

Stephen Quidd

From: Stephen Quidd
Sent: Friday, September 27, 2013 3:05 PM
To: apa.s-judb@legis.la.gov; apa.h-thpw@legis.la.gov
Cc: apa.housespeaker@legis.la.gov; apa.senatepresident@legis.la.gov
Subject: Rules Amendments Proposed by the LA Dept. of Public Safety & Corrections, Office of Motor Vehicles on 3rd Party Testers
Attachments: Scan Rules Amendments Proposed by the LA Dept of Public Safety Corrections Office of Motor Vehicles on 3rd Party Testers.pdf

Dear Committee Chairpersons,

Attached is the report required by RS 49:968(D)(1)(b) for the rule amendments proposed by the Office of Motor Vehicles regarding Third Party Testers of applicants for commercial driver's licenses.

By copy of this e-mail, I am also providing the report to the Speaker of the House and the President of the Senate.

Thank you.

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BOBBY JINDAL
GOVERNOR

MICHAEL D. EDMONSON, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

September 26, 2013

ELECTRONIC DELIVERY VIA E-MAIL

House Committee on Transportation, Highways
Public Works
Representative Karen St. Germain, Chairman

Senate Committee on the Judiciary B and
Senator Jean-Paul J. Morrell, Chairman

**Re: Rules Amendments Proposed by the Louisiana Department of Public Safety and
Corrections, Office of Motor Vehicles on Third Party Testers**

Dear Chairmen,

The Office of Motor Vehicles provides the following report to your committees as required by R.S. 49:968(D)(1)(b) for the proposed Notice of Intent that were published in the August 20, 2013 edition of the Louisiana Register on pages 2375 through 2377. A public hearing was not requested and therefore one was not conducted.

The Office of Motor Vehicles did not receive any public comment on the proposed rules during the comment period.

As a result, no changes to the proposed rule text are necessary.

Thank you for your attention to this matter.

Sincerely,

Stephen A. Quidd
Attorney for La. DPS&C, OMV
(225) 925-6103

Enclosure

c. Speaker of the House
President of the Senate

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on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Reduction of Paperwork
required under Statewide Order No. 29-B**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**
There are no estimated implementation costs or savings to the state or local governmental units as a result of the proposed rule change that reduces the number of hard copies (from three to one) to be submitted by participants in conjunction with Act 312 (of 2006 Regular Legislative Session) public hearings. Act 312 public hearings provide procedures for remediation of oilfield sites and exploration and production sites to property under the jurisdiction of the Department of Natural Resources Office of Conservation. The proposed rule change pertaining to Act 312 public hearings requires participants to submit at least one hard copy of all plans, documents and exhibits as opposed to three.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There is no anticipated effect on revenue collections of state or local governmental units resulting from the proposed rule change.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
Implementation of the proposed rule change may result in a minimal savings since participants will no longer be required to submit three hard copies of all plans, documents and exhibits in conjunction with Act 312 public hearings.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There is no estimated effect on competition and employment as a result of the proposed rule change.

James H. Welsh
Commissioner
1308#058

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

**Commercial Driver's License
(LAC 55:III.103, 107, 117, and 119)**

In accordance with the provisions of R.S. 32:408-863, relative to the authority of the Office of Motor Vehicles to adopt rules regarding third-party testers and examiners for commercial driver's licenses, the Office of Motor Vehicles hereby proposes to amend and to adopt LAC 55:III, Chapter 1, Subchapter A, §103.C.6, E, and G.1, §107.A.6, §117.C.1, and §119.A.10 to update the rules regarding skills tests and the requirements applicable to third party testers and examiners.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§103. Examinations and Skills Tests

A. - C.5. ...

6. If the applicant performs the skills test in a vehicle not equipped with airbrakes, and is issued a commercial driver's license, the airbrake restriction shall be indicated on said license. If the applicant performs the skills test in a vehicle equipped with partial airbrakes (air over hydraulics), and is issued a commercial driver's license, the "no full airbrake" restriction shall be indicated on said license.

