

BOBBY JINDAL
GOVERNOR



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 Specifications for Electronic Reporting of Interlock Device Installation/Removal

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 1824 through 1827. This notice of intent proposed to adopt new the rules on the specifications for electronic reporting of ignition interlock device installation and removal in §§401 through 417. 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,

A handwritten signature in black ink, appearing to read "Stephen A. Quidd".

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**

**Electronic Reporting of Interlock Installation
(LAC 55:III.Chapter 4)**

In accordance with the provisions of R.S. 32:378.2(H), 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 4, §§401-417, to implement the provisions of R.S. 32:378.2(H) as enacted by Act 192 of the 20114 Regular Session as it relates to the electronic submission of reports regarding the operation of ignition interlock devices installed on motor vehicles in connections with the issuance of a restricted or hardship driver's license, or in connection with the reinstatement of a driver's license pursuant to R.S. 32:667(I). This Chapter and all Sections are new.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 4. Specifications for Electronic Reporting Of Interlock Device Installation/Removal

§401. Introduction

A. Effective August 15, 2011, Act 192 of the 2011 Regular Session of the Louisiana Legislature requires ignition interlock device reports to be submitted electronically. The person whose driving privilege is restricted pursuant to this Section, or which has been reinstated pursuant to R.S. 32:667(I), shall have the system monitored by the manufacturer, at the manufacturer's expense, for proper use at least bi-monthly, and more frequently as the court may order, on the operation of each interlocking ignition device in the person's vehicles. A report of such monitoring shall be issued by the manufacturer to the court and the department within fourteen days after the system is monitored. However, the report issued to the department shall be in an electronic format specified by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§403. Definitions

Authorized Manufacturer—name of manufacturers approved by State Police Applied Technology.

Business Days—*business days* are Monday through Friday, between 8 a.m. and 4:30 p.m. central time. *Business days* do not include Saturday, Sunday or state holidays, or any other holiday declared by the governor.

Department—Department of Public Safety & Corrections, Office of Motor Vehicles.

Edit Error—a record submitted by an authorized manufacturer unacceptable for filing purposes due to the absence of information in a required field or the presence of invalid information in the key data fields is an *edit error*. Key data fields are identified and detailed in §405. A record which is returned to an authorized manufacturer as an *edit error* is not a filing. The record shall be corrected and re-reported within 15 business days of the return-date.

Return Filing Report—a report prepared by the department for an authorized manufacturer following completion of processing and editing of data. The report will contain any error records or, if no errors are found, a message stating "No Errors in File". It is the responsibility of the authorized manufacturer to review and take the necessary corrective action as required by these rules and regulations. If the file cannot be processed, no return report will be sent. The file must be corrected and all of the filing records must be resubmitted. None of the filing records submitted with an incomplete or incorrect header record will be accepted.

Test File Indicator—if the submitted file is a test file, the *test file indicator* must be set in the header record to insure that the test records are not uploaded to the database. The IT staff must be contacted to schedule a test prior to the test file being uploaded to the server.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§405. Record Formats

A. The following format shall be used by an authorized manufacturer for submitting electronic filing of the report required by R.S. 32:378.2(H).

1. Header Record

Char Pos	Type	Data Description	Format
1 - 4	Num (4)	Manufacturer Code	
5 - 12	Num (8)	Date Created	CCYYMMDD
13 - 19	Num (7)	Number of Records in Filing	9999999
20 - 20	Alpha (1)	Test File Indicator	T (Test) or P (Production)
21 - 176	Alpha (156)	Filler	Spaces
177 - 177	Num (1)	Record Type	3 (Header)

2. Interlock Filing Record

Char Pos	Type	Data Description	Format
1 - 9	Num (9)	Driver's License Number	Right justified, zero fill if not available
10 - 49	A/N (40)	Driver Name	Last, First
50 - 57	Num (8)	Driver DOB	CCYYMMDD
58 - 77	A/N (20)	Driver Street	
78 - 92	Alpha (15)	Driver City	
93 - 94	Alpha (2)	Driver State	
95 - 99	Num (5)	Driver Zip Code	
100 - 116	A/N (17)	VIN	
117 - 119	A/N (3)	Installer ID Code	
120 - 139	A/N (20)	Manufacturer's Name	
140 - 159	A/N (20)	Machine Serial Number	
160 - 167	Num (8)	Installation Date	CCYYMMDD
168 - 175	Num (8)	Removal Date	CCYYMMDD
176 - 176	Num (1)	Reporting Type	1, 2, 3, 4, or 5
177 - 177	Num (1)	Record Type	1 (Data Record)

