HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 696 by Representative St. Germain

MTR VEHICLE/COMMERCIAL: Provides for the testing and licensing of commercial motor vehicle drivers and third parties who give commercial motor vehicle driving tests and examinations

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Synopsis of Senate Amendments

1. Adds the requirement of a background check for (1) any person who applies to be an auto title company or a public tag and any person who works for any such business who will process transactions for such office and (2) any person who applies to or contracts with OMV to handle or process any transaction or inquiry.

Digest of Bill as Finally Passed by Senate

Present law provides that OMV shall be entitled to the criminal history record and identification files of the bureau of any person who is required to register as a sex offender pursuant to R.S. 15:542 et seq., and who is seeking a driver's license or required to obtain a special identification card.

Proposed law provides that OMV shall submit fingerprint cards or other identifying information of the following to the La. Bureau of Criminal Identification and Information:

1. The principal of any third-party tester or examiner who has or is seeking a contract to administer commercial driving examinations and tests.

2. A person seeking employment with OMV whose duties will include the issuance of commercial drivers' licenses, or any current OMV employee who issues commercial driver's licenses as part of his employment.

3. Any person who applies to be an auto title company or a public tag agent pursuant to R.S. 32:375 et seq. and R.S. 47:532.1 and any person who works for any such business who will process transactions for such office.

4. Any person who applies to or contracts with OMV to handle or process any transaction or inquiry.

The bureau must, upon request and after receipt of fingerprint cards or other identifying information from OMV, make available to OMV all arrest and conviction information contained in the bureau's criminal history record and identification files which pertains to such people. In addition, the fingerprints must be forwarded by the bureau to the FBI for a national criminal history record check.

Present law provides that all third-party examiners shall meet the same qualifications and training as state examiners to the extent necessary to conduct knowledge and skills tests in compliance with present law. Department employees shall, at least annually, take the tests actually administered by the third-party as if the employee were a test applicant, or the department shall, at least annually, test a sample of drivers who were examined by the third-party to compare pass/fail results.

Proposed law provides that all third-party examiners shall meet the same qualifications and training as state examiners to the extent necessary to conduct knowledge and skills tests in compliance with proposed law. DPS&C employees shall at least every two years take the tests actually administered by the third party as if the employee were a test applicant, or the

department shall test a sample of drivers who were examined by the third party to compare pass/fail results.

Present law provides that the third party shall provide evidence to the applicant who has successfully passed the written knowledge and driving skills tests on a form approved by the department. The applicant shall provide this form to the department before being issued a commercial driver's license.

Proposed law provides that the third party shall provide proof of testing in a manner prescribed by the department.

Proposed law provides that a commercial learner's permit issued to an individual of this state or another jurisdiction, in accordance with rules and regulations of the Federal Motor Carrier Administration, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the permittee to operate a class of motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to the holder of a commercial driver's license, a commercial learner's permit serves as authorization to take part in behind-the-wheel training in a commercial motor vehicle for which the driver is not licensed to drive.

Proposed law provides that an individual who takes a skills test for a Class "A" commercial driver's license in a motor vehicle with the power unit and towed unit connected with a pintel hook or other non-fifth wheel connection, shall be issued a license with a restriction prohibiting the operation of a tractor-trailer combination connected by a fifth wheel that requires a Class "A" commercial driver's license.

Proposed law provides that except as required by 49 CFR Section 383.133, a skills test for a commercial driver's license shall be conducted in English without the use of interpreters.

Proposed law provides that the principal of the third-party examiner or tester who has or is seeking a contract with DPS&C, public safety services, to administer commercial driving examinations and tests shall consent to, pass, and pay the costs of an annual background check.

Present law provides that when any person's driver's license has been seized, suspended, or revoked, and the seizure, suspension, or revocation is connected to a charge or charges of violation of a criminal law, and the charge or charges do not result in a conviction, plea of guilty, or bond forfeiture, the person charged will have his license immediately reinstated and will not be required to pay a reinstatement fee if at the time for reinstatement of driver's license, it can be shown that the criminal charges have been dismissed or that there has been a permanent refusal to charge a crime by the appropriate prosecutor or there has been an acquittal.

Proposed law provides that reinstatement under present law does not apply to the commercial driver's license disqualification of the license.

(Amends R.S. 15:587(A)(1)(e) and R.S. 32:408(A)(4)(b) and (d), (B)(2)(intro. para.) and (a)(ii) and (F)(1); Adds R.S. 32:408.1(5) and 414(K)(3))