



**BOBBY JINDAL**  
GOVERNOR

**MICHAEL D. EDMONSON, COLONEL**  
DEPUTY SECRETARY

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

December 27, 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 Driver's License and Identification Card  
Issuance by Public Tag Agents**

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 was published in the November 20, 2013 edition of the Louisiana Register on pages 3161 through 3163. This notice of intent amended the rules on public tag agents to provide for additional qualification requirements for a public tag agent to be able to issue driver's licenses and identification cards on behalf of the Office of Motor Vehicles. Representatives of the Office of Motor Vehicles and public tag agents met and developed these new requirements together prior to initiating the rule making process.

The Office of Motor Vehicles did not receive any public comment on the proposed rules during the comment period. As a result, a public hearing was not requested and therefore no public hearing was conducted.

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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P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

B. Reimbursement for fluoride varnish application services shall be a flat fee based on the appropriate HCPCS code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it will improve health outcomes and reduce the occurrence of future dental disease.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 as it is expected to reduce the costs associated with the treatment of dental disease which will ease the financial burden on families.

**Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Monday, December 30, 2013 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Kathy H. Kliebert  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Professional Services Program  
Fluoride Varnish Applications**

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

It is anticipated that the implementation of this proposed Rule will result in estimated state programmatic costs of \$57,256 for FY 13-14, \$61,111 for FY 14-15 and \$63,287 for FY 15-16. It is anticipated that \$410 (\$205 SGF and \$205 FED) will be expended in FY 13-14 for the state's administrative expense for promulgation of this proposed Rule and the final Rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

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

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$97,180 for FY 13-14, \$97,536 for FY 14-15 and \$100,119 for FY 15-16. It is anticipated that \$205 will be expended in FY 13-14 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 61.48 percent in FY 14-15. The enhanced rate of 62.11 percent for the last nine months of FY 14 is the federal rate for disaster-recovery FMAP adjustment states.

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

This proposed Rule continues the provisions of the January 20, 2012 Emergency Rule and amends the provisions governing the Professional Services Program in order to establish Medicaid reimbursement for fluoride varnish application services rendered by qualified providers in a physician office setting. It is anticipated that implementation of this proposed Rule will increase program expenditures in the Professional Services Program by approximately \$154,026 for FY 13-14, \$158,647 for FY 14-15 and \$163,406 for FY 15-16.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

It is anticipated that the implementation of this proposed Rule will have no effect on competition and employment.

J. Ruth Kennedy  
Medicaid Director  
1311#084

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

Public Tag Agents (LAC 55:I.1575)

In accordance with the provisions of R.S. 47:532.1, relative to the authority of the Office of Motor Vehicles, the Office of Motor Vehicles hereby proposes to amend LAC 55:III.1575, to further clarify the requirements for a public tag agent to be authorized to issue driver's licenses and identification cards on behalf of the Office of Motor Vehicles.

**Title 55**

**PUBLIC SAFETY**

**Part III. Motor Vehicles**

**Chapter 15. Services Provided by Persons and  
Business Entities**

**Subchapter B. Public Tag Agents**

**§1575. Driver's License Issuance**

A. A public tag agent may contract with the department to administer the necessary tests and issue or renew identification cards, handicap hang tag identification cards, and driver's licenses. The written knowledge test and the driving or skills test shall be administered in accordance with the provisions of LAC 55:III.Chapter 1.Subchapter C.

B. The public tag agent's third party examiner shall utilize only department approved visual screening equipment. In lieu thereof, each examiner may opt to utilize the standard Snellen wall-chart for visual acuity. The visual

acuity testing shall be administered in manner approved by the department.

C. A public tag agent shall develop controls to secure the materials and equipment necessary to issue driver's licenses. Such controls shall be submitted in writing to the department. A public tag agent shall not issue any driver's licenses until the controls required by this Section have been approved by the department in writing. Once approved, the controls shall be implemented as written. Any changes to the control approved by the department shall be approved in writing prior to implementation.

D. The department shall designate the types of driver's license and identification card transactions a public tag agent may perform, such as renewals and duplicates. Such designation shall be at the sole discretion of the department. Identification cards include the photographic identification issued with a handicap hangtag.

E. Qualifications for Issuance of Driver's Licenses and Identification Cards. In addition to the qualification requirements contained in statute and this Chapter, a public tag agent shall meet these additional requirements in order to be approved to perform driver's license and identification card transaction designated by the department.

1. Insurance. The insurance policy shall provide coverage and a defense for the state of Louisiana and the Department of Public Safety and Corrections, as well as the employees of the state and the department.

a. A policy for professional liability/errors and omissions with minimum coverage of \$1,000,000.

b. A policy for general liability with minimum coverage of \$1,000,000.

2. A security system installed by a company licensed and approved by the Office of State Fire Marshal. This system shall be monitored 24 hours a day by a monitoring company.

3. A video surveillance system which at a minimum monitors all entrances, the driver's license camera station, and the secure supply room. Such system shall be installed by a company licensed and approved by the Office of State Fire Marshal. The video images shall be retained by the system for a minimum of 30 days with the ability to save the video indefinitely if so requested by the department.

#### F. Camera Station

1. The public tag agent shall purchase the camera station from the current vendor providing the credential issuance solution for the department. The public shall receive prior approval from the department before purchasing the camera station.

