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Executive Orders

AMENDMENT TO EXECUTIVE ORDER EWE-78-14

(Editor's Note: The paragraph referred to in this amendment was the eleventh paragraph of Executive Order EWE-78-14 as it appeared in the Louisiana Register, Volume 4, Number 10, page 357.)

Paragraph Two of Page Two of Executive Order EWE-78-14, dated September 14, 1978, is hereby amended to read as follows:

BE IT FURTHER RESOLVED, that the members of this special commission, as appointed by the Governor, shall be Honorable Theodore M. Hickey, who shall serve as Chairman, Honorable Huntington B. Downer, Jr., Honorable Nat G. Keifer, Honorable J. E. Jumonville, Jr., Honorable Fritz H. Windhorst, Honorable Thomas A. Casey, Honorable deLesseps S. "Toni" Morrison, Jr., Honorable Harry M. Hollins, Mr. Martin C. Miler, Mr. Michael J. Rapier, Mr. Lawrence A. Merrigan, Mr. Charles J. Cassidy, Mr. Charles W. McCoy, Mr. John Kavanaugh, Mr. Ed Steimel, Mr. Victor Bussie, Mr. Patrick A. Delaney, Mr. Clarence D. Ardoin, Mr. W. W. Whitmore, Mr. V. J. "Red" Scogin, Mr. Richard Blossman, and Mr. R. F. Haas.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 12th day of January, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

Effective March 8, 1979, the Department of Health and Human Resources, Office of Family Security, has exercised those administrative powers conferred by the emergency provision of the Administrative Procedures Act, R.S. 49:953B, to adopt new federal regulations which govern the payment of sterilizations under the Medical Assistance Program. A sterilization is defined as "any medical procedure, treatment or operation for the purpose of rendering an individual permanently incapable of reproducing." The following regulations apply to medically indicated procedures which result in sterility, as well as to those sterilizations done solely for family planning purposes.

For the Louisiana Medical Assistance Program to pay for a sterilization under the new federal regulations:

The patient must sign a consent form at least thirty days, but no more than one hundred eighty days before the date of the sterilization, excepting premature delivery or emergency abdominal surgery.

The patient may consent to sterilization at the time of premature delivery or emergency abdominal surgery if seventy-two hours have passed since he or she gave informed consent to the sterilization. In the case of premature delivery, the informed consent must have been given thirty days before the expected date of delivery.

The patient must be at least twenty-one years old when consent is obtained.

The patient must give informed consent to the sterilization and the consent form published in the federal regulations must be used.

Informed consent may not be obtained when the individual to be sterilized is in labor or childbirth, seeking to obtain or obtaining an abortion, or under the influence of alcohol or other substances affecting the individual's state of awareness.

The patient must be mentally competent.

The patient cannot be institutionalized.

Three copies of the consent form must be filled out: one for the patient, one for the physician and one for attachment to the claim form.

The federal regulations governing sterilizations, include regulations governing payment of hysterectomies under the Medical Assistance Program. According to the regulations, the Louisiana Medical Assistance Program cannot pay "for the performance of any hysterectomy solely for the purpose of rendering an individual permanently incapable of reproducing or where, if there is more than one purpose to the procedure, the hysterectomy would not be performed but for the purpose of rendering the individual permanently incapable of reproducing."

In other words, payment is not available for hysterectomies done for sterilization purposes for which there are also some medical indications which are themselves insufficient to justify the performance of a hysterectomy.

If a hysterectomy is performed for purposes other than sterilization, payment can be made only if the patient is informed orally and in writing that the hysterectomy will render her permanently incapable of reproducing and she has signed a written acknowledgement of receipt of this information. The written acknowledgement should be attached to the claim form submitted when requesting payment for these medical services.

The acknowledgement reads as follows:

I hereby acknowledge that I have been informed orally and in writing that a hysterectomy (surgical removal of the uterus) will render the individual on whom the procedure is performed permanently incapable of bearing children.

Signature of Recipient
or Designated Representative

Date

Note: It is necessary that the acknowledgement statement appear above the signature of the recipient or her designated representative and that the statement be dated before the actual time of the surgical procedure.

This action has been taken in order to comply with federal regulations which were published in the *Federal Register*, Volume 43, Number 217, Wednesday, November 8, 1978, pages 52146 through 52175.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

Beginning January 25, 1979, the Department of Health and Human Resources, Office of Family Security, has exercised those administrative powers conferred by the emergency provision of the Administrative Procedures Act, R.S. 49:953B, to adopt Maximum Allowable Costs (MAC) for the following drugs when dispensed on prescription:

Acetaminophen w/codeine 30 mg. tabs.	\$0.0780 per tablet
Acetaminophen w/codeine 60 mg. tabs.	0.1545 per tablet
*Ampicillin 250 mg. caps.	0.0595 per capsule
*Ampicillin 500 mg. caps.	0.1103 per capsule
Doxepin HCL 10 mg. caps.	0.0950 per capsule
Doxepin HCL 25 mg. caps.	0.1161 per capsule
Doxepin HCL 50 mg. caps.	0.1765 per capsule
Erythromycin Stearate 250 mg. tabs.	0.0697 per tablet
Erythromycin Stearate 500 mg. tabs.	0.1250 per tablet
Penicillin G Potassium 400 mu. tabs.	0.0180 per tablet
Penicillin G Potassium 800 mu. tabs.	0.0265 per tablet
Phenylbutazone 100 mg. tabs.	0.0750 per tablet
Phenylbutazone Alka 100 mg. caps.	0.0940 per capsule
Probenecid 0.5 gm. tabs.	0.0644 per tablet

*These MACs reflect a reduction in the MACs established on June 27, 1977.

In no case may a receipt be required to provide payment for any difference in a prescription price that may occur with the implementation of MAC, nor may our office use a cost which exceeds the established maximums except as follows.

The Department of Health, Education and Welfare's regulations provide that when a physician certifies that a specific brand is medically necessary for a particular patient, then the MAC limitations for that medication will not apply. In this case their specific guidelines provide that:

1. The certification must be in the physician's handwriting.
2. The certification may be written directly on the prescription, or on a separate sheet which is attached to the prescription.
3. A standard phrase written on the prescription, such as "brand necessary" will be acceptable.
4. A printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable.
5. A handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

This action has been taken in order to comply with federal regulations which were published in the *Federal Register*, Volume 43, Number 238, Monday, December 11, 1978.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of the Secretary

The following rules include amendments which were adopted through the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to be effective February 1, 1979. The emergency rulemaking was necessary in order that the Department of Health and Human Resources could have various

amendments to this pay plan in effect on February 1, 1979, prior to the reimbursement rates being set for fiscal year 1979-1980.

Facility Manual for Facilities Where Health and Human Resources Department Funds Are Used to Care for Handicapped Persons Introduction

The Department of Health and Human Resources (DHHR) currently places clients whose needs cannot be appropriately met through other State programs in private residential facilities and day programs. Placement may be under the supervision of any one of several different agencies of the Department.

Children, youths, and other handicapped individuals placed in such programs include three major, broad client categories: (1) children and youth who are legally adjudicated abandoned, neglected, and/or abused, and those in need of care due to the inability of the parent or caretaker to adequately provide for them, (2) adjudicated delinquents and children in need of supervision, and (3) children, youths, and other individuals who are handicapped physically, mentally, emotionally, or neurologically to such an extent that they cannot satisfactorily participate in community living.

The determination of appropriate placement for any client in any of these broad categories is made by the placing agency within DHHR and all referrals for placement must originate through one of the placing agencies of the Department. Private facilities from which placement services are purchased retain the right of acceptance or rejection of the clients referred by the Department's supervising agencies with the exception of emergency shelter care facilities which do not have the right of rejection.

The procedures and rules set forth herein have been developed to assure an equitable, cost-related reimbursement for the services purchased from private providers for the care and treatment of these clients. The foundation of these procedures rests upon a classification of each facility, and each distinct program within a facility, based on the level of care required by the residents and provided by the facility and/or by a distinct program within a facility.

Major objectives of DHHR in developing and implementing these procedures are to provide an incentive to the private sector to expand and improve the quality and quantity of services available, and to accommodate the presently existing variety of treatment modalities needed to provide appropriate care for the Department's clients.

These procedures shall apply to all facilities wherein Department funds are spent for the purchase of services for the Department's clients, regardless of the procedures whereby a facility is approved for funding. Certain facilities within the state are required to adhere to licensing regulations established and administered by DHHR. All facilities are required to conform to the *Minimum Standards for Certification of Facilities*. These procedures apply to facilities in both categories.

While these various standards may vary in certain respects, each has as an objective the assurance of a high quality of the overall level of care. Consequently, each approval procedure can accommodate the development of cost-related reimbursement procedures. However, in conjunction with the development of a uniform rate structure, as herein proposed, efforts will continue to systematize the licensing/certification/approval procedures of various agencies of DHHR which are affected by these rate provisions.

Levels of Care

A description of the various levels of care which will be utilized for classification purposes appears below. Level of care classifications will apply to all facilities and will identify program requirements.

Each facility which is required to conform to the *Minimum Standards for Certification of Facilities* will be visited during each fiscal year by a certification representative to determine compliance with previously established standards for certification. Concurrently with the certification determination, the certification representative will make a determination of the appropriate level(s) of care provided in each facility.

