

Traffic Website RFP Question

Question 1: In the meeting notes you stated that it was acceptable to have a different certification from the Department of Public Safety under R.S. 22: 1457. Could you please explain your change of position since this requirement was very specific?

Answer 1: At the time of letting the RFP the District Attorney was unaware of the state certification that existed under RS 22:1457. Once it was brought to our attention, we reviewed the language of Code of Criminal Procedure 892.1:

“Whenever, in a misdemeanor case, a person is convicted of violating any law of this state that regulates traffic or any parish or municipal ordinance that regulates traffic, or when a child is decreed by a court to be a traffic violator, regardless of any sentence imposed, the court imposing sentence may order the person or child to attend and participate in a driver education, training, or improvement program approved by the court or the violator may choose a program approved by the Department of Public Safety and Corrections, office of motor vehicles as provided and pursuant to the conditions in R.S. 32:402.2.”

Further review showed that R.S. 32:402.2 has since been repealed, now leaving the Code of Criminal Procedure article 892.1 to say: “to attend and participate in a driver education, training, or improvement program approved by the court or the violator may choose a program approved by the Department of Public Safety and Corrections.” R.S. 22:1457 provides for certification by the state of a driver education, training, or improvement program, specifically “defensive driving,” and, thus, meets the requirements of the RFP.