

Louisiana Administrative Code
Title 55
Part III

§155. Third Party Tester/Examiner Requirements

A. Act 307 of the 2011 legislative session amended R.S. 32:408 to require all driver education providers to become certified as third party testers by June 30, 2012.

A. Act 307 of the 2011 Legislative Session amended R.S. 32:408 to require all driver education providers to become certified as third party testers by June 30, 2012. Driver Education providers must become certified as third party testers but may opt not to perform as third party testers.

B. All persons seeking to become certified by and contract with DPS to be a third party tester to administer the road skills test pursuant to R.S. 32:408 shall meet the following requirements:

1. successfully complete an OMV sanctioned examiners course;
2. meet all qualifications of a driving school owner as outlined in §145, Qualifications for Private Driving School Owners and Instructors;

C. Qualifications for a Third Party Tester Examiner

1. An examiner shall meet all requirements for a behind the wheel instructor listed in this part in addition to the following:

- a. successful completion of the Office of Motor Vehicle certified examiner training course.

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:

§156. Application Process and Fees for Third Party Testers/Examiners

A. Each person requesting to be certified by and contract with DPS as a third party tester shall submit the following:

1. completed third party tester application for class D and E driver's license;
2. certificate of insurance as outlined in this Subchapter;
3. completed application for examiner license;
4. non-refundable \$50 annual application fee for each tester location, which shall be collected biennially and a \$25 non-refundable annual application fee for each examiner, which shall be collected biennially, in the form of a money order, certified check or public school check made payable to DPS;
5. If the applicant is not a currently licensed driving school owner or instructor, each applicant must successfully pass a fingerprint background check. The background check will be conducted in a manner set forth by DPS. Each applicant must pay the background check fee by a separate certified check or money order. The current fee is \$26.
6. If the applicant is not a currently licensed driving school owner, all documents required to verify that the applicant meets the qualifications for a driving school owner as outlined in this part, must be submitted.

B. Each applicant for third party examiner certification shall submit the following:

1. completed application for third party examiner certification;
2. If the applicant is not a currently licensed driving school instructor, each applicant must successfully pass a fingerprint background check. The background check will be conducted in a manner set forth by DPS. Each applicant must pay the background check fee by a separate certified check or money order. The current fee is \$26.
3. If the applicant is not a currently licensed driving school instructor, all documents required to verify that the applicant meets the qualifications for a driving school owner as outlined in this part, must be submitted.

C. Renewal

1. The renewal schedule is December 31 each year for privately owned facilities and August 31 for secondary school facilities.

2. Application for renewal of certification shall be made on the prescribed form, accompanied by a non-refundable fee of \$100 for each location and \$50 for each individual examiner certificate, in the form of a money order or a certified check made payable to DPS. No personal or business checks will be accepted.

3. All renewal applications for privately owned schools shall be submitted to the Office of Motor Vehicles before the close of business, October 1, of the renewal year. All renewal applications for secondary and alternative schools shall be submitted to the Office of Motor Vehicles before the close of business, June 1, of the renewal year.

4. All renewal applications for third party testers and examiners which are licensed driver education providers shall be submitted in conjunction with the renewal for the driver education programs.

5. Applications received after the deadline, will be deemed untimely and may cause delay in renewal of the license. A third party tester which has submitted an untimely renewal application and who has not been certified

prior to the expiration of the current certificate, shall not be authorized to conduct any road skills tests after that certificate expires, until the license is renewed.

6. Incomplete renewal applications may result in the license renewal being delayed or denied.
7. Background checks on owners and examiners will be conducted upon license renewal.
8. The following documents shall be submitted as part of the renewal packet:
 - a. completed application for each location;
 - b. completed application for each examiner;
 - c. certificate of insurance in the company name stating that all vehicles are currently insured and that upon cancellation or expiration, the Training and Certification Unit of Office of Motor Vehicles shall be notified. This certificate shall be from the issuing insurance carrier, not the agency; identify (by description and vehicle identification number) the vehicle(s) covered. The limits shall be \$500,000 in auto liability and \$1,000,000 in general liability;
 - d. a non-refundable fee of \$50 for each location and \$25 for each individual examiner certificate, in the form of a money order or a certified check made payable to DPS. No personal or business checks will be accepted.
 - e. completed background check forms and certified check or money order for \$26 for each examiner and owner for facilities that are not driving schools.
9. Any facility that fails to renew his license/contract within six months of expiration, shall be required to begin the initial application process again.

