

Laura Hopes

From: APA - Senate Jud B <apa.s-judb@legis.la.gov>
Sent: Friday, October 31, 2014 11:02 AM
To: Laura Hopes
Cc: APA - Senate Jud B
Subject: Request received

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Judiciary B, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Hopes

From: Microsoft Outlook
To: apa.s-judb@legis.la.gov
Sent: Friday, October 31, 2014 11:02 AM
Subject: Relayed: 968D1b report - Knowledge Tests for Driving Schools

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

apa.s-judb@legis.la.gov (apa.s-judb@legis.la.gov)

Subject: 968D1b report - Knowledge Tests for Driving Schools



BOBBY JINDAL
GOVERNOR

MICHAEL D. EDMONSON, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services
October 31, 2014
OLA-14-LCH-16488

VIA EMAIL ONLY (apa.s-judb@legis.la.gov)

Jean-Paul J. Morrell
Senate Judiciary B Committee
State Capitol
Baton Rouge, LA 70804

Re: Rules Proposed by the Department of Public Safety & Corrections, Office of Motor Vehicles, to amend Chapter 1, Sections 155, 156, 157, 185 and 187 pertaining to Commercial Driving Schools

Dear Mr. Morrell,

The Department of Public Safety & Corrections, Office of Motor Vehicles, provides the following report to your committee as required by R.S. 49:968(D)(1)(b) for the proposed Notice of Intent that was published in the September 20, 2014, edition of the Louisiana Register on pages 1821 through 1822, and the declaration of emergency on pages 1666 through 1668, a copy of which is enclosed.

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.

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

Additionally, no technical changes are required.

Sincerely,

Laura C. Hopes
Attorney for the Office of Motor Vehicles
(225) 925-4404

Enclosures

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:463.24.

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

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.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted no later than October 15, 2014, 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.

Public Hearing

A public hearing is scheduled for October 23, 2014 at 10 a.m. at 7979 Independence Blvd. Suite 301, Baton Rouge, LA 70806. Please call or e-mail 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: Dealer, Educator, and Retired Law Officer Plates

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

There will be no implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change sets criteria for the issuance and/or removal of Dealer Plates to automotive dealers and the eligibility criteria for educator and retired law enforcement license plates. The rules are being implemented as a result of clarifying issuance and eligibility criteria that was omitted in law. The costs associated with the issuance of these plates are covered by the existing fees.

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

The proposed rule change will have no effect on revenue collections of state or local governmental units.

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

The proposed rule change may impact persons who received license plates before the eligibility criteria was established and are no longer eligible to receive the plates.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Jill P. Boudreaux
Undersecretary
1409#063

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Driving Schools—Class D and E Licenses
(LAC 55:III.Chapter 1)

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 155, 156 and 157 under Chapter 1, Subchapter A, and Sections 185 and 187 under Chapter 1, Subchapter C to implement Act 307 of the 2011 Regular Session which required every person properly licensed as a private driving school to administer both the knowledge and on-road driving skills tests required for the issuance of a class "D" or "E" license in Louisiana.

Effective August 1, 2014, driving schools shall administer the knowledge examination for the Office of Motor Vehicles. At the end of the classroom course the school shall administer a final test provided by the department. Passing this test will waive the required knowledge test by the Office of Motor Vehicles. As of July 31, 2014, all private driving schools have been notified of this procedure.

The full text of this Notice of Intent can be found in the Emergency Rule section of this *Louisiana Register*.

Family Impact Statement

The proposed rules 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 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 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.

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 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.

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.

Public Comments

Interested persons may submit written comments or requests for public hearing on these proposed rule changes to Laura Hopes, Department of Public Safety and 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 (email). Comments will be accepted through close of business October 10, 2014.

Public Hearing

A public hearing will be held on Wednesday, October 29, 2014 at 10 a.m. at 7979 Independence Boulevard, Suite 301, Baton Rouge, LA 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 attending.

Jill P. Boudreaux
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Driving Schools Class E and D Licenses

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

There will be no implementation costs or savings to state or local governmental units as a result of the proposed rule change. The purpose of the proposed rule is to implement Act 307 of 2011 pertaining to driver education and the requirements for private training and driving instructor schools relative to the administration of the knowledge exams required for the issuance of a Class "D" or "E" license. The knowledge exams will no longer be administered at Office of Motor Vehicles (OMV) district offices and will only be provided by third party testers/examiners. In addition, Act 307 allows third party testers/examiners to offer the driving skills test that OMV offices offer. This allows the driver's license applicant to choose to take the driving skills test with the driving school or at the OMV district office. It should be noted that as a result of Act 307, OMV reduced positions by 20 and associated funding of \$817,000 in FY 12. However, this reduction was done prior to implementation of this rule.

