be in the possession of the instructor during the period of its validity and shall be presented for examination when requested by any law enforcement officer. Upon completion of such course of instruction, it shall be the responsibility of the instructor to cancel such permit.

3. If a student applicant answers "Yes" to the medical (physical or mental) questions number 1 and/or number 2 listed on the "Commercial School Instruction Permit", the student shall be directed to have his/her physician sign a complete release to include an answer to the following specific question: "In your opinion, from a medical standpoint, is it safe for patient to operate a motor vehicle? _____"
In addition, a copy of this statement and a copy of the "Commercial School Instruction Permit" must be attached to the student's "Certificate of Successful Completion", to be presented to the Office of Motor Vehicles upon making application for a driver's license. In any event, before initiating behind-the-wheel instruction, each instructor should take

appropriate, practical action to assure that each student has no apparent visual or hearing condition which could impair his/her ability to operate a motor vehicle safely.

U. Refunds. If refunds are due, all driver training schools shall complete them within 30 days. Proof of completion of refund shall be the refund document or copies of both sides of the cancelled check and shall be on file within 20 days of the effective date of refund action. All refund checks shall identify the student to whom the refund is assigned. In those cases where multiple refunds are made using one check, the check shall identify each individual student and the amount to be refunded to each student.

V. Substitute Instructors. Substitute instructors may be used only during cases of emergency such as illness or death, death in family or unavoidable scheduling conflicts. Such substitute instructors must possess the same qualifications as required of certified instructors. The owner/operator is responsible for maintaining a roster of names, addresses and telephone numbers of such persons and the dates they were employed.

W. General Regulations and Policies

1. No existing instructor or school owner/operator or any person applying for such licensure, may be convicted of any felony involving violence, dishonesty, deceit, indecency or any conduct involving moral turpitude.

2. No employee of the Department of Public Safety and Corrections, whose duties relate in any way to the issuance of a driver's license, shall be connected with any commercial driving school.

3. The school shall agree to permit the department and its representatives to inspect the school and shall make available to the department, when requested to do so, full information pertaining to any or all items of information contained in the application form. Upon request, the school shall provide photostatic copies of the school records required by the department.

4. A school shall not use any name other than its licensed name for advertising or publicity purposes, nor shall a school advertise or imply that it is "supervised," "recommended" or "endorsed" by the Department of Public Safety and Corrections. No school shall use the word "state" or "education" in any part of the school name. No commercial driving school shall advertise in any way until such time as the school is properly licensed by the State of

Louisiana, Department of Public Safety and Corrections.

5. An owner, instructor or employee of a driving school shall not, by advertisement or otherwise, state or imply that upon completion of the course, the securing of a driver's license to operate a motor vehicle is guaranteed or assured.

6. No driver training school instructor or employee will be permitted to accompany any student into any examining office rented, leased or owned by the Department of Public Safety and Corrections for the purpose of assisting student in taking a driver's license examination.

7. No driver training school instructor or employee will be permitted to loiter on the premises rented, leased or owned by the Department of Public Safety and Corrections and operated for the purpose of conducting Louisiana state driver's license examinations.

8. No driver training school instructor or employee shall be permitted to advertise or personally solicit any individual on the premises rented, leased or owned by the Department of Public Safety and Corrections, for the purpose of enrolling them in any driver training school.

9. No driver training school instructor or employee shall be permitted to use the space provided on the premises of any office rented, leased or owned by the Department of Public Safety and Corrections for parallel parking or any other behind-the-wheel instruction during the hours while driving tests are being conducted.

10. No classroom facility will be located in a private residence.

11. Classroom instruction must be provided at an approved and certified driver training school. Home study is not permitted for any portion of the classroom instruction.

12. The school shall have a grievance procedure that is disclosed to all students. The driver training school shall make every effort to resolve complaints at the school.

13. The driver training school shall share the responsibility for all acts performed by instructors or employees that are within the scope of employment and which occur during the course of employment.

X. Suspension/Revocation of Driving Privileges. Any instructor who has a violation resulting in a suspension or revocation of his driving privileges is

subject to having his instructor permit suspended or cancelled as follows:

1. unpaid traffic ticket—suspended until cleared with the Office of Motor Vehicles;

2. driving under suspension—suspended for one year from the date the driver's license and instructor permit are secured;

3. DWI—first or subsequent conviction—revoked for a five-year period from the date driver's license and instructor permit are secured (at the end of the five-year period, the instructor will have to submit and receive approval of a new application);

4. notice of violation/cancellation—suspended until the notice of violation/cancellation has been cleared by the department;

5. the commission of any other offense resulting in a suspension, revocation or cancellation of driving privileges—suspended until the punitive action has been completed (any instructor who has received a suspension, revocation or cancellation of his driving privileges shall not be allowed to conduct classes for the duration of the punitive action period).

Y. Suspension/Revocation of School License or Instructor Permit. The department may suspend or revoke any owner/operator license or instructor permit issued under these rules and regulations upon satisfactory evidence of the following violations.

1. The licensee has violated any provision of any of the rules and regulations of the Department of Public Safety and Corrections.

2. The licensee or instructor has been convicted of any felony involving violence, dishonesty, deceit, indecency or an offense involving moral turpitude. If it involves the owner of the school, then the owner/operator license will be revoked. If it involves the instructor, then the instructor permit will be revoked.

3. The licensee has knowingly presented to the department false or misleading information relating to the licensing process.

4. The licensee or instructor is addicted to the use of alcoholic beverages or drugs, or has been convicted of an offense of involuntary manslaughter or criminally negligent homicide as a result of the person's operation of a motor vehicle, or an offense involving driving under the influence of alcohol or drugs.

5. The licensee or instructor has become incompetent to safely operate a motor vehicle or

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conduct classroom or behind-the-wheel instruction satisfactorily.

6. The licensee has failed or refused to permit the department or its representatives to inspect the school, classroom, course materials or motor vehicles which are used to teach its students or any documentation pertaining to an application form or any of the school's program.

7. The licensee has failed or refused to submit to the department an application for license in the manner prescribed by the department.

8. The licensee or instructor has failed or refused to produce his license or permit when requested to do so either by prospective students or officials of the department.

9. The licensee has failed to maintain adequate standards of instruction, qualified instructors or equipment sufficient to adequately maintain the school or classes.

10. The licensee is employing instructors who have not been properly licensed (driver's license or instructor permit).

11. The licensee, upon change of ownership or location of the school, failed to notify the department immediately.

12. The licensee or instructor has assisted a person in obtaining a driver's license by deceptive practices (license or permit will be permanently revoked).

13. The licensee or instructor is instructing students contrary to the restrictions imposed on the student's "Commercial School Instruction Permit."

14. The licensee or instructor has unauthorized possession of application forms or questionnaires used by the Department of Public Safety and Corrections in conducting driver's license examinations.

15. Any holder of a 36-hour commercial driver training school license or instructor permit which has become subject for suspension or revocation by the department shall have the right to make a written request for an administrative hearing within 30 days from the date of the proposed suspension or revocation. Hearing requests shall be mailed to:

Office of Motor Vehicles
Attention: CDL and Commercial Driving Schools Unit
Box 64886
Baton Rouge, LA 70896.

16. Any 36-hour commercial driving school that does not abide by these rules and regulations will be

removed from the list of approved schools and their Certificates of Completion will not be accepted by the Office of Motor Vehicles for the issuance of a driver's license.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 22:286 (April 1996).