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:

§157. General Regulations for Third Party Testers

A. General Regulations

1. Upon approval of the application, all third party testers shall execute a contract with DPS authorizing them to administer the road skills test.
2. All third party examiners shall comply with and abide by all applicable statutes and regulations as well as all terms of the contract executed by the third party tester or third party examiner and DPS.
3. The school shall agree to permit DPS representatives to inspect the school and shall make available to DPS, when requested to do so, full information pertaining to any or all items of information pertaining to the testing operation. Upon request, the school shall provide photo copies of the school's records required by DPS.
4. A representative of the Federal Highway Administration and/or a DPS representative may conduct random examinations, inspections, and audits without prior notice.
5. The facility shall conspicuously display the issued certificate in the business during operational hours.
6. The tester and/or examiner shall not assist a person in obtaining a driver's license by deceptive practices.
7. The tester and/or examiner shall not state or imply, that upon completion of the road skills test, the securing of a driver's license is guaranteed or assured.
8. A DPS representative shall annually take a road skills test administered by the licensed third party examiner or test a sample of drivers who were examined by the third party to compare pass/fail results.
9. A third party tester/examiner shall not commence administering the road skills test until authorized to do so by DPS.
10. If at any time, a third party tester/examiner ceases to meet any requirement imposed by statute, the regulations, or the contract, the third party tester or the third party examiner shall immediately cease all testing.
11. Each student administered the road skills test shall be notified, prior to testing, that he is subject to being retested by the Office of Motor Vehicles at any time.
12. Private driving schools may administer road skills tests to the general public. Authorized Secondary School Driver education program providers shall administer road skills tests only to students enrolled in his school or his driver education program.
13. All third party examiners shall submit to and receive approval from DPS of a test route for use in the administration of skills testing to driver applicants for each location approved by DPS. The route shall be different from the routes used during any eight hour behind the wheel training.

B. Record Keeping

1. When the student requires the administration of a road skills test, the following information shall be maintained in the records, in date order, and shall be maintained for five years from the date of the road skills test:
 - a. completed application for road skills test (DPSMV2271);
 - b. completed disclosure of terms for applicants (DPSMV2273);
 - c. completed road skills driving test (DPSMV2005A);
 - d. completed test history form (DPSMV30059) furnished by DPS, if applicable;

e. completed road skills test certificate (DPSMV 2272), if applicable.

2. Every Third Party Tester shall maintain an ascending numerical accounting record of all certificates issued. The records and all unused road skills test certificates shall be opened for inspection by DPS during normal business hours.

3. The tester shall submit a monthly report of the skills test performed the previous month. The report shall list by week the number of skills tests given, the number of tests passed, the number of tests failed and total all categories listed above for the month. This report shall be submitted by the tenth of the month in the format and delivery method prescribed by OMV.

C. Safety and Insurance

1. A certificate of insurance shall be filed with DPS in the business name stating that all vehicles utilized in the road skills test administration are currently insured and that upon cancellation or expiration, the training and Certification Unit, Office of Motor Vehicles will be notified. This certificate shall be from the issuing insurance carrier, not the agency; identify (by description and vehicle identification number) the vehicle(s) covered. The limits shall be \$500,000 in auto liability and \$1,000,000 in general liability.

2. If the school is covered under a fleet policy and desires to add another vehicle to its fleet, it shall advise the insurance company to notify DPS, in writing that this unit (specifying the make, model and vehicle identification number) has been added.

3. The examiner may refuse to administer the test at any time he determines the condition of the applicant, roads, or weather to be unsafe.