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§407. Data Requirements

A. Files. Authorized manufacturers may only send in one file per day to the secure DMZ move it server. This file must be named XXXX.txt where XXXX is equal to the

manufacturer code number assigned to the authorized manufacturer by the department.

B. Records

1. Two types of records may be present on the file.

a. The first record in the file must be a header record and have record type = 3.

b. All subsequent records are the filing records and must have a record type = 1.

2. No trailer record is supplied. All records are 177 characters in length.

3. Record descriptions are in the Record Formats, §405 and the Record Description, §409.

C. Field Justification

1. Items with a field type of alpha or A/N should be left-justified and trailing characters space-filled.

2. Items with a field type of num should be right-justified and leading characters zero-filled.

D. Date Fields. The date fields, driver DOB, installation date and removal date must be reported in the format CCYYMMDD. For example, July 1, 2012 is entered as "20120701".

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§409. Record Descriptions

A. Header Record. The header record has a record type = "3". It must be the first record on the filing. Filings will not be processed if the header record does not pass all edit checks. If an error is encountered in the header record, no return report will be sent back to the servicing agent:

1. manufacturer code—number assigned by DPS IT section to authorized manufacturer. This is a required field;

2. date created—this is the date the file was created. This is a required field;

3. number of records in filing—number of records to be processed (This number should not include the header record.);

4. test indicator—T in the header indicates a test file; P indicates a production file. This is a required field;

5. filler—unused. Should be space filled;

6. record type—use a "3". This is a required field.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§411. Interlock Filing Record

A. The following fields are required unless otherwise noted. The filing records must have a record type = "1". If an error on any of the required fields is encountered, a description of the error will be written to the return report. These records will not be processed and must be corrected and resent:

1. driver's license number—driver's license (required);

2. driver name—the name of the person whose driver's license is being submitted (required);

3. driver dob—the date of birth of the person whose driver's license is being submitted (required);

4. driver street—the street address of the person whose driver's license is being submitted (required);

5. driver city—the city in which the person whose driver's license is being submitted resides (required);

6. driver state—the state in which the person whose driver's license is being submitted resides (required);

7. driver zip code—the zip code of the person whose driver's license is being submitted (required);

8. VIN—The vehicle identification number of the vehicle the interlock is placed in (required);

9. installer ID code—code assigned by manufacturer used to identify individual installers;

10. manufacturer's name—the manufacturer's name on the interlock device installed in the vehicle (required);

11. machine serial number—the serial number on the interlock device installed in the vehicle (required);

12. installation date—the date the interlock device was installed in the vehicle (required);

13. removal date—the date the interlock device was removed from the vehicle (required);

14. reporting type—reporting types are "1" = Removed, "2" = Tampered, "3" = Failed to start test, "4" = Rolling retest failed, "5" = Install (required);

15. record type—record type is "1" (required).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§413. Reporting Instructions

A. The Louisiana Department of Public Safety and Corrections utilizes the move it server as the method of exchanging electronic data for interlock installation/removal reporting. The "information exchange" service allows secure electronic data transfer between the department and each authorized manufacturer. Any authorized manufacturer not currently reporting to OMV on the move it Server shall send an e-mail a request to access this system to Interlock@dps.la.gov for the purpose of reporting interlock installations/removals electronically.

B. A test filing shall be submitted for all new companies. A test filing shall also be submitted when record format changes are made. Please notify the Information Technology Center before a test file is sent to allow for scheduling. Files will not be tested unless scheduled.

C. Authorized manufacturers may only file once per business day. The department will retrieve filings only once per day. Any filing not sent before this retrieval time will be considered filed on the next day.

D. After processing, information will be returned back to the reporting authorized manufacturer. The returned data can be accessed via the move it server.

