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MICHAEL D. EDMONSON, COLONEL
DEPUTY SECRETARY

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

October 31, 2014

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 Dealer, Louisiana Educator and Retired Law Officer Special Plates

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 September 20, 2013 edition of the Louisiana Register on pages 1820 through 1821. This notice of intent proposed to adopt new the rules on the issuance of Dealer, Louisiana Educator and Retired Law Officer Special Plates in §§331, 333, and 335. Additionally, a new rule was proposed regarding the assessment of the statutory handling fee and the statutory fee for lost or duplicate license plates and registrations in §300. A copy of the notice of intent is attached.

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, 925-6736

Attachment
c. Speaker of the House
President of the Senate

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Dealer, Educator, and Retired Law Officer Plates
(LAC 55:III, Chapter 3)

In accordance with the provisions of R.S. 32:412.1, R.S. 47:463(A)(3)(a), R.S. 47:463.24, R.S. 47:463.44 and R.S. 47:473, relative to the authority of the Office of Motor Vehicles, the Office of Motor Vehicles hereby publishes, and proposes to adopt LAC 55:III, Chapter 3, Subchapter A, §§300, 331, 333, and 335, to implement the provisions of R.S. 32:412.1, R.S. 47:463, R.S. 47:463.24, R.S. 47:463.44 and R.S. 47:473 as those provisions relate to the authorization and issuance of special plates to dealers, educators, and retired law enforcement. These four Sections are new and do not amend or repeal any existing rules.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 3. License Plates and Removal of Plates, Registrations, and Title Transactions

Subchapter A. Types of License Plates and Removal of Plates

§300. Issuance of Plates

A. Unless otherwise provided in law, all special plates shall be assessed the handling charge imposed in R.S. 47:463(A)(3)(a) and the handling fee imposed in R.S. 32:412.1.

B. Unless otherwise provided in law, a replacement plate for lost plate, and all duplicate registrations, shall be assessed the respective charges for each as provided in R.S. 47:472.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:463(A)(3)(a), R.S. 32:412.1 and R.S. 47:472.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 40:

§331. Dealer Plates

A. Dealer plates shall only be issued to dealer's that possess a current license issued by either the Louisiana Motor Vehicle Commission or the Louisiana Used Motor Vehicle Commission.

B. The fee shall be issued in accordance to R.S. 47:473(E). Plate shall be valid for one year.

C. Upon issuance or renewal of a dealer plate, the applicant shall submit a copy of the current license as described in Subsection A as well as proof of insurance.

D. Dealers licensed by the Louisiana Motor Vehicle Commission shall be issued dealer plates that differ in appearance from those issued to dealers licensed by the Louisiana Used Motor Vehicle Commission.

1. Plates issued to dealers licensed by the Louisiana New Motor Vehicle Commission shall be printed on a gold background with black lettering.

2. Plates issued to dealers licensed by Louisiana Used Motor Vehicle Commission shall be printed on a white background with blue lettering.

E. The Office of Motor Vehicles may suspend or revoke the privileges of any dealer who utilizes a dealer plate or has allowed the use of a dealer plate for purposes other than what is stated in law.

F. In the event the dealer's license is suspended, revoked, cancelled, or non-renewed by the appropriate commission, or the dealer ceases or suspends business for whatever cause, the dealer shall promptly surrender all dealer plates issued to said dealer to the office of motor vehicles. In the event a plate is lost, the dealer shall submit an affidavit describing the circumstances of the lost plate in detail.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:473.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 40:

§333. Louisiana Educator License Plate

A. Eligibility. Applicants for the Louisiana educator license plate shall include any educator educated or employed in Louisiana.

B. Requirements. A notarized affidavit to certify that applicant is an educator who received his/her degree from a Louisiana college/university (must name college/university) or is currently employed as an educator (must name specific school). In lieu of the affidavit, proof of degree and employment will be acceptable. Applicant shall provide proof of employment as an educator. A photocopy of the registration certificate of the vehicle on which the plate will be placed if the vehicle is currently registered. If the vehicle is not registered, proper title documentation and fees must be submitted along with the request for the Louisiana educator license plate.

C. Fee. The fee for issuance of a Louisiana educator license plate shall be in accordance with R.S. 47:463.11. The fee for transferring such plate to another vehicle shall be a \$3 transfer fee in addition to a handling fee. The plates are subject to regular renewal requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:463.44.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 40:

§335. Retired Law Officer License Plate

A. Eligibility. Applicants for the retired law officer plate shall include any person who was employed as a law officer for 12 years or more.

B. Requirements. The applicant shall provide proof of employment as a law officer for twelve years or more, regardless of whether or not that person is a member of, or is receiving retirement benefits from a retirement system for law officers. A notarized affidavit from the applicant to include the applicant's place of employment and statements attesting that the applicant was not discharged for misconduct related to his employment and has not been convicted of any felony. The affidavit must be submitted at initial issuance and at each renewal. A photocopy of the registration certificate of the vehicle on which the plate will be placed if the vehicle is currently registered. If the vehicle is not registered in the applicant's name, then all necessary documentation required for titling of the vehicle must be submitted along with the request for the retired law officer license plate.

C. Fee. The fee for issuance of a retired law officer license plate shall be in accordance with R.S. 47:463.24. A \$3 fee and a handling fee shall be due to transfer the plate to another vehicle in the applicant's name. The plates are subject to regular renewal requirements.

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 GOVERNMENTAL 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.