D. - D.4....

E. Except as otherwise provided herein, a person shall not drive a commercial motor vehicle unless he first successfully completed a skills test and has been issued a certificate, or other proof of successful completion of a skills test, of successful completion of a skills test in accordance with this Section.

F. - F.2.b. ...

G. The Office of Motor Vehicles shall provide a skills test grading sheet on a form to be designated by it upon which the examiner shall rate the performance of the applicant who takes the skills test for each operation or activity which is a part of the test. The examiner shall require the applicant to sign the test form at the beginning of the skills test and shall state the date and time upon which the test was administered.

1. If the applicant attains a passing score of 80 percent or better on the skills test, the Office of Motor Vehicles, or the designated third-party examiner, shall issue proof of successful completion in a manner prescribed by the Office of Motor Vehicles.

G.2. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:408.

HISTORICAL NOTE: Filed by the Department of Public Safety, Office of Motor Vehicle, 1974, promulgated and amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 15:1090 (December 1989), amended LR 24:2312 (December 1998), LR 39:

§107. Knowledge and Skills Test for Endorsements to a Commercial Driver's License

A. - A.5. ...

6. School Bus. In order to obtain a school bus endorsement, an applicant must satisfactorily demonstrate the additional knowledge and test requirements set forth below:

a. An applicant for the school bus endorsement must satisfy the following three requirements:

i. qualify for a passenger vehicle endorsement. Pass the knowledge and skills test for obtaining a passenger vehicle endorsement;

ii. knowledge test. Must have knowledge covering the following topics:

(a). loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices required for school buses by state of federal law or regulation;

(b). emergency exits and procedures for safely evacuating passengers in an emergency;

(c). state and federal laws and regulations related to safely traversing railroad-highway rail grade crossings; and

(d). operating practices and procedures not otherwise specified;

iii. skills test. Must take a driving skills test in a school bus of the same vehicle group as the school bus applicant will drive. If applying for a passenger and school bus endorsement, a skills test in a school bus will satisfy the required skills test listed in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:408.

HISTORICAL NOTE: Filed by the Department of Public Safety, Office of Motor Vehicle, 1974, promulgated and amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 15:1092 (December 1989), amended LR 24:2313 (December 1998), LR 39:

§117. Third-Party Testers

A. - B. ...

C.1. All applicants for certification as third-party testers, as well as all persons certified as third-party testers, shall permit an employee or other representative of the department to monitor or audit the applicant's or third-party tester's records or skills testing operations during the hours of 8 a.m.-4:30 p.m. Monday-Friday, or at any other time the third-party tester is normally open for business or an examiner employed by the third-party tester is administering knowledge or skills tests for endorsements to a commercial driver's license. The applicant or third-party tester, including any of its employees, officers, or directors, shall immediately make available, to the employee or representative of the department conducting the audit, the records required to be kept by LAC 55, Part III, Chapter 1, Subchapter A, or the third-party tester agreement unless the applicant or third-party tester certifies, in writing, that the records sought are in use at that time, in which case the records shall be made available by 4:30 p.m. on the following day.

2. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:408.

HISTORICAL NOTE: Filed by the Department of Public Safety, Office of Motor Vehicle, 1974, promulgated and amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 15:1093 (December 1989), amended LR 24:2314 (December 1998), LR 39:

§119. Third-Party Examiners

A. - A.9. ...

10. must maintain a valid email account and have access to the internet, to interact with certain online systems.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:408, 15.587.

HISTORICAL NOTE: Filed by the Department of Public Safety, Office of Motor Vehicle, 1974, promulgated and amended by the Department of Public Safety and Corrections, Office of

Motor Vehicles, LR 15:1094 (December 1989), amended LR 24:2315 (December 1998), amended LR 39:

Family Impact Statement

The proposed Rule will not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) 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;
6. local governmental entities have the ability to perform the enforcement of the action proposed in accordance with R.S. 40:1730.23.