2. A public tag agent may only dispose of a camera station in a manner approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 27:1927 (November 2001), amended LR 40:

#### 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.

#### 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, healthcare, 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 regulations. Such comments should be submitted no later than the close of business, December 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@la.gov](mailto:stephen.quidd@la.gov).

#### Public Hearing

A public hearing is scheduled for December 27, 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: Public Tag Agents

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

The proposed Rule change will have no impact on state government expenditures. However, the proposed Rule change would impact local governmental units in the event the locality becomes a public tag agent (PTA) to perform vehicle and driver's license transactions. The costs would include the purchase of liability insurance and a security and video surveillance system. Currently, there are no local governmental entities that are PTAs.

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

There is no anticipated effect on revenue collections of state governmental units as a result of this proposed Rule change. However, local governmental units may increase revenue collections as a result of becoming PTAs. To the extent a local government unit elects to become a PTA for driver's license issuance, as authorized by R.S. 47:532.1, their revenue will be based upon the convenience fee the local government unit charges its customers. The convenience fee of up to \$18, authorized by R.S. 47:532.1, is charged to the customer and collected by PTAs.

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

Those individuals who choose to use a public tag agent to renew their driver's license will pay an additional convenience fee to the PTA in an amount not to exceed \$18. Each PTA determines the exact amount of the convenience fee they charge per transaction.

For private entities that become PTAs, each entity issuing driver's licenses will have to acquire the equipment necessary for driver's license issuance from OMV's vendor at the PTA's cost. The private entity will also have to purchase liability insurance as required in the proposed Rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed Rule changes may affect competition and employment to the extent a local governmental entity and private entity become PTAs in the same locality or parish. Currently, there is only one pilot program operated by a private entity.

Jill P. Boudreaux  
Undersecretary  
1311#092

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of State Police**

**Motor Carrier Safety Revision Date and Weight  
(LAC 33:V.10303 and 10309)**

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 32:1501 et seq., gives notice of its intent to amend its Rules regulating motor carrier safety and hazardous materials by updating the revision date of the adopted federal motor carrier regulations to October 1, 2013 and by deleting rules which were repealed by statute.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Wastes and Hazardous Materials**

**Subpart 2. Department of Public Safety and Corrections—Hazardous Materials**

**Chapter 103. Motor Carrier Safety and Hazardous Materials**

**§10303. Federal Motor Carrier Safety and Hazardous Materials**

A. The following federal motor carrier safety regulations and hazardous materials regulations promulgated by the United States Department of Transportation, revised as of October 1, 2013, and contained in the following parts of 49

CFR as now in effect or as hereafter amended, are made a part of this Chapter.

Part 107	Hazardous Materials Program Procedures
Part 171	General Information, Regulations, and Definitions
Part 172	Hazardous Materials Table, Special Provisions, and Hazardous Materials Communications, Emergency Response Information, and Training Requirements
Part 173	Shippers—General Requirements for Shipments and Packagings
Part 177	Carriage by Public Highways
Part 178	Specifications for Packagings
Part 180	Continuing Qualification and Maintenance of Packagings

Part 355	Compatibility of State Laws and Regulations Affecting Interstate Motor Carrier Operations
Part 360	Fees for Motor Carrier Registration and Insurance
Part 365	Rules Governing Applications for Operating Authority
Part 367	Standards for Registration with States
Part 373	Receipts and Bills
Part 374	Passenger Carrier Regulations
Part 375	Transportation of Household Goods in Interstate Commerce: Consumer Protection Regulations
Part 376	Lease and Interchange of Vehicles
Part 379	Preservation of Records
Part 382	Controlled Substances and Alcohol Use and Testing
Part 383	Commercial Driver's License Standards; Requirements and Penalties
Part 384	State Compliance with Commercial Driver's License Program
Part 385	Safety Fitness Procedures
Part 386	Rules of Practice for Motor Carrier, Broker, Freight Forwarder and Hazardous Materials Proceedings
Part 387	Minimum Levels of Financial Responsibility for Motor Carriers
Part 388	Cooperative Agreements with States
Part 389	Rulemaking Procedures-Federal Motor Carrier Safety
Part 390	Federal Motor Carrier Safety Regulations; General
Part 391	Qualifications of Drivers
Part 392	Driving of Commercial Motor Vehicles
Part 393	Parts and Accessories Necessary for Safe Operation
Part 395	Hours of Service of Drivers
Part 396	Inspection, Repair, and Maintenance
Part 397	Transportation of Hazardous Materials; Driving and Parking Rules

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:31 (January 1988), amended LR 17:1115 (November 1991), LR 19:351 (March 1993), LR 20:58 (January 1994), LR 24:956 (May 1998), LR 24:2321 (December 1998), LR 29:711 (May 2003), LR 30:447 (March 2004), LR 32:641 (April 2006), LR 34:882 (May 2008), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, LR 37:1613 (June 2011), LR 38:1417 (June 2012), amended by the Department of Public Safety and Corrections, Office of State Police, LR 40:

**§10309. Recovery of Civil Penalties**

A. To enforce the collection of a civil penalty levied after due process upon a person determined by the secretary of the Department of Public Safety and Corrections to have committed an act that is a violation of R.S. 32:1501 et seq., or adopted or promulgated regulations as provided in this Chapter, the secretary shall act in accordance with the provisions of R.S. 32:1525.