In facilities which offer more than one distinct program, i.e., level of care, the certification representative shall make a determination with respect to the proper classification of each distinct program within the facility. Facilities which provide services for more than one type of client group must also meet certification standards for each distinct client group and/or program.

Classification of level(s) of care shall be based upon actual staff ratios, actual care and supervision needed by the resident population, programs provided, and ancillary support services required.

Facility administrators should feel free to discuss level of care determinations with the certification representative. In the absence of a resolution of differences between the facility administrator and the certification representative, should differences exist, the determination of the certification representative shall be final and shall not be changed except as a result of procedures set below.

A facility administrator who does not concur with the classification established by the certification representative should first set forth his objections to the classification in writing, fully documenting reasons for the objections. Such statements of facility position should be directed to Licensing Section, Department of Health and Human Resources, Box 3767, Baton Rouge, Louisiana 70821.

Upon receipt of such a statement of facility position, the Licensing Section shall immediately convene an appropriately constituted body to re-examine the certification representative's determination of the facility's classification. The decision of this body shall be rendered within fifteen days of the date of receipt of the statement of facility position, and the facility administrator shall be immediately notified in writing of the decision.

A facility administrator who does not agree with the results of this preliminary redetermination may officially appeal the level of care classification. This appeal shall be made within thirty days after receipt of the Licensing Section's final decision as to the level of care. This written appeal must be directed to the Secretary of DHHR and must request a formal hearing to appeal the decision of the Licensing Section. The Secretary, or his designee, shall set a hearing to be held within thirty days after receipt of such request.

The hearing shall be held in the immediate vicinity of the appellant. The Secretary, or his representative, shall conduct the hearing. The facility administrator, and/or his legal counsel, shall have the right to be present and to present evidence for consideration by the Secretary or his designee. Within ten days after the hearing, the appellant shall be advised, by registered mail, of the decision of the Secretary, either confirming or amending the original decision.

Definition of Levels of Care

Cost-related reimbursement rates paid to facilities shall be based upon expenditures directly related to the level of care, as determined in the certification process, assigned to each facility and/or distinct program within a facility, as follows:

Non-Residential

Level I—This type of facility serves a population which requires minimal supervision and little or no medical attention. No academic training is given and clients of school age usually attend public schools. Specific treatment(s) is given for specific problem(s) of a mental and/or physical nature. Individual treatment goals are written. Staffing ratio meets the minimum requirements for certification and/or licensure. Treatment is planned and supervised by qualified professionals, but may be implemented by paraprofessional staff.

Level II—The population served requires moderate or close supervision and may also possess some medical disabilities. Academic training may be given and clients may also attend public schools. Specific treatment(s) is given for specific problem(s) of a mental and/or physical nature. Individual treatment plans, procedures, and goals are written. Direct-care staffing ratio meets minimum requirements for certification and/or licensure. Treatment is planned and supervised by qualified professionals, with professional services implemented by the appropriate professional staff. Other services may be implemented by paraprofessional staff.

Residential

Level III—The population served requires minimal supervision and care, and possesses no significant medical disabilities. No academic training is given and clients of school age usually attend public schools. Planned habilitation and treatment programs are usually of a recreational or therapeutic nature. Counseling and psychotherapy may be given. Individual treatment goals are written. Direct-care staffing ratio must meet minimum requirements for certification and/or licensure. Treatment is planned and supervised by qualified professionals, with implementation by paraprofessionals. Professional support services provided on a consultant/contractual basis.

Level IV—Population served requires minimal to moderate supervision and may possess medical disabilities. Some academic training may be given and clients may also attend public schools. Planned individual habilitation and treatment programs may include academic and recreational services, as well as specific treatments for emotional and/or physical disabilities. Individual treatment plans, procedures, and goals are written. Direct-care staffing ratio is 5:16. Treatment is planned and supervised by qualified professionals, with implementation by paraprofessional staff. Professional services of a medical or psychological nature are implemented by qualified professionals, although supportive services may be provided by paraprofessional staff.

Level V—Population served requires moderate supervision and some medical disabilities are usually present. Academic training is given and clients do not attend public schools although some clients may use specific services of the public school system. Habilitation and treatment plans are individual and comprehensive, covering all areas of a client's needs. Evidence is given of implementation of plans, procedures, and goals, with an individual's response to the treatment program. Direct-care staffing ratio is 8:16. Treatment is planned and supervised by qualified professionals. Any necessary professional services are provided on a regular basis by qualified professionals on the facility staff or on a contractual basis. Medical personnel are available on seven-day, twenty-four-hour call.

Level VI—Population served requires close supervision and/or total medical care. Academic training may be given and clients do not utilize the public school system. The focus of treatment is largely of a medical nature. Habilitation may also include recreational and therapeutic programs. Individual plans, procedures, and goals are written. Direct-care staffing ratio is 12:16. Treatment is planned and supervised by qualified professionals. Professional staff must be adequate to supervise and deliver all professional services as needed on a regular basis and for emergency treatment. Doctors and nurses constitute a part of the full-time staff.

Cost-Related Reimbursement

The following procedures have been developed with the intent of guaranteeing to private providers of services for clients placed through any agency of DHHR a direct cost-related reimbursement rate commensurate with the actual costs of providing appropriate client care.

Implicit in these procedures is the intention that actual costs shall be paid only to the extent that the costs claimed for reimbursement

are reasonable, that all facilities will seek to minimize actual costs, and that actual costs will not exceed that which a prudent and cost-conscious buyer would pay. Only allowable costs directly related to client care will be used in cost computations to establish reimbursement rates. No payments above the facility's established cost-reimbursement rate will be paid, except in cases where a child's unique needs necessitate a prior special contractual agreement with the placing agency.

The following requirements apply to any established facility housing any client placed by DHHR.

Prior to approval for receipt of DHHR funds, a new facility shall be required to submit a projected annual budget covering the facility's first fiscal year. The projected budget shall be submitted on the required cost report form and include detailed information to substantiate the report based on allowable cost as set forth in this manual. The projected budget shall form the basis for the establishment of the rate for the facility's initial year of operation.

Facilities which provide several distinct programs, i.e., levels of care, must segregate and report actual direct expenditures on a program-by-program basis.

The following general instructions apply to all facilities which are subject to these requirements. Specific limitations of reimbursement appear both in these general instructions and in the following section entitled "Limitations of Reimbursement."

General Instructions for Cost Reporting

1. Effective January 1, 1979, each facility must provide a cost report, together with a statement of intent to participate, no later than August 1 of each year, as follows:

A. The cost report must be submitted within three months after the end of its fiscal year or August 1 whichever comes first.

B. The statement of intent to participate shall include the anticipated number of client days for which DHHR funds will be requested.

2. Delinquent Cost Reports.

A. If a cost report is not received by August 1 of each year the most recent cost report on file will be used for revising the rate for reimbursement for the succeeding year.

B. If a cost report is still not received within six months after the end of the cost reporting period, a recommendation will be made to the Assistant Secretary of the appropriate office that a one hundred percent suspension of the current claim payments be implemented. A thirty-day warning of this action will also be sent.

C. Cost reports will be sent to: Health Services Audit Director, Office of Management and Finance, Box 3776, Baton Rouge, Louisiana 70804.

3. Accounting records must be kept (or converted at year end) on an accrual basis.

4. Accounting records must be kept (or converted at year end) in accordance with the attached Chart of Accounts.

5. Each facility must maintain all accounting records, books, invoices, cancelled checks, payroll records, and other documents relative to client-care costs for a period of six years.

6. All fiscal and other records pertaining to client-care costs shall be subject at all times to inspection and audit by DHHR, the Legislative Auditor, and auditors of appropriate Federal funding agencies.

7. Each facility must maintain statistical information related to the daily census and/or attendance records for all clients receiving care in the facility.

8. Purchase discounts, allowances, and refunds will be recorded as a reduction of the cost to which it relates.

9. Cost to related organizations: Cost applicable to services, facilities, and supplies furnished to the facility by related organizations are allowable costs at the cost to the related organization. However, such cost must not exceed the price of comparables

purchased in the open market and the goods and services must be common to and generally purchased by client-care facilities.

Allowable Cost for Services Provided

1. Shelter Costs.

A. Living space (both indoor and outdoor) used by the clients, including rent, depreciation, or building use allowance. Depreciation must be computed by the straight-line method only. The estimated useful life of fixed assets will be based on the Internal Revenue Service's approved useful life of fixed assets. Depreciation will be allowed only on buildings and equipment used to provide direct client-care services. Facilities must maintain adequate records to determine cost, value, and reasonable useful life of buildings and equipment.

B. Depreciation of furniture and upkeep for items related directly to shelter space used by the clients, e.g., living, dining room and bedroom equipment and furniture, and furnishings, such as draperies, blinds, rugs, etc.

C. Fuel and utilities for space used by the clients, e.g., heat, air conditioning, electricity, etc., if these charges are not a part of the rent.

D. Routine maintenance and upkeep of property and equipment used in daily living activities of the clients. This includes staff and supplies for janitorial services, maintenance, and minor repairs to grounds and equipment.

2. Food Costs. Actual food costs and kitchen and dining room operational costs including personnel, depreciation of equipment, and supplies associated with planning meals, ordering, preparing, and serving food, cleanup work, and the cost of planned meals away from the facility.