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

There is no anticipated direct material effect on revenue collections of state or local governmental units as a result of the proposed rule.

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

Third party testers/examiners may increase revenue as a result of offering the road skills test and retesting of the knowledge test. Third party testers/examiners may charge up to \$40 for the driving skills test and re-test of the knowledge exam. Currently, there is no charge for driving skills tests or re-test of the knowledge exam that are offered at OMV district offices.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Jill P. Boudreaux
Undersecretary
1409#053

Evan Brasseaux
Staff Director
Legislative Fiscal Office

3. parental consent will be obtained when an increase in frequency, length, duration, or intensity of a service is determined in the child's IFSP;

4. if the parent does not provide consent for the use of the child's Medicaid, the department will make available only those early intervention services on the IFSP for which the parent has provided consent;

5. parents may withdraw consent for use of their child's Medicaid at any time.

H. Determination of Family Cost. Families are liable for the costs of services that their child receives while enrolled in EarlySteps as follows.

1. The aggregate contributions made by the parent shall not exceed the aggregate cost of the early intervention services received by the child and family (factoring in any amount received from other sources for payment for that service).

2. At least annually, or at any time the department determines that a reassessment of the parent's financial circumstances is warranted, the department shall conduct such reassessment of financial status.

3. The parent has the right to request a reassessment at any time if there are significant changes affecting the determination of the cost participation amount.

4. Families who have the ability to pay and choose not to pay may be determined as ineligible to continue to receive services until payment is made.

5. The inability of the family of the eligible infant or toddler will not result in a delay or denial of services if the family does not meet the cost participation income requirements or for services for which there are no costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 40:

Interested persons may submit written comments to Mark A. Thomas, Office for Citizens with Developmental Disabilities, P.O. Box 3117, Baton Rouge, LA 70821-3117. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at OCDD state office and human services authorities/districts.

Kathy H. Kliebert
Secretary

1409#024

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of Motor Vehicles

Driving Schools—Class D and E Licenses
(LAC 55:III.Chapter 1)

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 finds that an imminent peril to the public safety requires adoption of a Rule upon shorter notice than that provided in R.S. 49:953(A), as provided in R.S. 49:953(B), since effective August 1, 2014, all private driving schools

shall administer the knowledge examination for the Office of Motor Vehicles as required by Act 307 of the 2011 Legislative Session, which implemented R.S. 40:1461(G) requiring every person properly licensed as a private driving school to administer both the knowledge and on-road driving skills tests required for the issuance of a class "D" or "E" license in Louisiana. At the end of the classroom course the school shall administer a final test provided by the department. Passing this test will waive the required knowledge test by the Office of Motor Vehicles. As of July 31, 2014, all private driving schools have been notified of this procedure. In order to provide driving schools with the necessary course curriculum to implement this departmental order, it is necessary to adopt these emergency rules to have this order in place until the corresponding permanent rules can be adopted. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall take effect September 15, 2014, and shall be in effect for the maximum period allowed under the Act (120 days) or until adoption of the final Rule, whichever occurs first.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§155. Third Party Tester/Examiner Requirements

A. Act 307 of the 2011 Legislative Session amended R.S. 32:408 to require all driver education providers to become certified as third party testers by June 30, 2012. Driver education providers must become certified as third party testers but only secondary schools may opt not to perform as third party testers.

B. All persons seeking to become certified by and contract with DPS to be a third party tester to administer the knowledge and road skills test pursuant to R.S. 32:408 shall meet the following requirements:

1. - 2. ...

C. Qualifications for a Third Party Skills Test Examiner

1. - 1.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1989 (August 2012), amended LR 38:3235 (December 2012), repromulgated LR 39:98 (January 2013), amended LR 40:

§156. Application Process and Fees for Third Party Testers/Examiners

A. - A.2. ...

3. completed application for each examiner license;

4. non-refundable \$50 annual application fee for each tester location, and a \$25 non-refundable annual application fee for each examiner, which shall be collected biennially, in the form of a money order, certified check or public school check made payable to DPS;

5. - 6. ...