Poverty Impact Statement

The proposed Rule amends LAC 55:III.103, 107, 117, and 119. These Rule changes should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business 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 a significant 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.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted no later than September 16, 2013, at 4:30 p.m. to Stephen A. Quidd, P.O. Box 66614, Baton Rouge, LA 70896, (225) 925-6103, fax: (225) 925-3974, or stephen.quidd@dps.la.gov.

Public Hearing

A public hearing is scheduled for September 26, 2013, at 10 a.m. at 7979 Independence Blvd., Suite 301, Baton Rouge, LA 70806. Please call in advance to confirm the time and place of meeting, as the meeting will be cancelled if the requisite number of comments is not received.

Jill P. Boudreaux
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Commercial Driver's License**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units resulting from the proposed Rule changes. The proposed Rule change will affect the commercial driver's license program and will bring the Louisiana Office of Motor Vehicles and licensed commercial third party testers into compliance with federal Rules. The Rule changes include "no full airbrake" licenses for skills tests completed on vehicles with partial airbrakes, school bus endorsements, and third party testers maintaining a valid e-mail address and internet access to interact with online systems.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units as a result of this Rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated effect on costs or economic benefits to directly affected persons or non-governmental groups. The requested Rule changes are being made to align administrative code with the current testing and training curriculum and have no financial implications.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule change will not impact competition and employment. The requirements are uniformly applied statewide.

Jill P. Boudreaux
Undersecretary
1308#097

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

**Compulsory Insurance
(LAC 37:VII.123 and 129; LAC 55:III.1717)**

In accordance with the provisions of R.S. 32:863, relative to the authority of the Office of Motor Vehicles, the Office of Motor Vehicles hereby proposes to repeal LAC 37:VII, Chapter I, Subchapter B, §123 and §129, and to adopt LAC 55:III, Chapter 17, Subchapter A, §1717, to update the Rule on the collection of the administrative fee under the compulsory insurance law for failure to maintain the required liability insurance as is reflected current law. The previous law tied the collection of the administrative fee to the driver's license while current law ties the administrative fee to the reinstatement of the vehicle registration privileges.

**Title 37
INSURANCE**

Part VII. Motor Vehicles

Chapter 1. Insurance

Subchapter B. Compulsory Motor Vehicle Liability Security

§123. Maintenance of Compulsory Motor Vehicle Liability Security

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:861.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 4:297 (August 1978), repealed by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 39:

**§129. Compulsory Insurance Hardship License
Repealed.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:602 (September 1986), amended 13:667 (November 1987), repealed LR 39:

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 17. Compulsory Insurance

Subchapter A. General

§1717. Owner and Driver Compliance

A. Each person who applies for registration of a motor vehicle, or applies for a driver's license, shall declare, in writing, on a form provided by the department that all motor vehicles registered in such person's name are covered by security as required by R.S. 32:861, and that such person intends to maintain said security at all times while said vehicle is used upon the highways of Louisiana.

B. In accordance with R.S. 32:863(D)(5), the department shall collect an administrative fee of \$25 to offset the administrative costs of the department whenever an individual reinstates his registration privileges after such registration privileges were revoked in connection a reported cancellation of a motor vehicle liability insurance policy in accordance with R.S. 32:863(A)(3)(a).

1. This administrative fee shall be in addition to the reinstatement fee required by R.S. 32:863(A)(3)(a).

2. The administrative fee shall be collected for each reported insurance cancellation when the registration privileges are reinstated even if multiple cancellations on one or more vehicles are being reinstated at one time.

3. No administrative fee will be collected if the owner submits proof satisfactory to the department that there was no lapse in coverage or the person provides proof satisfactory to the department that such person sold or otherwise transferred the vehicle prior to the date the motor vehicle liability insurance was cancelled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:862 and 32:863.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 39:

Family Impact Statement

The proposed Rule will not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) 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.