3. Clothing and Other Personal Need Costs.

A. Clients' personal wardrobe, when necessary, not to exceed four hundred dollars per client annually; including initial and replacement clothing; such items will be the client's personal property which he may take with him upon discharge.

B. Expenses incurred in the upkeep of clients' clothing, including staff and supplies on grounds, and for services provided off grounds, such as shoe repair, mending, dry cleaning, alterations, etc.

C. Medicine chest supplies, personal hygiene items, such as comb, brush, toothbrush, soap, shampoo, deodorant, sanitary needs and other sundries and incidentals.

D. Cost of hair grooming, limited to two haircuts per month for males and a comparable expenditure for females.

4. Recreation Costs.

A. Recreational program and services, including, but not limited to, such items as reading materials, athletic equipment, games, etc.

B. Individual client's dues for youth clubs, scouts, community centers, etc., if not financed from personal allowance.

C. Clients' admission fees to sporting or other recreational and cultural events, including cost of snacks and treats purchased on outings, if not financed from personal allowance.

D. Client's personal allowance, not to exceed five dollars per week for clients age 13 and up and two dollars and fifty cents per week for clients below age 13.

5. Education Costs.

A. School supplies.

B. Activity fees, class dues, and other miscellaneous costs, if not financed from personal allowance.

C. Transportation to school or training programs if not provided or paid for by other public funds or tax monies.

D. Fees or costs of special training programs, instruction in daily living skills, or other specialized training, if not provided or paid for from other public funds or tax monies.

E. Specialized educational programs required by a client that are essential to his/her individualized program of care if no other source of funding is available.

6. Care Costs.

A. Client care staff, social workers, other specialized staff and direct line supervisors of staff responsible for the twenty-four hour program of care and supervision of the clients, including salary, wages, maintenance and fringe benefits if not met through the State's program under Titles XIX, XX, IV-B, or other publicly funded programs.

B. Transportation intrinsic to the well-being of the client, including but not limited to, visits with relatives, prospective foster or adoptive parents, and other activities or events that are an integral part of the twenty-four hour program of care. Expenses for an attendant, when required, may be met if not already charged to the State's program under Titles XIX, XX, IV-B, or other publicly funded programs.

7. Health Cost if Not Met Through Title XIX as Specified in the Individual State's Plan.

A. Routine physical examinations.

B. Required medical care and treatment, including, but not limited to, immunizations, injections, laboratory tests, emergency room and infirmary care, nursing care in the institution.

C. Psychological testing.

D. Psychiatric examination and treatment.

E. Dental care and treatment.

F. Eye glasses and other corrective appliances not provided by another public program.

8. Administrative Costs.

A. Interest on current obligations and mortgage loans reasonably related to client care. The interest rate must not be in excess of what a prudent borrower would pay.

B. Allowance shall be permitted for a salary for an owner-administrator of a proprietary facility only if he/she is performing the duties of an administrator and would otherwise have to employ another individual to perform these duties. Allowance for a salary of an owner-administrator shall be limited to the national average of salaries for owner-administrators of similarly sized, similarly staffed facilities. Operating cost of living quarters and automobiles provided an administrator for his/her convenience will be considered part of their compensation. The administrators who are not owners are also limited to the national average of salaries for administrators of similarly sized, similarly staffed facilities.

C. Premiums for officer/owner's life insurance is allowable only if the beneficiary is the officer/owner's family. Premiums will be included as part of the officer/owner's compensation and subject to the limitations set forth in B.

D. With the following specific exceptions, taxes are an allowable cost:

(1) Federal income or excess profit tax.

(2) State income or excess profit tax.

(3) Taxes relating to financing.

(4) Special assessments. (This would be capitalized and amortized.)

(5) Taxes for which exemptions are available.

(6) Taxes on property not related to direct client care.

(7) Self-employment (FICA) taxes applicable to individual proprietors, partners, etc.

(8) Fines or penalties of any kind.

E. Cost for the following types of advertising are allowable:

(1) Classified newspaper advertising to recruit personnel or solicit bids.

(2) Telephone "Yellow Page" advertising, except in the event that such advertisement is promotional in nature.

F. Membership costs and costs for conferences and meetings are allowable if related to client-care activities and efficient operation of the facility. Allowable costs include dues, registration fees, travel, meals, and lodging only for the period of a conference. Membership dues and other expenditures related to civic or social organizations are specifically disallowed.

G. Accident or hospitalization insurance for the clients. Insurance claim reimbursements should be credited to the respective expense account for health care.

H. Audit costs are allowable but certified audits are not required by DHHR.

I. Clerical salaries and costs related to general administration.

J. Attorneys' fees. Actual fees incurred for nonlitigation legal services which are directly related to child care will be allowed.

Unallowable Costs for Services Provided

1. In-kind contributions.

2. Fund raising; public relations.

3. No monies paid to an attorney or a law firm as a retainer, rather than as legal fees for services actually performed, will be allowed.

4. Payments made by the facility as gifts, assessments, or paybacks to parent organization.

5. Income producing expenses, including depreciation of equipment to secure self-generated revenue.

Limits of Reimbursement

1. Fiscal Limitation. The availability of State and Federal funds may result in a uniform rateable reduction of fees.

2. Reasonable Cost Limits. Payments to facilities for client services shall be based on the lesser of the reasonable cost of services or the customary charges to the general public for such services.

3. Profit Limits. An allowance of a reasonable return on equity capital invested and used in the provision of client care is allowable as an element of the reasonable cost of covered services. The amount allowable on an annual basis will be determined by applying to the provider's equity capital a percentage basis equal to one and one half times the average of the rates of interest on special issues of public debt obligations issued by the Federal Hospital Insurance Trust Fund. A profit factor will be allowed only for proprietary facilities.

4. Occupancy Limits. The determination of the reimbursement rate for each facility shall be based upon the percentage of occupancy. Those facilities which operate above ninety-three percent capacity, a ninety-three percent occupancy level will be used. For facilities whose occupancy level is between eighty-three and ninety-three percent, the actual occupancy levels will be used. For those facilities operating at less than eighty-three percent capacity, an eighty-three percent occupancy level will be used. This formula will provide an incentive for facilities who operate above ninety-three percent of their capacity and a penalty for those who operate at less than eighty-three percent of their capacity. All facilities licensed and/or certified for an occupancy of fifteen or less will be exempted from this rule.

5. Other Limits. Costs which are unallowable for Federal participation will be paid by the State up to the maximum allowable under the section entitled "Allowable Costs for Services Provided." Payment procedures do not include a year-end settlement. Revised rates are effective July 1 of each year based upon the actual expenditures per cost reports received August 1 of the preceding year. Retroactive adjustment will not be made except for overpayments which result from the inclusion of unallowable costs in the cost report. Therefore, management decisions which increase cost will not affect the current rate and will increase future rates only if justified. To determine the 1979-1980 rate, the cost report on file will be revised by using current economic indicators to reflect inflation. In subsequent years, current economic indi-

cators will be used to determine an inflation factor in calculating the per diem rate.

Definitions

1. Equity Capital. The term "equity capital" means the net worth of a facility, excluding those assets and liabilities which do not relate to direct client care. Specifically, equity capital includes: (1) a facility's investment in plant, property, and equipment (net of depreciation) related to direct client care, plus funds deposited by a facility which leases plant, property, or equipment related to client care and is required by the lease to deposit such funds, and (2) net working capital maintained for necessary and proper operation of client-care activities.

2. Fiscal Year. The facility's fiscal year is the twelve-month period used by the facility for Federal income tax purposes. This does not apply to State or Federal fiscal year.

3. Net Working Capital. Working capital is the difference between current assets and current liabilities. Net working capital is working capital reduced by any amount determined to be excessive for the necessary and proper operation of client-care activities.

4. Plant, Property, and Equipment. Fixed assets related to client care are, for example, building, land, fixtures and equipment, goodwill, and other assets not part of current assets.

5. Proprietary Facilities. The term "proprietary facilities" means a facility, whether sole proprietorship or corporation, organized and operated with the expectation of earning profit for the owners, as distinguished from facilities organized and operated on a non-profit basis, as confirmed by the Internal Revenue Service.

6. Related organizations.

A. "Related to facility" means that the facility, to a significant extent, is associated or affiliated with, or has control of, or is controlled by, the organization furnishing the services, facilities, or supplies.

B. Common ownership exists when an individual or individuals possess significant ownership or equity in the facility or organization serving the facility.

C. Control exists where an individual or an organization has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or facility.