7. the applicant shall successfully complete online training required by OMV. If the applicant cannot successfully complete OMV training, the applicant shall not be approved for contract;

8. after the applicant has successfully completed the online training furnished by OMV, the applicant shall

prepare a road skills test route which shall include (as a minimum) the following for scoring purposes:

- a. two stop signs (one with an obstructed view, if possible);
- b. two traffic lights;
- c. two lane changes;
- d. two intersections, without a turn;
- e. two reversal procedures—options:
 - i. into and out of a parking space;
 - ii. three point turn;
- f. three left turns, one of which includes a left turn onto a multiple-lane roadway;
- g. three right turns, one of which includes a right turn onto a multiple-lane roadway;
- h. one parking maneuver;

9. the applicant shall also submit a standardized instruction sheet for the specific route to be approved;

10. both the standardized instruction sheet and the skills test route must be approved by OMV;

11. after the background check, if required, is completed and the applicant is approved to become a tester, the applicant shall be furnished with a contract which must be read and signed by the applicant and returned to DPS. After the contract is signed by departmental representatives, a certificate for the tester and a license for the examiners will be mailed to the school.

B. Each applicant for third party skills test examiner certification shall submit the following:

1. completed application for third party skills test examiner certification;

B.2. - C.8.b. ...

c. A certificate of insurance in the company name, stating the company is currently insured and upon cancellation or expiration, the Training and Certification Unit of the Office of Motor Vehicles shall be notified. This certificate shall be from the issuing insurance carrier, not the agency:

i. the limits shall be \$1,000,000 in general liability; and

ii. the limits shall be \$500,000 in auto liability and identify (by description and vehicle identification number) the vehicle(s) covered;

d. a non-refundable fee of \$50 for each location and \$25 for each individual examiner certificate, in the form of a money order or a certified check made payable to DPS. Personal or business checks will not be accepted.

8.e. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1990 (August 2012), amended LR 40:

§157. General Regulations for Third Party Testers

A. General Regulations

1. Upon approval of the application, all third party testers shall execute a contract with DPS authorizing them to administer the knowledge and road skills test.

2. - 6. ...

7. Effective August 1, 2014, private driving schools shall administer the knowledge examination for the Office of Motor Vehicles for classes beginning on that date or later.

8. At the end of the classroom course, the school shall administer a final test provided by OMV. Passing this test will waive the required knowledge testing by OMV.

9. All copies of prepared tests shall be kept under lock and key at all times. Any electronic copies of the test shall be password protected. Photocopies of the test shall be produced at the completion of the course and only in sufficient numbers for the enrolled students.

10. Any student who fails the final exam shall be allowed to re-test once the same day. If the student does not pass the test on the second attempt, the student may return any day thereafter and re-test twice each day until the test is successfully passed.

11. Testers and/or examiners who provide students with the answers to the test, while conducting tests on behalf of OMV, will have their license(s) revoked.

12. Testers and/or examiners teaching only material included on the test will have their license(s) revoked.

13. Testers and/or examiners who do not properly secure the tests at all times will have their license(s) revoked.

14. Testers and/or examiners who accept bribes to give a student a passing score without first passing the test will have their license(s) revoked.

15. The tester and/or examiner shall not assist a student to pass the final examination by any deceptive practices. Any tester or examiner who assists a student in this manner will have their license revoked.

16. Lost or stolen knowledge tests shall be reported to OMV immediately. If a theft or suspected theft has occurred, the local law enforcement shall also be notified and a police report sent to OMV immediately.

17. Schools are required to add information concerning the knowledge test/re-testing fees and replacement test procedures to the course specifications provided to students/parents for the students enrolled in the pre-licensing course and driver education course.

18. The tester and/or examiner shall not state or imply, that upon completion of the knowledge and/or road skills test, the securing of a driver's license is guaranteed or assured.

19. A DPS representative shall biennially take a road skills test administered by the licensed third party examiner or test a sample of drivers who were examined by the third party to compare pass/fail results.

20. A third party tester/examiner shall not administer the knowledge and/or road skills test until authorized to do so by DPS.

21. If at any time, a third party tester/examiner ceases to meet any requirement imposed by statute, the regulations, or the contract, the third party tester or the third party examiner shall immediately cease all testing.

22. Each student administered the knowledge and/or road skills test shall be notified, prior to testing, that he is subject to being re-tested by the Office of Motor Vehicles at any time.

23. Private driving schools may administer road skills tests to the general public. Authorized Secondary School Driver education program providers shall administer road skills tests only to students enrolled in his school or his driver education program.