D. Road Skills Test Certificate (DPSMV 2272) Requirements

1. Road skills test certificates shall be issued to applicants who successfully complete a road skills test as approved by the Office of Motor Vehicles.

2. No third party tester shall issue a certificate to a person who has not successfully completed the approved road skills test.

3. All blank road skills tests certificates shall be kept in a secure place under lock and key and only available to those representatives of the third party tester authorized to issue such certificates and DPS representatives.

4. Lost or stolen road skills test certificates shall be reported to DPS immediately. If a theft or suspected theft has occurred, the local law enforcement agency shall also be notified and a police report sent to OMV immediately.

E. Testing Preparation Policies

1. Each applicant shall be required to present proof of identity as outlined in the Office of Motor Vehicles policy along with the completed Test History form provided by the Office of Motor Vehicles.

2. The legal custodial/domiciliary parent/guardian of an applicant under the age of 18 shall sign a consent statement, provide proper identification and provide proof that he or she is the legal custodial/domiciliary parent/guardian.

3. All applicants shall sign the Disclosure of Terms form supplied by OMV. If the applicant is under the age of 18, the legal custodial/domiciliary parent/guardian shall also sign. This form shall be kept in the files.

4. The fee for a road skills tests shall not exceed \$40. This shall cover all expenses including the cost of the original and one additional copy of the road skills test certificate provided to each applicant.

5. A copy of the certificate shall be placed in the applicant's file and maintained by the tester for a minimum of five years.

6. Only examiners which are certified adaptive driver trainers shall administer road skills tests to applicants that require adaptive equipment, including bioptic telescopic lenses.

F. Test Administration Policies

1. Only examiners who have been approved and certified by DPS shall administer road skills tests.

2. Only the applicant, examiner, examiner's supervisor, DPS representative, or interpreter, if necessary, are allowed in the vehicle when a road skills test is being administered.

3. Each driving course layout shall include (as a minimum) the following for scoring purposes:

a. two stop signs (one with an obstructed view, if possible);

b. two traffic lights;

c. two lane changes;

d. two intersections, without a turn;

e. two reversal procedures—options:

i. into and out of a parking space;

ii. three point turn;

f. three left turns, one of which includes a left turn onto a multiple-lane roadway;

g. three right turns, one of which includes a right turn onto a multiple-lane roadway;

- h. one parking maneuver.
- 4. In the administration of the road skills test, each third party examiner shall measure the performance of the applicant in each of the following operational skills:
 - a. observing;
 - b. communicating;
 - c. speed adjustment;
 - d. vehicle positioning;
 - e. time and space judgment;
 - f. hazard perception.
- 5. Standardized instructions shall be utilized when conducting a road skills test.
- 6. Approved scoring criteria shall be standardized, as determined and approved by DPS. If using a vehicle with a dual brake, it shall be an automatic failure of the test if the examiner has to use the brake for any reason.

G. Suspension, Revocation and Penalty Assessment

1. All regulations outlined in this chapter shall be adhered to by the school and its employees. DPS may suspend or revoke any third party tester certification or examiner license issued under these rules and regulations upon discovery of satisfactory evidence of violations. If the violation involves the owner of the school or other management staff, then the driving school will be assessed penalties or the license may be suspended or revoked. If the violation involves the instructor, then the instructor may be fined or the instructor's license may be suspended or revoked, depending on the nature of the violation. Fines may be assessed up to \$500. If the fine is not paid, the license shall be revoked.

2. Any third party tester/examiner whose certification or license is denied, suspended, or revoked, or who was assessed a fine shall have the right to appeal the action in the same manner as provided in §151, Regulations for All Driver Education Providers, Subsection D.

H. Although driving schools are required to be a third party tester, driving schools are not required to administer the road skills test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) AND R.S. 40:1461, and R.S. 32:408.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:

§159. Military Exemption

A. Any active duty military person who has not been previously licensed in this state or another state, upon proving his active duty status, may submit proof of successful completion of military driver training, which is essentially equivalent to the training required in this part, in lieu of providing the completion certificate required in this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S.

32:402.1(A)(1), R.S. 32:408.1, and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR