

**CONFERENCE COMMITTEE REPORT**  
**House Bill No. 589 By Representative St. Germain**

May 30, 2012

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 589 by Representative St. Germain, recommend the following concerning the Engrossed bill:

1. That Senate Committee Amendment No. 1 proposed by the Senate Committee on Transportation, Highways, and Public Works and adopted by the Senate on May 8, 2012, be rejected.
2. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "(introductory paragraph)" insert ",(3), and (4) and to enact R.S. 32:408.1 (5)" and delete the remainder of the line

AMENDMENT NO. 2

On page 1, line 3, delete "32:408.1(2)(a) through (e)" and after "testers" insert "that administer tests for commercial drivers"

AMENDMENT NO. 3

On page 1, line 4, after "bond;" delete the remainder of the line and on line 5, delete "qualifications for third-party contracts;"

AMENDMENT NO. 4

On page 1, line 7, after "(introductory paragraph)" delete the remainder of the line and delete line 8 in its entirety and insert: ", (3), and (4) are hereby amended and reenacted and R.S. 32:408.1(5) is hereby enacted to read as follows"

AMENDMENT NO. 5

On page 1, line 16, after "department" insert "to administer skills tests for Class "D" or "E" driver's licenses"

AMENDMENT NO. 6

On page 1, line 17, after "which" delete the remainder of the line and delete lines 18 and 19 in their entirety and insert a colon ":"

AMENDMENT NO. 7

On page 1, between lines 20 and 21, insert the following:

"(3) The third party has a contract or license with the department to administer skills tests for Class "A", "B", or "C" driver's licenses which, at minimum, complies with 49 CFR 383.75. In addition, the third-party tester must initiate and maintain a surety bond in the amount of ten thousand dollars.

~~(3)~~ (4) A driver applicant who takes and passes driving tests administered by an authorized third party shall provide evidence to the state licensing agency that he has successfully passed the driving tests administered by the third party on a form approved by the department.

~~(4)~~ (5) Any third party or department employee authorized under the provisions of this Chapter to administer tests to applicants for commercial driver's licenses who falsifies information regarding test results or applicant qualification or who in any way participates in, aids, or abets the fraudulent testing or issuance to an applicant of a commercial driver's license or endorsement thereon shall be liable under this Chapter for civil penalties of not less than five hundred nor more than five thousand dollars per act. Furthermore, the department may establish procedures to void all transactions and any licenses issued as a result of such falsification or fraud, such procedures to be established pursuant to the Administrative Procedure Act. Any authorized third party tester suffering a sanction under the provisions of this Chapter shall forfeit his authorized third party testing status and contract and shall not qualify for such status henceforth."

AMENDMENT NO. 8

On page 1, delete line 21 in its entirety

Respectfully submitted,

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Representative Karen Gaudet St. Germain

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Senator Robert Adley

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Representative Jerry Gisclair

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Senator David Heitmeier

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Representative Terry Brown

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Senator John R. Smith

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 589 by Representative St. Germain

**Keyword and oneliner of the instrument as it left the House**

MOTOR VEHICLES: Provides relative to third-party testers

**Report rejects Senate amendments which would have:**

1. Removes third-party examiners from requirement to initiate and maintain a surety bond in the amount of \$10,000.

**Report amends the bill to:**

1. Provides that third-party testers that administer skills test for Class "D" or "E" driver's licenses have a contract or license by DPS&C, containing at minimum, present law qualifications.

Provides that third-party testers that administer skills tests for Class "A", "B", or "C" driver's licenses have a contract with DPS&C, containing at minimum, provisions which comply with 49 CFR 383.75. Also provides that the third-party tester must initiate and maintain a surety bond in the amount of \$10,000.

**Digest of the bill as proposed by the Conference Committee**

Present law provides that third-party testers administering skills tests have a contract or license with DPS&C, containing at minimum provisions which:

1. Allow DPS&C to conduct random examinations, inspections, and audits without prior notice;
2. Require DPS&C to conduct onsite inspections at least annually;
3. Require that all third-party examiners meet the same qualification and training standards as DPS&C examiners to the extent necessary to conduct skills tests;
4. Require that, at least on an annual basis, designated DPS&C employees take the tests actually administered by the third party as if said employee were a test applicant, or that the DPS&C test a sample of drivers who were examined by the third party to compare pass/fail results; and
5. Reserve unto DPS&C the right to take prompt and appropriate remedial action against the third-party testers in the event that the third party fails to comply with state or federal standards for the commercial driver's license testing program or with any other terms of the third-party contract.

Proposed law provides that the present law minimum qualifications shall only apply to third-party testers administering skills test for Class "D" or "E" driver's licenses and have a contract or license by DPS&C.

Proposed law provides that a third-party testers that administer skills tests for Class "A", "B", or "C" driver's licenses have a contract with DPS&C, containing at minimum,

provisions which comply with 49 CFR 383.75. Also provides that the third-party tester must initiate and maintain a surety bond in the amount of \$10,000.

(Amends R.S. 32:408.1(2)(intro. para.), (3), and (4), and enacts R.S. 32:408.1(5)).