24. All third party examiners shall submit to and receive approval from DPS of a test route for use in the administration of skills testing to driver applicants for each location approved by DPS. The route shall be different from the routes used during any eight hour behind the wheel training.

B. - B.3. ...

4. If the student loses the original OMV test, the school shall re-test the student. A re-test fee may be charged up to \$40.

C. Safety and Insurance

1. The school may provide vehicles available for rent for the road skills test.

2. A certificate of insurance in the company name, stating the company is currently insured and upon cancellation or expiration, the Training and Certification Unit of the Office of Motor Vehicles shall be notified. This certificate shall be from the issuing insurance carrier, not the agency.

a. the limits shall be \$1,000,000 in general liability; and,

b. the limits shall be \$500,000 in auto liability and identify (by description and vehicle identification number) the vehicle(s) covered.

3. If the school is covered under a fleet policy and desires to add another vehicle to its fleet, it shall advise the insurance company to notify DPS, in writing, that this vehicle (specifying the make, model and vehicle identification number) has been added.

4. The examiner may refuse to administer the test at any time he determines the condition of the applicant, roads or weather to be unsafe.

D. - D.1. ...

2. A third party tester shall not issue a certificate to a person who has not successfully completed the approved road skills test.

3. - 4. ...

E. Test Preparation Policies—Knowledge Tests

1. The school shall administer the knowledge test for a driver's license/permit at the end of the classroom portion of the driver education course or pre-licensing course.

2. Each student who is administered the final knowledge test, shall be notified, prior to testing that he is subject to being re-tested by the Office of Motor Vehicles at any time.

3. Schools may charge students for administering the knowledge test. The fee for the knowledge test administration shall not exceed \$40 for each re-test.

4. Schools shall offer re-tests until a student has successfully passed the test, as long as the student, or parent/guardian in the case of a minor, has paid for the re-test.

5. Schools shall not require a student who has successfully completed and paid for the driver's education course to pay for the course again in the event a re-test is necessary.

F. Test Preparation Policies—Road Skills Test

1. Each applicant shall be required to present proof of identity (birth certificate, social security card or state issued credentials). A completed Test History form will be required if the knowledge test was administered by OMV.

2. The legal custodial/domiciliary parent/guardian of an applicant under the age of 18 shall sign a consent statement, provide proper identification and provide proof that he or she is the legal custodial/domiciliary parent/guardian.

3. All applicants shall sign the disclosure of terms form supplied by OMV. If the applicant is under the age of 18, the legal custodial/domiciliary parent/guardian shall also sign. This form shall be kept in the files.

4. The fee for a road skills tests shall not exceed \$40. This shall cover all expenses including the cost of the original and one additional copy of the road skills test certificate provided to each applicant.

5. A copy of the certificate shall be placed in the applicant's file and maintained by the tester for a minimum of five years from the date of the test.

6. Only examiners which are certified adaptive driver trainers shall administer road skills tests to applicants that require adaptive equipment, including bioptic telescopic lenses.

G. Test Administration Policies—Knowledge Test

1. The classroom instructor shall ensure that students seated next to each other have different versions of the test.

2. The completed test(s) shall be placed in a sealed envelope for surrender to OMV at the time of license application.

H. Test Administration Policies—Road Skills Test

1. Only examiners who have been approved and certified by DPS shall administer road skills tests.

2. Only the applicant, examiner, examiner's supervisor, DPS representative, or interpreter, if necessary, are allowed in the vehicle when a road skills test is being administered.

3. Each driving course layout shall include (as a minimum) the following for scoring purposes:

a. two stop signs (one with an obstructed view, if possible);

b. two traffic lights;

c. two lane changes;

d. two intersections, without a turn;

e. two reversal procedures--options:

i. into and out of a parking space;

ii. three point turn.

f. three left turns, one of which includes a left turn onto a multiple-lane roadway;

g. three right turns, one of which includes a right turn onto a multiple-lane roadway;

h. one parking maneuver.

4. During the administration of the road skills test, each third party examiner shall measure the performance of the applicant in each of the following operational skills:

a. observing;

b. communicating;

c. speed adjustment;

d. vehicle positioning;

e. time and space judgment;

f. hazard perception.

5. Standardized instructions shall be utilized when conducting a road skills test.

6. Approved scoring criteria shall be standardized, as determined and approved by DPS. When using a vehicle