E. It is the responsibility of the authorized manufacturer to read the returned filing, correct any errors and resend the corrected filings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§415. Error Messages

A. The following error message will be sent for submissions by an authorized manufacturer:

1. driver name: "name required"—this is a required field. The correct format is last,first;

2. driver DOB:

a. "date of birth required"—this is a required field;

b. "DOB must be numeric"—this is a numeric field;

manufacturer code number assigned to the authorized manufacturer by the department.

B. Records

1. Two types of records may be present on the file.
 - a. The first record in the file must be a header record and have record type = 3.
 - b. All subsequent records are the filing records and must have a record type = 1.
2. No trailer record is supplied. All records are 177 characters in length.
3. Record descriptions are in the Record Formats, §405 and the Record Description, §409.

C. Field Justification

1. Items with a field type of alpha or A/N should be left-justified and trailing characters space-filled.
 2. Items with a field type of num should be right-justified and leading characters zero-filled.
- D. Date Fields.** The date fields, driver DOB, installation date and removal date must be reported in the format CCYYMMDD. For example, July 1, 2012 is entered as "20120701".

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§409. Record Descriptions

- A. Header Record. The header record has a record type = "3". It must be the first record on the filing. Filings will not be processed if the header record does not pass all edit checks. If an error is encountered in the header record, no return report will be sent back to the servicing agent:
1. manufacturer code—number assigned by DPS IT section to authorized manufacturer. This is a required field;
 2. date created—this is the date the file was created. This is a required field;
 3. number of records in filing—number of records to be processed (This number should not include the header record.);
 4. test indicator—T in the header indicates a test file; P indicates a production file. This is a required field;
 5. filler—unused. Should be space filled;
 6. record type—use a "3". This is a required field.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§411. Interlock Filing Record

A. The following fields are required unless otherwise noted. The filing records must have a record type = "1". If an error on any of the required fields is encountered, a description of the error will be written to the return report. These records will not be processed and must be corrected and resent:

1. driver's license number—driver's license (required);
2. driver name—the name of the person whose driver's license is being submitted (required);
3. driver dob—the date of birth of the person whose driver's license is being submitted (required);
4. driver street—the street address of the person whose driver's license is being submitted (required);
5. driver city—the city in which the person whose driver's license is being submitted resides (required);

6. driver state—the state in which the person whose driver's license is being submitted resides (required);
7. river zip code—the zip code of the person whose driver's license is being submitted (required);
8. VIN—The vehicle identification number of the vehicle the interlock is placed in (required);
9. installer ID code—code assigned by manufacturer used to identify individual installers;
10. manufacturer's name—the manufacturer's name on the interlock device installed in the vehicle (required);
11. machine serial number—the serial number on the interlock device installed in the vehicle (required);
12. installation date—the date the interlock device was installed in the vehicle (required);
13. removal date—the date the interlock device was removed from the vehicle (required);
14. reporting type—reporting types are "1" = Removed, "2" = Tampered, "3" = Failed to start test, "4" = Rolling retest failed, "5" = Install (required);
15. record type—record type is "1" (required).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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A. The Louisiana Department of Public Safety and Corrections utilizes the move it server as the method of exchanging electronic data for interlock installation/removal reporting. The "information exchange" service allows secure electronic data transfer between the department and each authorized manufacturer. Any authorized manufacturer not currently reporting to OMV on the move it Server shall send an e-mail a request to access this system to Interlock@dps.la.gov for the purpose of reporting interlock installations/removals electronically.

B. A test filing shall be submitted for all new companies. A test filing shall also be submitted when record format changes are made. Please notify the Information Technology Center before a test file is sent to allow for scheduling. Files will not be tested unless scheduled.

C. Authorized manufacturers may only file once per business day. The department will retrieve filings only once per day. Any filing not sent before this retrieval time will be considered filed on the next day.

D. After processing, information will be returned back to the reporting authorized manufacturer. The returned data can be accessed via the move it server.