7. New Facility.

A. Any facility not receiving funds from DHHR the entire preceding state fiscal year.

B. Or, any facility which has a change in ownership.

C. Or, any facility which has been certified by DHHR for a change in its level of care.

8. Client. Any person receiving services in the facility.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

Rules

RULE

**Department of Commerce
Racing Commission**

§20.13 The fee to a jockey in all races shall be deposited with the horsemen's bookkeeper in advance and shall be, in the absence of special agreement, as follows:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$400 and under	\$27.00	\$ 19.00	\$ 17.00	\$ 16.00
\$500	\$30.00	\$ 20.00	\$ 17.00	\$ 16.00
\$600	\$36.00	\$ 22.00	\$ 17.00	\$ 16.00

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$700-900	10% of win purse	\$ 25.00	\$ 22.00	\$ 20.00
\$1,000-1,400	10% of win purse	\$ 30.00	\$ 25.00	\$ 22.00
\$1,500-1,900	10% of win purse	\$ 35.00	\$ 30.00	\$ 28.00
\$2,000-3,400	10% of win purse	\$ 45.00	\$ 35.00	\$ 33.00
\$3,500-4,900	10% of win purse	\$ 55.00	\$ 45.00	\$ 35.00
\$5,000-9,900	10% of win purse	\$ 65.00	\$ 50.00	\$ 40.00
\$10,000-14,900	10% of win purse	\$ 75.00	\$ 60.00	\$ 45.00
\$15,000-24,900	10% of win purse	\$100.00	\$ 75.00	\$ 50.00
\$25,000-49,900	10% of win purse	\$150.00	\$100.00	\$ 60.00
\$50,000-99,900	10% of win purse	\$225.00	\$150.00	\$ 75.00
\$100,000 and up	10% of win purse	\$400.00	\$250.00	\$100.00

Albert M. Stall, Chairman
Racing Commission

RULES

**Department of Commerce
Real Estate Commission**

The following Subsection has been deleted from the Rules and Regulations of the Real Estate Commission. The deleted Subsection read as follows:

§32.1.7 The nonresident must provide, with the application, a \$20,000 surety bond for each nonresident license.

The following Subsections have been added to the Rules and Regulations of the Real Estate Commission:

§34.54.1 The Louisiana Real Estate Commission may require that a school furnish proof of any of its advertising claims. In accordance with Section 34.57 and 34.58, retractions of advertising claims may be ordered by the Commission, and such retractions are to be published in the same manner as the original claim.

§34.54.2 All advertisements by certified real estate schools shall contain the following prominently displayed language: "This course has been certified by the Louisiana Real Estate Commission."

Stanley Passman, Executive Director
Real Estate Commission

RULE

Board of Trustees for State Colleges and Universities

Section 7.6 of the Policies and Procedures of the Board of Trustees for State Colleges and Universities shall read as follows:
Section 7.6 Salaries

A. Advanced Degree Adjustments—Pay increases shall be granted when additional degrees are earned according to existing salary schedule and Board policy.

B. Date of Implementation—Raises in pay because of advanced degrees shall be effective upon receipt of certificate from the proper authority of the institution attended for the semester following date of receipt, excluding summer sessions.

Bill Junkin, Executive Director
Board of Trustees for
State Colleges and Universities

RULE

Board of Elementary and Secondary Education

Rule 3.01.70.v(23)

The Board amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, page 30, to require an

additional three hours in audio-visual education for certification in Library Science. Implementation date for enrolling freshmen will be the fall of 1979 and those persons who have their certification updated will be excluded from the requirement.

* * * *

Rule 5.00.50.d

As requested by a management audit team from the Office of Education, U.S. Department of Health, Education, and Welfare, the Board adopted the following policy: Where any federal funds are used in any education projects and/or programs, all provisions of federal law and regulations, including Department of Health, Education, and Welfare, Office of Education, General Provisions for Programs, Administrative and Fiscal Requirements, as found in the Federal Register, Volume 38, No. 213, part 3, Appendix B, page 30,694, will be complied with and followed.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has adopted policy that will only honor out-of-state medical claims for services rendered to individuals eligible for Louisiana's Medical Assistance Program under one of the following circumstances:

1. Where an emergency arises from an accident or illness.
2. Where the health of the individual would be endangered if he undertook travel to return to the State of Louisiana.
3. Where the health of the individual would be endangered if the care and services are postponed until he returns to the state.
4. When it is general practice for residents of a particular locality to use medical resources in the medical marketing areas outside the state.
5. When the medical care and services or needed supplementary resources are not available within the state; prior approval of the Medical Director is required.

This limitation does not apply to out-of-state independent laboratories when these services are ordered by a physician residing in the State of Louisiana.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has adopted a permanent policy that will permit payment to Intermediate Care Facilities for the Mentally Retarded (ICF/MR) on an individual, prospectively determined rate with no provision for retroactive adjustment for over or underpayment, except for overpayments which occur from the inclusion of unallowable costs in the cost report. This policy was adopted as an emergency rule to be effective for the November, 1978, payment for October, 1978, services. The ICF/MR facilities, both private and state owned, will file cost reports.

The ICF/MR facilities will be paid a rate equal to their allowable cost, inflated. Private for-profit facilities will have included in their per diem rate a return on net equity capital equal to the Medicare (Title XVIII) rate, using the simplified computation.

New facilities will be paid a rate equal to the weighted average rate paid to facilities in the area. A new facility will be paid an individual, prospectively determined rate when the earlier of the following two events occur: (1) three months of operation when an average occupancy of eighty percent has been achieved; (2) two years of participation in the program have been completed.

If option (1) occurs first, the facility must file a cost report for the three-month period. The new rate will be effective when computed not when submitted. The new rate will be set within sixty days of receipt of the cost report by the state agency.

The facility will thereafter file annual cost reports.

Individual prospectively determined rates hereafter shall be computed annually to be effective with the July payment for June services. An individual facility's most current cost document will be appropriately inflated to set a payment rate to be effective for one year.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Revenue and Taxation
Petroleum, Beverage and Tobacco Tax Section**

By virtue of the authority granted the Secretary of Revenue and Taxation under the provision of R.S. 47:1511, the following rules and regulations relative to the transportation of gasoline as provided for in R.S. 47:711-727 and 771-789 are hereby promulgated.

Anyone, other than common or contract carriers licensed by the Interstate Commerce Commission and who files monthly reports under provision of R.S. 47:783, who transports gasoline upon Louisiana highways into or from a state which has a lower tax rate than Louisiana, may do so only on designated routes authorized by the Secretary.

The interstate transportation of gasoline on highways other than those designated by the Secretary is strictly prohibited unless special authority to use alternate routes has been obtained from the Secretary, who, at his discretion, may deny such requests.

The transportation of gasoline from any state into Louisiana on any highway is prohibited except:

- I. When the carrier is bonded in Louisiana as a dealer or jobber of gasoline, or
- II. When the payment of the tax has been assumed by the out-of-state supplier who is bonded as a dealer, or
- III. When the gasoline being transported by common and contract carrier is consigned to or title is held by a dealer or jobber of gasoline.

Responsibilities of Bulk Carriers of Gasoline

- I. Request to transport gasoline on designated routes.

A written request to the Secretary must be made ten days prior to any interstate movements of gasoline. Any request for deviation from assigned designated route must be made five days prior to movement of gasoline. The request is to be sent to the Petroleum, Beverage and Tobacco Tax Section, Box 201, Baton Rouge, Louisiana 70821, and must include the following information:

- A. Name and address of the person or company who will be transporting the gasoline.
- B. Points of origin of gasoline.
- C. Points of destination of gasoline.
- D. Number of trucks that will be transporting the gasoline from or into Louisiana.
- E. Routes normally used at present time.

Upon receipt of application, if in order, authorization cards will be issued by the Secretary. This authorization is continuous until revoked, withdrawn, or surrendered.

II. Authorization cards.

Authorization cards will be issued for all vehicles transporting gasoline into or from Louisiana. A card must be kept at all times in each vehicle while transporting gasoline into or from Louisiana. This card cannot be transferrable from one transporter to another. If this authorization is revoked, withdrawn, or surrendered, these cards must be returned to the Secretary.

III. Requirements for transporting bulk gasoline on the Louisiana highways by all vehicles other than common or contract carriers.

To properly identify gasoline being transported on Louisiana highways, a person must have in his possession, a currently dated invoice, bill of lading, or manifest which must show the following information:

- A. The sellers' and purchasers' name and address.
- B. The origin of the gasoline being transported.
- C. The destination or destinations of the gasoline.
- D. The designated routes to be followed when importing or exporting gasoline.
- E. The quantity of gasoline

Also those vehicles involved in the interstate transportation of gasoline from or to a state which has a lower tax rate than does Louisiana must have authorization cards from the Secretary, designating the route or routes and must be in agreement with the route or routes shown on the invoice, bill of lading, or manifest.

IV. Penalty for failure to comply.

Any person transporting gasoline shall, at the request of the Secretary of Revenue and Taxation or his authorized agents or any weights or standard police officers of the Department of Transportation and Development, produce and offer for investigation, one of the documents referred to in Section III above. Failure to produce one of these documents at the time of inspection or if when produced it fails to disclose the information required, shall be prima facie evidence of a violation.

Any person found to be in violation of the statutory provisions and these regulations shall be fined \$5,000.00 for the first offense, and \$10,000.00 for each succeeding offense, or forfeiture and seizure of the vehicle and its cargo.

Malcolm D. Brumfield, Manager
Petroleum, Beverage and Tobacco Tax Section

RULES

**Department of Revenue and Taxation
Petroleum, Beverage and Tobacco Tax Section**

By virtue of the authority granted the Secretary of Revenue and Taxation under the provision of R.S. 47:1511, the following rules and regulations relative to the enforcement of the Louisiana Special Fuels Tax Law (R.S. 47:800-815) are hereby promulgated.

I. No interstate user of special fuels who has extensive operations in Louisiana shall commence operations without first procuring a license for that purpose from the Secretary of Revenue and Taxation, together with a surety bond guaranteeing the payment of any and all taxes, penalties, and interest due. The name and address shown on the cab doors must be in agreement with the name and address on the surety bond and the monthly tax report. In a lease agreement, the surety bond and monthly report shall be required of whoever furnishes the fuel. The name and address of the user must be on both cab doors and the vehicle must have a working odometer or hub meter at all times.

