

Regular Session, 2012

ACT No. 455

HOUSE BILL NO. 696

BY REPRESENTATIVE ST. GERMAIN

1 AN ACT

2 To amend and reenact R.S. 15:587(A)(1)(e) and R.S. 32:408(A)(4)(b) and (d),
3 (B)(2)(introductory paragraph) and (a)(ii) and (F)(1) and to enact R.S. 32:408.1(5)
4 and 414(K)(3), relative to commercial motor vehicle driver's licenses; to provide for
5 background checks; to provide for commercial motor vehicle driver's licenses tests
6 matters; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:587(A)(1)(e) is hereby amended and reenacted to read as follows:

9 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal

10 Identification and Information

11 A.(1)

12 * * *

13 (e)(i) The office of motor vehicles shall be entitled to the criminal history
14 record and identification files of the bureau of any person who is required to register
15 as a sex offender pursuant to R.S. 15:542 et seq., and who is seeking a driver's
16 license or required to obtain a special identification card pursuant to R.S. 40:1321(J).

17 (ii) The office of motor vehicles shall submit fingerprint cards or other
18 identifying information of the principal of any third-party tester or examiner who has
19 or is seeking a contract to administer commercial driving examinations and tests
20 pursuant to R.S. 32:408.1 to the bureau. The bureau shall, upon request and after
21 receipt of fingerprint cards or other identifying information from the office of motor
22 vehicles, make available to the office of motor vehicles all arrest and conviction
23 information contained in the bureau's criminal history record and identification files
24 which pertain to the principal. In addition, in order to determine a principal's

1 eligibility or suitability, the fingerprints shall be forwarded by the bureau to the
2 Federal Bureau of Investigation for a national criminal history record check.

3 (iii) The office of motor vehicles may submit fingerprint cards or other
4 identifying information of a person seeking employment with the office of motor
5 vehicles whose duties will include the issuance of commercial driver's licenses or
6 any current office of motor vehicles employee who as part of his employment issues
7 commercial driver's licenses. The bureau shall, upon request and after receipt of
8 fingerprint cards or other identifying information from the office of motor vehicles,
9 make available to the office of motor vehicles all arrest and conviction information
10 contained in the bureau's criminal history record and identification files which
11 pertain to the employee or potential employee. In addition, in order to determine an
12 employee or potential employee's eligibility or suitability, the fingerprints shall be
13 forwarded by the bureau to the Federal Bureau of Investigation for a national
14 criminal history record check.

15 (iv) The office of motor vehicles shall submit fingerprint cards or other
16 identifying information to the bureau of any person who applies to be an auto title
17 company or a public tag agent pursuant to R.S. 32:375 et seq. and R.S. 47:532.1 and
18 of any person who works for any such business who will process transactions for
19 such office. Upon request and after receipt of fingerprint cards or other identifying
20 information from the office of motor vehicles, the bureau shall provide any arrest
21 and conviction information contained in the bureau's criminal history record and
22 identification files for the principal of such applicants. Additionally, the bureau shall
23 forward the fingerprints of such applicants' principal to the Federal Bureau of
24 Investigation for a national criminal history record check.

25 (v) The office of motor vehicles shall submit fingerprint cards or other
26 identifying information to the bureau of any person who applies to or contracts with
27 such office to handle or process any transaction or inquiry. Upon request and after
28 receipt of fingerprint cards or other identifying information from the office of motor
29 vehicles, the bureau shall provide to such office any arrest and conviction
30 information contained in the bureau's criminal history record and identification files

for the principal of such applicants or contractors. Additionally, the bureau shall forward the fingerprints of such applicant or contractor's principal to the Federal Bureau of Investigation for a national criminal history record check.

* * *

Section 2. R.S. 32:408(A)(4)(b) and (d), (B)(2)(introductory paragraph) and (a)(ii) and (F)(1) are hereby amended and reenacted and R.S. 32:408.1(5) and 414(K)(3) are hereby enacted to read as follows:

§408. Examination of applicants required; classes of licenses

A.