E. It is the responsibility of the authorized manufacturer to read the returned filing, correct any errors and resend the corrected filings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§415. Error Messages

A. The following error message will be sent for submissions by an authorized manufacturer:

1. driver name: "name required"—this is a required field. The correct format is last,first;
2. driver DOB:
 - a. "date of birth required"—this is a required field;
 - b. "DOB must be numeric"—this is a numeric field;

c. "DOB format is CCYYMMDD"—all dates are CCYYMMDD;

d. "DOB greater than today's date"—date of birth > process date;

3. driver street: "driver street required"—this is a required field;

4. driver city: "driver city required"—this is a required field;

5. driver state: "driver state required"—this is a required field;

6. driver zip code: "driver zip code required"—this is a required field;

a. driver zip code must be numeric"—this is a numeric field;

7. VIN: "VIN required"—this is a required field;

8. manufacturer's name: "manufacturer's name required"—this is a required field;

9. machine serial number: "serial number required"—this is a required field;

10. installation date: "installation date required"—this is a required field;

a. "installation date must be numeric"—this is a numeric field;

b. "installation date format is CCYYMMDD"—All dates are CCYYMMDD;

c. "installation date > today's date"—installation date cannot be in the future;

d. "installation date > removal date"—removal date cannot be prior to the installation date;

11. removal date: "removal date required"—this is a required field;

a. "removal date must be numeric"—this is a numeric field;

b. "removal date format is CCYYMMDD"—all dates are CCYYMMDD;

c. "removal date > today's date"—removal date cannot be in the future;

d. "removal date < installation date"—removal date cannot be prior to the installation date;

12. reporting type:

a. "reporting type is required"—this is a required field;

b. "reporting type is invalid"—this field must have a value of 1, 2, 3, 4 or 5;

13. record type: "record type required"—this is a required field.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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

§417. Contact Information

A. Procedural questions concerning this regulation should be referred to:

Mailing Address—
Attention: Impaired Driver Withdrawal Unit
LA DPS Office of Motor Vehicles
P.O. Box 64886
Baton Rouge, Louisiana 70896

Email: Interlock@dps.la.gov
Phone Numbers: (225) 925-6146

B. Technical questions concerning this regulation should be referred to:

Mailing Address—
Attention: DMB Project Leader
Louisiana Dept. of Public Safety
Information Technology Center
8001 Independence Boulevard
Baton Rouge, Louisiana 70806

Email: Interlock@dps.la.gov
Phone Number: (225) 925-6226

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

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: Electronic Reporting of Interlock Installation

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 requires authorized manufacturers of ignition interlock devices to submit driver reports electronically to the Department of Public Safety (DPS). Currently, reports are received on paper by the department and information is manually entered into the database. The rule change will allow DPS to enter the electronic reports received from the device manufacturers directly into the database.

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

The proposed rule change will have no effect on revenue collections for the state as no revenue is generated from the submission of ignition interlock device reports. There will be no effect on revenue collections of local governmental units as only the state conducts this program.

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

The proposed rule change may result in costs to companies that sell and install ignition interlock devices. The companies may incur programming costs related to sending records electronically, but the exact cost for each company cannot be determined.

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#066

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Removal of License Plate when
Owner/Operator is Suspended (LAC 55:III.329)

In accordance with the provisions of R.S. 32:415.2, 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, §329, to implement the provisions of R.S. 32:415.2 as enacted by Act 802 of the 2014 Regular Session as it relates to the removal of license plates and the revocation of registration privileges when the owner of a motor vehicle has been determined to be operating that motor vehicle with a suspended driver's license, and to provide for the issuance of a hardship license plate if the registration privileges are revoked.

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

§329. Removal of License Plate When Owner/Operator Is Suspended

A. At the time of a law enforcement stop, if the operator of the vehicle is found to have a suspended license and it is further determined that operator is the sole owner of the vehicle the following will occur.

1. Notice of suspension ticket will be issued to the operator of the vehicle.

2. A sticker will be placed on the back of the rear windshield of the vehicle being operated.

3. The law enforcement office will remove the plate from the vehicle.

4. The officer will turn the ticket and the plate into the local Office of Motor Vehicles office within 3 business days.

B. Upon receipt of the Notice of Suspension, the Office of Motor Vehicles will confirm the operator is the sole owner of the vehicle and their operating privileges were suspended at the time of the violation.

C. The owner/operator of the vehicle has 10 business days upon receiving the violation to clear their driving record of all fines and suspensions with the proper compliance to have their plate returned to them.