II. Every interstate user must keep satisfactory records of:

A. The miles traveled in all operations within and without the State of Louisiana.

B. The fuel purchased and used in propelling motor vehicles both within and without the State of Louisiana.

1. Purchases of special fuels from licensed dealers (service stations and truck stops) must be recorded on special fuels invoices and the original submitted with user report only upon request.

2. Copies of invoices recording bulk purchases from suppliers must be submitted with monthly user report. Gallons purchased from suppliers must be shown by invoice on the user's tax report in addition to total gallons removed from bulk storage facilities and placed in fuel supply tanks of motor vehicles.

3. Special fuels invoices showing odometer reading and license number, together with other required information, must be carried in the cab of the truck as evidence of the source of the tax-paid fuel in the fuel supply tank of the vehicle.

4. The totalizer meter reading on the measuring device of any tax-paid bulk storage tank maintained by all users in the State of Louisiana and the inventory of tax-paid fuel on hand must be recorded at the beginning of operations on the first day of every month.

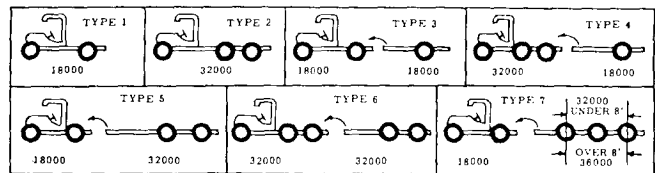
III. Miles per gallon are to be determined by:

A. The total miles traveled divided into the total gallons placed in the fuel supply tanks of the motor vehicles.

- 1. Entire operations as a whole in all states or
- 2. Computed by vehicle.

B. Miles per gallon factor will be set by the Secretary of Revenue and Taxation if records are not complete. The factor set by the Secretary is based on the number of axles on the vehicle.

	Diesel	LPG
Type 1	8 MPG	6 MPG
Type 2	6 MPG	5 MPG
Type 3	6 MPG	5 MPG
Type 4	5 MPG	3 MPG
Type 5	5 MPG	3 MPG
Type 6	4 MPG	2½ MPG
Type 7	4 MPG	2½ MPG



IV. Reports and supporting schedules must accurately reflect the miles traveled, gallons put in vehicle, gallons purchased and gallons consumed in all states in which the user operates, together with all other information as follows:

A. Business Master File number must be indicated by user requesting refund or credit.

B. User license number must be shown in proper space.

C. Name and address (must agree with name and address indicated on surety bond and on cab doors of vehicles.)

D. Type of fuel consumed must be indicated and separate reports submitted for diesel fuel and liquefied petroleum gas.

E. Purchase information:

1. Each bulk purchase must be listed and supported by a copy of the purchase invoice.

2. Purchases from service stations or truck stops must be listed in total by station.

3. Gallons removed from tax-paid storage must be shown and added to service station purchases to arrive at gallons placed in fuel supply tanks in Louisiana.

F. Monthly beginning and ending inventories must be shown to determine withdrawals from storage.

G. Any user requesting a refund must furnish complete information concerning other states in which he operates.

H. Tax report must be signed by an authorized agent as being true and accurate. Any evidence of the submission of a refund claim that is fraudulent either by information included on report or any supporting evidence will result in the entire claim for refund being voided at the Secretary's discretion. Any person found guilty of filing a fraudulent claim shall be fined up to one thousand dollars (\$1,000.00), or imprisonment not to exceed two years, or both, at the discretion of the Court.

V. Refunds or credit are permitted whenever a bonded interstate user of special fuels pays tax to another state on fuel exported from Louisiana and is bonded and files reports in all states in which he operates in accordance with the requirements of these states. The user's exportation of tax-paid fuel must exceed the importation in order to qualify for a refund. Refunds will be reduced according to special fuels tax owed, and not remitted to another state as required. Certified copies of user reports to other states must be supplied upon request as supporting evidence of payments to those states.

VI. Users requesting a refund must submit User's Monthly Report of Special Fuels indicating the states in which they operate and where user reports are filed as required. Miles traveled, gallons consumed and gallons purchased for each state in which they operate must be shown, together with copies of fuel purchase invoices from suppliers and original invoices of fuel purchased from Louisiana dealers to verify tax-paid special fuels purchased in Louisiana. Tax-paid purchases of special fuels must be delivered by a supplier into the properly marked bulk storage facilities of the user or purchased from a licensed dealer (service station or truck stop) of special fuels.

VII. Users requesting a refund must submit the originals of the special fuels invoices which record the purchase of special fuels from a service station or truck stop with the User's Monthly Report of Special Fuels. An "original invoice" means the first or top sheet of an invoice, bearing the original inked imprint, issued by a seller to a purchaser covering the product or products sold, except where the use of a credit card is authorized, the name and address may be carbon-imprinted. Invoices from service stations or truck stops must be submitted within the current month and shall be accepted no later than thirty days from the accounting period during which the purchases were made. Invoices recording purchases of special fuels in bulk must also accompany the User's Monthly Report of Special Fuels as evidence of the source of the tax-paid special fuels. Transactions shall be recorded indelibly without any alterations. Any erasures, changes, or corrections on invoices, such as changes in date, gallonage or name may result in prosecution or in rejection of the entire claim. When corrections are necessary, these shall be certified to by the dealer in an affidavit. Any incomplete invoice will be disallowed. The original invoice shall be dated, serially numbered and provide spaces for the following information:

A. The name and address of the dealer must be preprinted or mechanically imprinted.

B. Name and address of user recorded on invoice must agree with name and address indicated on bond and cab doors of vehicles.

C. Odometer or hub meter reading and license number.

D. Number of gallons of special fuels purchased, together with price per gallon and total price of gallons purchased.

VIII. Properly filed claim for refund must be submitted with the User's Monthly Report of Special Fuels. The claim for refund must

be submitted within six months of the date that the report is due. Refund claims for users who have bulk purchases will be approved and returned to the users who in turn will forward the original approved refund certificate to their suppliers for credit. The supplier will attach these approved refund certificates to his Supplier's Monthly Report of Special Fuels as a deduction. Refunds of less than fifty dollars shall be carried forward to the subsequent month's report as a credit. In no case will the refund exceed the gallons paid to other states unless user can prove that some operations in some other states do not affect Louisiana. Refunds or credits may be less than the gallons paid to other states because reports to some states may be computed on a different basis from that required by Louisiana.

Malcolm D. Brumfield, Manager
Petroleum, Beverage and Tobacco Tax Section

RULES

Department of Transportation and Development

Policy and Procedures for Weight Enforcement Field Personnel

I. General Procedures

A. Accounting Procedures

1. Payrolls: Payrolls shall be filled out by the field supervisor, signed by each employee, certified by the supervisor's signature, and sent to headquarters.

2. Expense Accounts: Expense accounts shall be filled out and signed by the person submitting the claim for reimbursement of official expenditures. Any receipts required for expenditures claimed must be transmitted also. Expense accounts will be checked for accuracy by the headquarters office and signed by the section head.

3. Violation Tickets: All violation tickets shall be accounted for. Books of tickets and violation ticket book receipt cards will be sent to each field supervisor from headquarters. Upon issuing a violation ticket book to an officer, the supervisor shall sign and have the officer sign the corresponding receipt card and return the card to headquarters. None other than the officer to whom the book is issued shall write in a violation ticket book. In the event that a ticket is lost or spoiled, the proper form shall be filled out, as outlined in Part IX, Forms. These forms shall be signed by both the officer and the supervisor.

Distribution of Violation Tickets:

a. Original—shall be given to the driver.

b. Pink and yellow copies—shall be mailed to the Enforcement and Truck Permits Administrator daily.

c. Fourth copy—shall be kept on file at the unit.

4. Driver's License Receipt Forms: All Driver's License Receipt forms shall be accounted for. Only one book of Driver's License Receipt forms shall be in use at a unit at a time (except for double installations where conditions make it necessary for each installation to have a book). The unit supervisor shall sign the Receipt for Driver's License Receipt Book cards and return them to headquarters. The shift supervisor shall see that the Driver's License Receipts are issued consecutively. Distribution of Driver's License Receipt form:

a. Original—shall be given to the driver.

b. Second copy—shall be given to the driver with instructions to take it to Department of Transportation and Development (DOTD) headquarters in Baton Rouge within thirty days, or mail within fourteen days, with the payment, to secure the return of the license.

c. Third or fourth copies—shall be mailed to the headquarters office, with the confiscated license, daily.

5. Control Permit Forms: All Control Permit Forms issued at a unit shall be noted on the Register of C-Forms, noting the form numbers and disposition.

6. Temporary Forty-Eight Hour Permits: All Temporary Forty-Eight Hour Permits shall be accounted for. Upon receipt of a supply of these permits from headquarters, the unit supervisor shall check to make sure all permits in the numerical sequence are there. If any permit is missing, the unit supervisor shall fill out a Missing Temporary Forty-Eight-Hour Permit form and return it to headquarters. The unit supervisor shall sign and return to headquarters the Receipt for Temporary Forty-Eight Hour Permits card for the permits received.