* * *

(4)

* * *

(b) All ~~third party~~ 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 this Subsection. Department employees shall at least ~~annually~~ every two years 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. These requirements and conditions shall be included in any ~~third party~~ third-party contract or agreement and shall be a part of any license, certificate, or permit issued to such third parties. The department shall devise a system to regulate such third parties and the regulations shall have the full force and effect of law.

* * *

(d) 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~~ proof of testing in a manner prescribed by the department.

* * *

1 B.

2 * * *

3 (2) A commercial driver's license shall be required when a vehicle is used
4 in commerce as defined in this Chapter, and is a commercial motor vehicle as
5 defined in this Chapter. A farmer shall not need a commercial driver's license when
6 operating a motor vehicle as provided for in Subparagraph (e) of this Paragraph. The
7 department may elect to or, if required by the Federal Highway Administration, shall
8 change the weight and passenger limits expressed herein to conform to regulations
9 by the Federal Highway Administration. The department shall do so by regulations
10 promulgated in accordance with the Administrative Procedure Act subject to
11 oversight by the Joint Legislative Committee on Transportation, Highways and
12 Public Works. A commercial learner's permit issued to an individual of this state or
13 another jurisdiction, in accordance with rules and regulations of the Federal Motor
14 Carrier Administration, when carried with a valid driver's license issued by the same
15 state or jurisdiction, authorizes the permittee to operate a class of commercial motor
16 vehicle when accompanied by a holder of a valid commercial driver's license for
17 purposes of behind-the-wheel training. When issued to the holder of a commercial
18 driver's license, a commercial learner's permit serves as authorization to take part in
19 behind-the-wheel training in a commercial motor vehicle for which the driver is not
20 licensed to drive. The different classes of drivers' licenses to be issued shall be as
21 follows:

22 * * *

23 (a)

24 * * *

25 (ii) Restriction. An individual who takes a skills test for a Class "A"
26 Commercial Driver's License in a motor vehicle other than a tractor-trailer
27 combination, sometimes referred to as an "eighteen wheeler", shall be issued a
28 license with a restriction prohibiting the operation of a tractor-trailer combination.
29 This restriction shall be lifted only if the individual successfully completes a skills
30 test in a tractor-trailer combination. In all cases, the party completing the skills test

1 certificate shall fully describe on the face of the certificate the vehicle in which the
2 skills test was administered. For purposes of this Item, a power unit with a gross
3 vehicle weight rating of less than twenty-six thousand one pounds shall not qualify
4 as the tractor portion of a tractor-trailer combination. An individual who takes a
5 skills test for a Class "A" commercial driver's license in a motor vehicle with the
6 power unit and towed unit connected with a pintel hook or other non-fifth wheel
7 connection, shall be issued a license with a restriction prohibiting the operation of
8 a tractor-trailer combination connected by a fifth wheel that requires a Class "A"
9 commercial driver's license.

10 * * *

11 F.(1) The department shall make provisions for testing noncommercial
12 driver's license or special certificate applicants in languages other than English and
13 for testing deaf applicants. However, this shall not be construed to require the
14 department to furnish an interpreter. Except as required by 49 CFR Part 383.133, a
15 skills test for a commercial driver's license shall be conducted in English without the
16 use of interpreters.

17 * * *

18 §408.1. ~~Third-party~~ Third-party testing; proof of testing

19 The Department of Public Safety and Corrections, public safety services, may
20 contract with or license another state, an employer, a private driver training facility,
21 driver education course provider, or other private institution, or a department,
22 agency, or instrumentality of a local government to administer the skills tests as
23 specified herein if all of the following conditions are met:

24 * * *

25 (5) The principal of the third-party examiner or tester who has or is seeking
26 a contract with the Department of Public Safety and Corrections, public safety
27 services, to administer commercial driving examinations and tests shall consent to,
28 pass, and pay the costs of an annual background check.

29 * * *

2 * *

4 * * *

6 driver's license (CDL) disqualification of the license.

PRESIDENT OF THE SENATE

APPROVED: _____