



{In Archive} 968(D)(1)(b) Oversight Report on OMV 3rd Party tester Rule for Commercial Driver's Licenes
Stephen Quidd to: apa.h-thpw

07/26/2013 04:05 PM

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Attached is the oversight report submitted on behalf of the Office of Motor Vehicles on the proposed rule amendment regarding CDL 3rd Party Testers.

If you have any questions, please feel free to contact me.



Scan.Rules Proposed by the Louisiana Department of Public Safety & Corrections, OMV on 3rd Party Testers.pdf



Title 55.pdf

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**{In Archive} 968(D)(1)(b) Oversight Report on OMV 3rd Party tester Rule for
Commercial Driver's Licenes
Stephen Quidd to: apa.s-judb**

07/26/2013 04:07 PM

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Attached is the oversight report submitted on behalf of the Office of Motor Vehicles on the proposed rule amendment regarding CDL 3rd Party Testers.

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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

July 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 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 June 20, 2013 edition of the Louisiana Register on pages 1590 through 1591. 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

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**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Records**

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. The proposed amendment requires electrical logs of all test wells or wells drilled in search of oil, gas, sulphur and other minerals to be submitted in an electronic format to the Office of Conservation. The current rule requires the electrical logs to be mailed to the district office. The proposed rule change also prescribes the format (at least 200 dots per inch resolution.tiff) to be used when submitting the electrical logs.

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 government units as a result of this rule change.

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

Implementation of the proposed rules may result in a minimal savings since well owners will no longer be required to mail electrical logs to the district office.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of this rule change.

James H. Welsh
Commissioner
1306#068

John D. Carpenter
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

**CDL Driver's Licenses—Third Party Testers
(LAC 55:III.117)**

In accordance with the provisions of R.S. 32:408, relative to the authority of the Office of Motor Vehicles, the Office of Motor Vehicles hereby proposes to amend LAC 55:III, Chapter 1, §117, to adopt by recent legislative changes regarding requirements to become a third-party tester or examiner for commercial driver's licenses, and to increase the fee third-party tester are authorized to charge applicants for administering the skills test for a commercial driver's license.

**Title 55
PUBLIC SAFETY
Part III. Motor Vehicles**

**Chapter 1. Driver's License
Subchapter A. General Requirements
§117. Third-Party Testers**

A. - A.10. ...

11. All CDL third-party testers shall execute a good and sufficient surety bond with a surety company qualified to do business in Louisiana as surety, in the sum of \$10,000. The bond shall name The Department of Public Safety and Corrections, Office of Motor Vehicles, as obligee. The bond shall remain in effect throughout the duration of the contract.

12. The CDL third-party tester shall require its examiners to annually submit to a fingerprint background check as part of the examiner application process. The third-party tester or the examiners employed by the tester shall pay any fees charged in connection with the fingerprint background check as may be agreed between the tester and the examiner. Any fees for fingerprinting or doing the background check are paid to the respective law enforcement agencies providing the service.

13. The CDL third-party tester shall not charge a fee in excess of \$100 for the administration of a skills test. The third-party test shall clearly indicate in writing that this fee is for the administration of the skills test

B. - C.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); 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.325. 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 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 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 July 15, 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 July 17, 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: CDL Driver's Licenses, Third Party Testers

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

The proposed Rule change is not anticipated to result in additional state or local government costs or savings. The proposed Rule change amends the CDL Third-Party Tester Program, which the Department has administered since the early 1990's. The proposed Rule reflects recent legislative changes regarding a new bond requirement and annual background checks for Commercial Driver's License third-party testers. The Rule change increases the fee that third-party testers are authorized to charge to administer the road skills test for a Commercial Driver's License to an amount not to exceed \$100.

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 will be an increase in costs to third-party testers because they are now required to obtain a bond and submit to a criminal background check. The cost of the annual background check will be the twenty-six dollar fee currently charged by Louisiana State Police. The cost of the bond will be variable depending on the nature and size of the third-party tester's business and is therefore indeterminable. Testers taking the skills test for a Commercial Driver's License are likely to realize additional test taking expenses as the proposed rule creates additional costs for third-party testers and authorizes a fee not to exceed \$100.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule changes should not affect competition or employment.

Jill P. Boudreaux
Undersecretary
1306#029

Evan Brasscaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

International Registration Plan (LAC 55:III.325)

In accordance with the provisions of R.S. 47:511, relative to the authority of the Office of Motor Vehicles, the Office of Motor Vehicles hereby proposes to amend LAC 55:III, Chapter 3, §325, to adopt by reference the current version of the *International Registration Plan* as adopted by the International Registration Plan, Inc., effect January 1, 2013.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 3. License Plates

Subchapter A. Types of License Plates

§325. International Registration Plan

A. The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby adopts by reference, the *International Registration Plan*, hereinafter referred to as the plan, adopted in August 1994 and as revised through January 1, 2013, by the member jurisdictions, and published by International Registration Plan, Inc. The department only adopts the articles and sections contained in the agreement, as well as the exceptions to the plan as reflected in the January 1, 2013 revision and included in Appendix C of the plan. The commentary and governing board decisions included with the adopted plan shall not be part of this rule, but may be considered by the department in interpreting and implementing the various sections of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:511.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 26:89 (January 2000), amended LR 29:605 (April 2003), LR 30:2859 (December 2004), 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.

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