7. Cash Receipts: Cash Receipt forms, the Cash Reconciliation form, and the Register of Cash Receipts shall be filled out for cash collected at the unit.

8. Collecting Payment of Fines: Accept certified or cashier's checks or money orders made payable to Louisiana Department of Transportation and Development, Master Charge, or Visa. If a company appears on the list of "Companies Which Have Posted Overweight and Oversize Penalty Bonds," the fine will be charged to the bond. Write "Paid by Posted Bond" in the Remarks section of the violation ticket, and release the truck without collecting the driver's license. It is not permissible to accept personal or company checks when collecting fines, unless the violator has a posted bond.

9. Payment of fines is to be made immediately, except that any driver, of any vehicle registered in Louisiana, who lawfully possesses a valid Louisiana Operator's License may deposit that license with the officer in lieu of the fine. A Driver's License Receipt form shall be issued when any operator's license is retained by an officer.

B. Maintaining Records and Keeping Manuals Current.

1. Violation Tickets: The fourth copy of each violation ticket issued shall be filed in consecutive order at the unit.

2. Register of Violation Tickets: Each unit supervisor shall maintain this ledger, noting each day all the information required for each ticket on the Register of Violation Tickets ledger sheet, as outlined in the supervisor's instructions in Part IX, Forms.

3. Register of Control Forms and Register of Temporary Forty-Eight-Hour Permits: Each unit supervisor shall maintain this information, as outlined in the supervisor's instructions in Part IX, Forms.

4. The supervisor shall maintain an up-to-date list of vehicle license plates to be confiscated, as provided by the headquarters office.

5. The supervisor shall instruct the officers on their duties and responsibilities, have them initial all memoranda pertaining to their jobs, and ascertain that all manuals are kept current. The memoranda transmitting manual revisions shall be initialed by all personnel, and the supervisor shall be responsible for ensuring that all unit personnel understand the revisions.

C. Supervisory Reports.

1. Summary Report of Weighing Operations: The unit supervisor shall submit a Summary Report of Weighing Operations to the Enforcement and Truck Permits Administrator with his copies of the day's violation tickets, Driver's License Receipt forms, confiscated operator's licenses, and monies collected daily. This report shall contain the hours of operation of each shift, the officers on duty, the number of trucks weighed per shift, number of overloaded vehicles, overloads and permits penalized, number of tickets issued, and number required to reduce load and shift load. In addition, mobile units shall note the hours of operation for that day and which highways they cruised.

2. Log of Scale Calibrations and Repairs: The unit supervisor shall maintain a scale calibration and repair log, noting the date and

time of every scale calibration and repair. In addition, the mobile unit supervisor shall note the above information for each individual portable scale. In the interim, if any discrepancy in the scales is noticed by an officer, he shall report it to his supervisor, who shall immediately contact the section head and request a scale calibration or repair. This verbal request shall be followed up in writing.

D. Personal Conduct and Behavior.

1. Dress and Decorum: All personnel shall at all times be properly attired in the furnished uniform, which they shall keep clean and neatly pressed. Employees shall at all time be courteous, patient, and respectful in dealing with the public. All conversations shall be conducted in a courteous and even-tempered manner.

2. Supporting Fellow Employees: Employees shall cooperate with, support, and assist each other in all ethical endeavors at every opportunity and shall not publicly criticize the work or the manner of performance of duty of any other employee to anyone except the supervisor.

3. Threatening or Insulting Language: Employees shall not use threatening or insulting language or mannerisms when dealing with the public.

4. Relations with the Press: Officers shall be courteous to the press, but the release of any statement to the news media shall be made by the Secretary or by an authority delegated by him.

5. Conflicting Employment: No employee may be engaged in any gainful outside employment when this would affect in any way the normal competency of the individual in the regular performance of his job responsibilities. No full time employee of DOTD may be engaged in the private escorting of vehicles.

6. Duty of Employees to Keep Informed: Employees are held responsible for thoroughly understanding the laws and policies they are charged with enforcing, and all policies and procedures published for the section.

7. Soliciting, Accepting Gifts, Gratuities: No employee shall, directly or indirectly, accept, receive, seek or solicit anything of value as a gift, loan, gratuity or favor from any person or firm, or any officer, employee, or agent thereof, who has or is seeking to obtain contractual or other business or financial relationships with the department, or who has interests which may be substantially affected by such employee's performance or nonperformance of official duty. The duty of any employee to the department must supersede any private contractual obligation of the employee to any third parties; no employee shall incur any contractual obligation which could interfere with or influence the performance of his duties to the department. Any employee that is observed accepting a gift or anything of value from any member of the trucking industry shall be immediately instructed by the supervisor to leave the DOTD premises. Details of the incident shall be reported to the Chief of the Weights and Standards Police Force.

8. Unauthorized Disclosure of Information: Employees shall not disclose any confidential section work schedules.

9. Drugs and Alcohol: There are a number of restrictions on drugs and alcohol which must be observed by all employees. The use of either is prohibited during working hours as such use can limit efficiency and increases the chance of injury to oneself or others. Specific departmental policy prohibits the possession, storage, serving or consumption of alcoholic beverages on state property. The same restrictions hold for mind-altering drugs and other controlled substances including but not limited to marijuana, amphetamines, cocaine, LSD and certain stimulants, barbiturates and tranquilizers when not prescribed by a physician. An employee found under the influence of any such substance or alcohol, or in violation of any of the regulations mentioned shall be subject to immediate disciplinary action not excluding dismissal. Any employee in a potentially hazardous classification or any employee operating state vehicles shall notify his supervisor when he must

take prescribed medication that could alter his work performance in any way or jeopardize his safety or that of others.

10. Origin of Allegations and /or Charges: A citizen who verbally lodges a complaint or charge against an employee shall be requested to document same by letter to the unit supervisor or section head. Serious charges must be reported to the Enforcement and Truck Permits Administrator, in writing without delay.

11. Violation of Section Regulations or Authority: No employee shall fail to abide by or to conform with any authorized instructions, oral or written (including an unexcused absence). No employee shall abuse his or her authority by the mistreatment of fellow employees or the general public, or by threatening to do so by the following means: extortion, blackmail, or bribery. An employee may be suspended or dismissed for violations of any of the above mentioned regulations.

12. Department Telephones: Telephone courtesy is an elementary, yet important, means of enhancing the professional image of the department. Telephones should be answered promptly, calmly, and in a businesslike manner reflecting courteous efficiency. An employee answering department telephones shall announce his unit location and his name.

II. Field Procedures for Enforcing Weight and Size Limitations

A. Procedures for Weighing Vehicles.

When a vehicle presents itself at the unit, it is for the purpose of checking the weight, width, length, height, permit, and vehicle registration and license to determine if the requirements governing the control of vehicles using state highways have been violated. The Weights and Standards Police Office may require the driver to present proof of ownership or lease and any other information which may be required with regards to the vehicle or type of load being transported.

1. Weighing Vehicles on Stationary Scales: The officer shall have the driver position his vehicle on the scales so that all axles can be properly weighed. Caution shall be exercised by the officers to prevent vehicles from lining up beyond the scale approach lanes and blocking traffic lanes and to insure the safety of the motoring public.

2. Weighing Vehicles on Mobile Scales: The officer shall position the scales so that each axle or each set of tandem axles can be properly weighed. Caution shall be exercised by the officers in selecting a safe place to weigh a vehicle to insure the safety of the motoring public.

B. Procedures for Enforcing the Weight Law and Impounding Vehicles.

1. Shifting the Load: Drivers shall be given the opportunity to adjust the load to reduce the axle loads. If shifting the load will reduce the axle load to within the legal limits, without removing any part of the load from the vehicle, the officer shall not issue a violation ticket and shall permit the vehicle to proceed. If shifting the load will reduce the amount of a fine, the officer shall allow this and assess the lower fine.

2. Vehicles in violation of weight, size or permit regulations shall be impounded until the fine is paid or the driver's Louisiana Operator's License is deposited with the officer.

3. All loads that are not indivisible, perishable, or dangerous will be ticketed as required and may be permitted to proceed without reducing the load as stipulated in the following paragraphs:

a. Vehicles shall not ordinarily be impounded on highway shoulders less than ten feet in width or when the traffic volume is such that even with wide shoulders a hazardous condition would be created.

b. Unloading of excess weight shall not be done on highways regardless of shoulder width. The driver shall be instructed to do this at a suitable location within a reasonable distance from the point of violation.

4. All indivisible loads and all perishable products will be ticketed in accordance with DOTD regulations and permitted to proceed to a suitable place to reduce the load.

a. Perishable Products: (Include the following, but may not be limited to these; check with headquarters personnel if in doubt.) All agricultural products; hot mix asphalt; concrete; all seafood; products requiring refrigeration or those transported in insulated vehicles; dairy products or poultry and associated products, meat, pork, livestock, live animals; and all other loads that would lose their value or be damaged to such a degree that they would not be suitable for their intended use in commerce if delayed in transit.

b. Indivisible Loads: (Those that are divisible but became indivisible once loaded because of the nature of loading or equipment required for unloading and include the following, but are not limited to these. Check with headquarters personnel if in doubt.) All forest products; flammable, dangerous or toxic liquids, solids and gases such as gasoline, naphtha, kerosene, acids, LP gas, caustic materials, explosives, chlorine, or irritants; containerized cargo; pipe; prestressed or steel girders or large structural components or fabricated or unfabricated materials of indivisible nature that would require specialized equipment to unload or shift; or any load that would create a traffic hazard or danger to either the motoring public or the surrounding area if unloaded adjacent to the highway.

