

Regular Session, 2012

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

1 AN ACT

2 To amend and reenact R.S. 15:587(A)(1)(e) and R.S. 32:405, 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 relative to commercial motor vehicle driver's licenses; to provide for background  
5 checks; to provide for commercial motor vehicle driver's licenses tests matters; and  
6 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) 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 the principal of any third party tester or examiner who has or is seeking a contract  
18 to administer commercial driving examinations and tests pursuant to R.S. 32:408.1,

1 and any office of motor vehicles employee or applicant who issues or will issue a  
2 commercial driver's license.

3 \* \* \*

4 Section 2. R.S. 32:405, 408(A)(4)(b) and (d), (B)(2)(introductory paragraph) and  
5 (a)(ii) and (F)(1) are hereby amended and reenacted and R.S. 32:408.1(5) is hereby enacted  
6 to read as follows:

7 §405. Application must be verified; office of motor vehicle employees

8 A. Every application shall be verified by the applicant, and by any other  
9 person required by this Chapter to sign such application, before a person authorized  
10 to administer oaths.

11 B. The officers and employees of the drivers' license division are authorized  
12 to administer oaths without fee, and notaries public or other officers shall not charge  
13 in excess of twenty-five cents for the administration of such oath.

14 C. The office of motor vehicles shall administer a one-time national  
15 background check on any person who seeks employment with the office of motor  
16 vehicles and, if employed, whose duties will include the issuance of commercial  
17 drivers' licenses or any current office of motor vehicles employee who as part of his  
18 employment issues commercial driver's licenses.

19 \* \* \*

20 §408. Examination of applicants required; classes of licenses

21 A.

22 \* \* \*

23 (4)

24 \* \* \*

25 (b) All third party examiners shall meet the same qualifications and training  
26 as state examiners to the extent necessary to conduct knowledge and skills tests in  
27 compliance with this Subsection. Department employees shall at least ~~annually~~  
28 every two years take the tests actually administered by the third party as if the  
29 employee were a test applicant, or the department shall ~~at least annually~~ test a sample

1 of drivers who were examined by the third party to compare pass/fail results. These  
2 requirements and conditions shall be included in any third party contract or  
3 agreement and shall be a part of any license, certificate, or permit issued to such third  
4 parties. The department shall devise a system to regulate such third parties and the  
5 regulations shall have the full force and effect of law.

6 \* \* \*

7 (d) The third party shall provide ~~evidence to the applicant who has~~  
8 ~~successfully passed the written knowledge and driving skills tests on a form~~  
9 ~~approved by the department. The applicant shall provide this form to the department~~  
10 ~~before being issued a commercial driver's license~~ proof of testing in a manner  
11 prescribed by the department.

12 \* \* \*

13 B.

14 \* \* \*

15 (2) A commercial driver's license shall be required when a vehicle is used  
16 in commerce as defined in this Chapter, and is a commercial motor vehicle as  
17 defined in this Chapter. A farmer shall not need a commercial driver's license when  
18 operating a motor vehicle as provided for in Subparagraph (e) of this Paragraph. The  
19 department may elect to or, if required by the Federal Highway Administration, shall  
20 change the weight and passenger limits expressed herein to conform to regulations  
21 by the Federal Highway Administration. The department shall do so by regulations  
22 promulgated in accordance with the Administrative Procedure Act subject to  
23 oversight by the Joint Legislative Committee on Transportation, Highways and  
24 Public Works. A commercial learner's permit issued to an individual of this state or  
25 another jurisdiction, in accordance with rules and regulations of the Federal Motor  
26 Carrier Administration, when carried with a valid driver's license issued by the same  
27 state or jurisdiction, authorizes the permittee to operate a class of motor vehicle  
28 when accompanied by a holder of a valid commercial driver's license for purposes  
29 of behind-the-wheel training. When issued to the holder of a commercial driver's

1 license, a commercial learner's permit serves as authorization to take part in behind-  
2 the-wheel training in a commercial motor vehicle for which the driver is not licensed  
3 to drive. The different classes of drivers' licenses to be issued shall be as follows:

4 \* \* \*  
5 (a)

6 \* \* \*

7 (ii) Restriction. An individual who takes a skills test for a Class "A"  
8 Commercial Driver's License in a motor vehicle other than a tractor-trailer  
9 combination, sometimes referred to as an "eighteen wheeler", shall be issued a  
10 license with a restriction prohibiting the operation of a tractor-trailer combination.  
11 This restriction shall be lifted only if the individual successfully completes a skills  
12 test in a tractor-trailer combination. In all cases, the party completing the skills test  
13 certificate shall fully describe on the face of the certificate the vehicle in which the  
14 skills test was administered. For purposes of this Item, a power unit with a gross  
15 vehicle weight rating of less than twenty-six thousand one pounds shall not qualify  
16 as the tractor portion of a tractor-trailer combination. An individual who takes a  
17 skills test for a Class "A" commercial driver's license in a motor vehicle with the  
18 power unit and towed unit connected with a pintel hook or other non-fifth wheel  
19 connection, shall be issued a license with a restriction prohibiting the operation of  
20 a tractor-trailer combination connected by a fifth wheel that requires a Class "A"  
21 commercial driver's license.

22 \* \* \*

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

29 \* \* \*

1 §408.1. Third party testing; proof of testing  
 2 The Department of Public Safety and Corrections, public safety services, may  
 3 contract with or license another state, an employer, a private driver training facility,  
 4 driver education course provider, or other private institution, or a department,  
 5 agency, or instrumentality of a local government to administer the skills tests as  
 6 specified herein if all of the following conditions are met:

7 \* \* \*

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

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)]

St. Germain

HB No. 696

**Abstract:** Provides for the testing and licensing of commercial motor vehicle drivers and third parties who give commercial motor vehicle driving tests and examinations.

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 be entitled to the criminal history record and identification files of the bureau of principal of any third party tester or examiner who has or is seeking a contract to administer commercial driving examinations and tests pursuant to present law, and any OMV employee or applicant who issues or will issue a commercial driver's license.

Proposed law provides that OMV shall administer a one-time national background check of any OMV applicant who seeks to, as part of his employment, issue commercial driver's licenses or any current OMV employee who as part of his employment issues commercial driver's licenses.

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 pintle 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.

(Amends R.S. 15:587(A)(1)(e) and R.S. 32:405, 408(A)(4)(b) and (d), (B)(2)(intro. para.) and (a)(ii) and (F)(1); Adds R.S. 32:408.1(5))