

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



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B.

\* \* \*

(2) A commercial driver's license shall be required when a vehicle is used in commerce as defined in this Chapter, and is a commercial motor vehicle as defined in this Chapter. A farmer shall not need a commercial driver's license when operating a motor vehicle as provided for in Subparagraph (e) of this Paragraph. The department may elect to or, if required by the Federal Highway Administration, shall change the weight and passenger limits expressed herein to conform to regulations by the Federal Highway Administration. The department shall do so by regulations promulgated in accordance with the Administrative Procedure Act subject to oversight by the Joint Legislative Committee on Transportation, Highways and Public Works. 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 commercial 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. The different classes of drivers' licenses to be issued shall be as follows:

\* \* \*

(a)

\* \* \*

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

\* \* \*

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.

\* \* \*

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:

\* \* \*

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.

\* \* \*

1 §414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

2 \* \* \*

3 K.

4 \* \* \*

5 (3) Reinstatement under this provision does not apply to the commercial

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_