

OFFICE OF THE STATE REGISTER INSERTION ORDER (eff.08/02)

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(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

- EMERGENCY RULE NOTICE OF INTENT RULE POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) October, 20 14 Louisiana Register the document indicated above.

Office of Motor Vehicles
Office/Board/Commission promulgating this document

Department of Public Safety
Department under which office/board/commission is classified

Jill P. Boudreaux Undersecretary
(name) (title)
Name and title of person whose signature will appear in the publication (at the end of the document)

Laura Hopes 225-925-6103 225-925-3974
(name) (phone) (fax)
Name, phone number, and FAX number of person to contact regarding this document
laura.hopes@la.gov
E-mail address of contact person

Provide a short descriptive listing for this document to be used in the Louisiana Register's TABLE OF CONTENTS/INDEX (note: this description should match the fiscal statement title, if sending a Notice of Intent:

Driving Schools: LAC 55:III.151

\*If sending a diskette, indicate the name of the file on diskette:

Jill P. Boudreaux
Signature of Agency Head or Designee

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here: [X]

Jill P. Boudreaux
Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS

DOCUMENT #

ISIS AGENCY: I certify the availability of fiscal year 2014 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

Table with 5 columns: AGENCY, ORGANIZATION #, OBJECT, SUB-OBJECT, REPORTING CATEGORY. Values: 420-2967, 4960, 5102.

NON-ISIS AGENCY: I certify the availability of fiscal year appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

La. Department of Public Safety
Agency Name
P.O. Box 66614, Drawer B-9
Street Address or Post Office Box
Baton Rouge LA 70896
City State Zip Code

Jill P. Boudreaux 925-6032
Signature of Agency Head or Designee - Phone #

Lines/Other Charges Typesetting \$ TOTAL \$

## **NOTICE OF INTENT**

Title 55  
PUBLIC SAFETY  
Part III. Motor Vehicles  
Chapter 1. Driver's License  
Subchapter A. General Requirements  
(LAC 55:III.151)

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 151 under Chapter 1, Subchapter A, to require employees of driving schools in direct care or responsibility for minor students to submit and pass a background check. Current regulation only provides for instructors and owners supervising students to submit to and pass a background check. This regulation will ensure compliance with the Child Protection Act.

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

A. – E. 4. ...

5. Any employee of a driving school with direct care or responsibility for minor students or who has access to the student's personal information, shall submit to and successfully pass a background check prior to any contact with minor students. The direct care or responsibility over minor students shall consist of any contact with a minor student, including, but not limited to, picking up students for instruction, monitoring students, or driving students home. This rule applies to all driving school employees, including instructors, owners and administrative staff. Employees of driving schools who are not required to submit to a background check or have not passed a background check shall not be allowed access to minor students or their information. Driving school owners shall be required to submit a list of all employees with direct care or responsibility for minor students to DPS annually, and any time a new employee is hired, by email at [ladrivingschools@dps.la.gov](mailto:ladrivingschools@dps.la.gov). Personal information includes, but is not limited to, any identifying information such as name, address, telephone number, social security number, parents' names, name and address of high school attended by student, and emergency contacts.

E. 6. – H. 10. ...

**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:XXXX

## **SMALL BUSINESS IMPACT STATEMENT**

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have any adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

## **POVERTY STATEMENT**

The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in La. R.S. 49:973. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

## **FAMILY IMPACT STATEMENT**

The proposed Rules will not have any known or foreseeable impact on any family as defined by R.S. 49:972D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of the children.

Local governmental entities have the ability to perform the enforcement of the action proposed in accordance with R.S. 40:1730.23

## **PROVIDER IMPACT STATEMENT**

The proposed Rules do not impact or affect a "Provider." "Provider" means an organization that provides services for individuals with developmental disabilities as defined in HCR 170 of the 2014 Regular Session of the Legislature. In particular, the proposed Rules have no effect or impact on a "Provider" in regards to:

1. The staffing level requirements or qualifications required to provide the same level of service.
2. The cost to the provider to provide the same level of service.
3. The ability of the provider to provide the same level of service.

## **INTERESTED PERSONS**

Interested persons may submit written comments or requests for public hearing on these proposed rule changes to Laura Hopes, Department of Public Safety & Corrections, Public Safety Services, Office of Legal Affairs, at 7979 Independence Blvd., Suite 307, P.O. Box 66614, Baton Rouge, LA 70896, (225) 925-6103 (phone); (225) 925-3974 (facsimile); [laura.hopes@la.gov](mailto:laura.hopes@la.gov) (email). Comments will be accepted through close of business November 10, 2014. A public hearing will be held on Wednesday, November 25, 2014 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.

**Title 55**  
**PUBLIC SAFETY**  
**Part III. Motor Vehicles**  
**Chapter 1. Driver's License**  
**Subchapter A. General Requirements**  
**(LAC 55:III.151)**

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

A. – E. 4. ...

- ~~5. Students shall not be supervised by any person who has not submitted to the background check required by these rules.~~
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