5. Checking Tandem, Tridum and Quadrum Axles: The law requires reasonable distribution of the load on various axles of a set of tandem, tridum and quadrum axles. Therefore, the following criteria shall be used to determine uniform distribution:

a. Tandem Axles: Each individual axle of a tandem axle shall be considered acceptable if the load on both axles does not exceed 34,000 lbs. and neither individual axle carries more than 20,000 lbs. on the Interstate. On non-Interstate highways a tandem axle may not exceed 37,000 lbs., and neither individual axle may carry more than 21,500 lbs. On permit loads neither axle shall carry more than sixty percent nor less than forty percent of the load shown on the approved permit.

b. Tridum Axles: Each individual axle of a tridum axle shall be considered acceptable if the load on all three axles does not exceed 42,000 lbs. and none of the axles carries more than 16,000 lbs. on Interstate highways. On non-Interstate highways a tridum axle may not exceed 45,000 lbs., and neither individual axle may carry more than 17,000 lbs. On permit loads no axle shall carry more than forty percent or less than twenty-five percent of the load shown on the approved permit.

c. Quadrum Axles: Each individual axle of a quadrum axle shall be considered acceptable if the load on all four axles does not exceed 50,000 lbs. and none of the axles carries more than 14,500 lbs. on Interstate highways. On non-Interstate highways a quadrum axle may not exceed 53,000 lbs., and neither individual axle may carry more than 15,500 lbs. On permit loads no axle shall carry more than thirty percent or less than twenty percent of the load shown on the approved permit.

d. When these regulations are violated, a violation ticket shall be issued and a fine of one hundred dollars assessed, unless there are other violations, in which case the violation resulting in the highest fine will be used. The fines shall not be cumulative.

6. Whenever an officer stops a vehicle that is not entering into or completing a turn and an add-on axle equipped with an air bag or hydraulic system is in the raised position and the axle load is within legal limits for the number of axles including the add-on axle, the vehicle will be ticketed for improper distribution of the load and fined one hundred dollars. In the event the axle load exceeds the legal limitations for the configuration, including the add-on axle, the vehicle will be ticketed for the excess weight over and above legal limits.

7. Posted Bridges: Violation tickets for crossing bridges posted with regulatory weight limits shall not be issued unless a truck is observed crossing a bridge. Tickets shall be issued only after the offense is committed. All obviously overweight vehicles shall be directed to turn back when they are seen approaching a bridge posted with a regulatory weight limit. No violation tickets shall be issued for crossing bridges posted with advisory weight limits; however, drivers are urged to use their own discretion in crossing these bridges with heavy loads.

8. All vehicles are required to stop at DOTD stationary enforcement units except the following:

- a. Automobiles, including those towing another vehicle.
- b. Pickup trucks, if they are not towing another vehicle.
- c. Vans, if they have less than a one-ton capacity.
- d. Recreational vehicles, if they are not oversize or overweight.
- e. Buses.
- f. Trucks which belong to law enforcement agencies and are not normally used for load-carrying purposes, fire trucks, and ambulances.
- g. Empty garbage trucks.
- h. Wreckers, if they are not towing a vehicle which would be required to stop at the scales.

Any vehicle which is required to stop at the scales and fails to do so shall be cited for failure to stop and for any other violation which has occurred.

9. National Guard Convoys: These may proceed without stopping at the stationary scales for weighing purposes, provided overweight and oversize permits are obtained in advance for all vehicles requiring permits and that the lead vehicle stops at the weighing station and advises the supervisor in charge of the permit vehicles in the convoy. In the event one of these vehicles is later stopped by a portable unit and requires ticketing, have the driver sign the violation ticket, but do not give him a copy. Include the original with the other copies you mail to headquarters. Do not detain or impound the truck, and do not collect the driver's license.

III. Registration and Licensing Requirements for Vehicles Operating in Louisiana

A. Registration Requirements for Intrastate Haulers.

A vehicle is operating intrastate when it is hauling any load which both originates and terminates in Louisiana. The vehicle must be either full plated for Louisiana or apportioned for Louisiana, or must have a Forty-Eight-Hour Temporary Permit. If the vehicle is owned and operated in Louisiana, it must be licensed and titled in Louisiana.

B. Reciprocity for Interstate Haulers.

Louisiana has reciprocal agreements with most other states that are not members of the International Registration Plan (IRP) to recognize each state's license plates. These vehicles, if lawfully owned and registered by a resident of one of these states, are not required to have Louisiana plates to operate interstate in Louisiana (to pass through or to only originate or only terminate loads in Louisiana). These foreign plated interstate haulers are allowed the Louisiana weight limits, if their state has lower limitations, provided that the gross vehicle weight, including the steering axle, does not exceed the amount for which the vehicle is registered in its home state. If the home state weight limits are greater than the Louisiana weight limits, then the vehicle will have to abide by the Louisiana weight limits.

C. Temporary Forty-Eight Hour Permits.

Occasionally a hauler who is not licensed to operate in this state will want to operate in Louisiana. In these cases it is more advantageous for him to purchase a Temporary Forty-Eight-Hour Permit rather than full plate or apportion with Louisiana. The hauler must secure this twenty-five permit from the Vehicle Registration

Bureau, a DOTD port-of-entry location, or a wire service. This temporary permit allows the vehicle to operate in Louisiana for a period of forty-eight continuous hours. Under no condition is a vehicle allowed to operate within the state (intrastate) without either having Louisiana plates, or a Temporary Forty-Eight-Hour Permit, or being apportioned for Louisiana. Temporary Forty-Eight-Hour Permits apply to these types of vehicles:

1. Those properly registered in a state which does belong to the IRP and the vehicle is not apportioned for Louisiana. A hauler in this situation must purchase a Temporary Forty-Eight-Hour Permit to operate either interstate or intrastate. The officer must check the Cab Card on all vehicles bearing apportioned tags for Louisiana.

2. Those properly registered in a state which does not belong to the IRP but does have a reciprocal agreement with Louisiana. A hauler in this situation must purchase a Temporary Forty-Eight-Hour Permit to operate intrastate in Louisiana, if he doesn't want to purchase Louisiana plates. The reciprocity clause allows him to operate interstate without having to purchase a permit or Louisiana tags. Unless otherwise notified, consider any state that is not in the IRP as having a reciprocal agreement with Louisiana.

D. International Registration Plan.

Any single motor vehicle having three or more axles, regardless of weight, or any vehicle or combination of vehicles weighing 26,000 lbs. or more may be licensed under the International Registration Plan, if the home state is a member. A vehicle from a member state may operate interstate or intrastate in Louisiana if the Cab Card shows that the vehicle is apportioned for Louisiana. If the vehicle is not apportioned for Louisiana, the driver must obtain a Temporary Forty-Eight-Hour Permit to operate either interstate or intrastate. Officers shall check the Proration Registration Cab Card. At all times this card must accompany the vehicle for which it was issued. If this card is altered or defaced or used in any other vehicle except the one described thereon, it shall be considered null and void and the Louisiana registration license requirements shall apply. An apportioned license plate must also be displayed on the front of the vehicle, and the Cab Card must show the weights and the states for which the vehicle is apportioned.

E. Notes.

1. Some states which soon will be coming into the IRP have prorate and bilateral agreements with Louisiana. Handle these situations just as you would IRP members. These vehicles will have a Cab Card similar to the IRP Cab Card.

2. Trailers: Any state's trailer license tag is to be honored, as long as the truck-tractor is properly registered and licensed.

3. Restricted Plates: We honor all states' farm, forest, and public plates, U.S. Government plates, and Texas machinery plates, as long as the vehicle is properly licensed and registered and is hauling the commodity or equipment for which the license was issued. Public and government plates do not have expiration dates, so no violations shall be written for expired public or government plates.

4. Vehicles Which Have a Higher Registration than that Required for the Commodity Being Transported: When a vehicle is registered for a class such as common carrier, forest products, etc., which has a higher registration fee tax than that required for the commodity being transported, it will be considered properly registered. Specifically, if a truck is registered in the state of Mississippi for common and contract carrier class and transports forest products, since Louisiana has an agreement with Mississippi for trucks registered for forest products, this truck should be considered properly registered to travel in Louisiana without a trip permit or being apportioned as long as he is transporting forest products. This policy is applicable to all classes of registration for vehicles

registered in all states which have agreements with Louisiana to accept each other's registration in specified classes.

IV. Procedures for Enforcing Vehicle Registration and Licensing Laws

A. Louisiana Vehicles Which Are Improperly Licensed or Unlawfully Registered.

This includes vehicles operating with the wrong class of license (the classes are described in R.S. 47:462), a vehicle whose serial number doesn't match the serial number on the registration certificate, a vehicle which exceeds its licensed weight (but does not exceed the legal weight for that type of vehicle).

1. Louisiana vehicles are allowed a ten percent tolerance on licensed weight. If the vehicle is not more than ten percent over its licensed weight and does not exceed the legal maximum allowable weight for that type of vehicle, no violation has occurred. The officer should advise the driver of the proper licensed weight for that vehicle.

2. For those vehicles which exceed the ten percent tolerance on licensed weight, the officer shall write a "no fine" violation ticket, citing R.S. 47:516, and impound the vehicle until the driver either purchases the proper registration or deposits the license plate with the officer.

3. When the driver appears at the Vehicle Registration Bureau to purchase the proper plates, he will be charged an additional twenty-five percent of the cost of the new plates as a penalty.

4. If the vehicle's license plate is confiscated, the officer shall note this on the violation ticket, together with the number of the plate, and "Must secure proper license by (date)." The date noted shall be five working days from date of offense. The violation ticket serves as a receipt for the license plate collected by the officer and is considered a temporary license plate for five working days.

5. The unit supervisor shall then mail the license plate to the Weights and Standards headquarters office for processing to the Department of Public Safety, Office of Motor Vehicles.

6. If a vehicle in this situation also exceeds the legal weight limitations, the officer shall issue another violation ticket citing R.S. 32:386 and fine the vehicle for the weight in excess of the legal weight, according to the Overweight Penalty Chart.

B. Louisiana Vehicles with an Expired License and Registration or No License and Registration.

1. In these situations the officer shall write a "no fine" violation ticket citing R.S. 47:516, and impound the vehicle until the driver either purchases the proper registration or deposits his valid Louisiana driver's license with the officer. The officer shall also remove the expired license plate.

2. When the driver appears at the Vehicle Registration Bureau to purchase the proper plates, he will be charged an additional twenty-five percent of the cost of the license as a penalty.

3. If the driver's license is collected in lieu of immediate impoundment, the officer shall note this on the violation ticket, together with the number of the driver's license, the number of the temporary operator's license issued, and "must secure proper registration by (date)." The date noted shall be five working days from date of offense. The temporary operator's license serves as a valid driver's license for thirty days.

4. The unit supervisor shall mail the confiscated driver's license and expired license plate to the Weights and Standards headquarters office. Upon notification that the proper registration and license have been purchased, the department will return the driver's license to the address listed on the violation ticket.

5. If a vehicle in this situation also exceeds the legal weight limitations, the officer shall issue another violation ticket citing R.S. 32:386 and fine the vehicle for the weight in excess of the legal weight, according to the Overweight Penalty Chart.

C. Out-of-State Vehicles with an Expired License and Registration or No License and Registration.

1. These vehicles may not operate at all in Louisiana (neither interstate nor intrastate) without purchasing a Temporary Forty-Eight-Hour Permit either prior to entering Louisiana or at a port of entry.

2. If a vehicle in this situation is stopped and the driver does not have a temporary permit, the officer shall issue a violation ticket citing R.S. 47:511.1, assess a fine of two hundred dollars, require the driver to purchase a twenty-five dollar Temporary Forty-Eight-Hour Permit, and impound the vehicle until the fine is paid and the permit is purchased. The expired license plate is not to be removed.

D. Out-of-State Vehicles Which Are Improperly Licensed.

1. If a vehicle domiciled outside Louisiana has a current license but the actual weight of the vehicle exceeds the weight for which it is licensed and does not exceed the legal weight for that type vehicle, the officer shall issue a violation ticket citing R.S. 32:388. The fine is one hundred dollars and the vehicle is to be impounded until the fine is paid. The license plate is not to be removed.

2. If the vehicle exceeds both the licensed weight and the Louisiana legal weight for that type of vehicle, it shall be fined one hundred dollars or according to the Overweight Penalty Chart, whichever amount is greater. If the officer fines according to the Overweight Penalty Chart, he shall cite R.S. 32:386. When fining according to the Overweight Penalty Chart, compute the amount of pounds overweight by subtracting the legal Louisiana weight for that type of vehicle from the actual weight of the vehicle.

E. Vehicles Which Require Temporary Forty-Eight-Hour Permits.

1. Officers at port-of-entry locations (Greenwood, Slidell, Starks, Baptist, Kentwood, and Toomey) may sell an out-of-state or apportioned vehicle a Temporary Forty-Eight-Hour Permit if the driver so requests. (No violation has occurred.) Temporary permits may also be purchased from the Vehicle Registration Bureau or one of the wire services, if the vehicle is eligible for such a permit.

2. The cost of a Temporary Forty-Eight-Hour Permit is twenty-five dollars. It is valid for forty eight continuous hours.

3. If a vehicle is required to have a temporary permit and does not possess one, the officer shall issue a violation ticket citing R.S. 47:511.1, assess a fine of two hundred dollars, and impound the vehicle until the fine is paid and the temporary permit is purchased.

4. Officers at other than port-of-entry locations may sell temporary permits without issuing a violation ticket or assessing the fine if the driver requests the permit prior to movement of the vehicle (must be before the officer stops the vehicle.).

5. Cash may be accepted as payment for the temporary permit if a fine is not also incurred.

6. If a vehicle is stopped and found to exceed the time limit of a temporary permit, a fine of two hundred dollars shall be assessed and the driver required to purchase another permit.

F. Procedures for Issuing Temporary Forty-Eight-Hour Permits.

1. Fill out the form completely, printing with ball point pen.
 - a. First fill out "Issue Date," noting date and time of day.
 - b. Then fill out "This Permit Expires" with the same time of day as the time of issuance, whether a.m. or p.m., and the date two days from the date of issuance.
 - c. "Effective Date" is for the first day for which the permit is valid, normally the same as the issue date.

2. Sign under "Issued by" and note your scale location number.

3. In the space beside "twenty-five dollars" write "Pd. by" and the type of payment (for example: Am. Exp. M.O., Bk. of Abbeville Ca. Ck., U.S. Postal M.O., Republic M.O., Bk. of La. Cert. Ck., etc.) and the check or money order number. If the driver pays with cash, write "Pd. by CASH."

4. Fill in the owner's name; operator's name; owner's address, the vehicle identification number (VIN), year, body style and

make; the state where registered; the city where registered; and the current license number of the vehicle.

5. Give the driver the original and retain the other two copies.
6. Write the Temporary Forty-Eight-Hour Permit number on any violation ticket which required the purchase of the temporary permit.

V. Procedures for Enforcing Fuel Tax Laws

A. Authority of Weights and Standards Police.

1. Weights and Standards Police (WASP) officers shall assist the Department of Revenue and Taxation in enforcing fuel tax laws. The Department of Revenue and Taxation is the final authority on fuel tax laws.

a. Office hours at the Department of Revenue and Taxation are, Monday thru Friday, 7:45 a.m. to 4:30 p.m.

b. In emergencies which occur when the Department of Revenue and Taxation is closed, call the after-hours number at the Weight Enforcement Office, (504) 343-2345.

c. The telephone number at the Department of Revenue and Taxation is (504) 342-6148. Questions dealing with which companies are on the bonding list should be directed to (504) 342-6020.

d. Any questions dealing with DOTD procedures for writing violation tickets, etc., should be directed to the Weight Enforcement Office.

2. Fuel Use: WASP officers have the authority to enforce fuel tax laws only when the vehicle is not fully licensed in Louisiana and is domiciled outside Louisiana.

a. The state of domicile shall be determined by the name and address on the cab doors.

b. License plates from another state which are apportioned for Louisiana have not been fully licensed in Louisiana. Vehicles with these plates may be checked if the vehicle is domiciled outside Louisiana.

3. Bulk Transports: WASP officers have the authority to enforce fuel tax laws on all bulk transports of taxable fuels.

B. Bonding.

1. A number of vehicles which operate on taxable fuels belong to companies which are bonded with the Department of Revenue and Taxation. These companies file monthly reports with the Department of Revenue and Taxation and pay any fuel tax due at that time.

2. Most bulk transports belong to companies which are required to be bonded with the Department of Revenue and Taxation.

3. Lists of bonded companies will be provided to each unit. Names on the lists will be updated weekly. The following lists will be provided.

- a. List of "Gasoline Bonded Users."
- b. List of "Gasoline Bonded Jobbers."
- c. List of "Gasoline Bonded Dealers."
- d. List of "Bonded Special Fuels Users."

C. Motor Vehicles Using Gasoline For Fuel.

1. Vehicles which are not fully licensed in Louisiana and are domiciled outside Louisiana shall be checked as they leave Louisiana to insure that the driver has purchased enough gasoline in Louisiana to cover the miles traveled in Louisiana.

a. Vehicles using gasoline shall not be checked at enforcement units which are not at points of exit from Louisiana.

b. Vehicles using gasoline shall not be checked at any enforcement unit if the company is on the list of "Gasoline Bonded Users."

2. The Fuel Tax Assessment form shall be used to determine if any fuel tax is due.

a. Examine bills of lading, manifests, or loading tickets to find the origin and destination of the vehicle and the route that it has traveled in Louisiana.

b. Find the miles traveled in Louisiana from point of entry into Louisiana to point of exit from Louisiana using official DOTD maps.

c. Ask the driver how many miles per gallon the vehicle gets. If the driver is unsure of the correct figure, use the following chart (Types are the same as licensing types.):

Type	Gasoline	Miles Per Gallon
1		7
2		5
3		5
4		4
5		4
6		3.5
7		3.5
8		3.5
9		4
10		3.5
11		3.5
12		3
13		3
14		3
15		4
18		4
19		3
20		4

d. Divide the miles per gallon into the miles traveled in Louisiana to get the gallons needed to travel through Louisiana.

e. Use the purchase invoice to find the gallons of fuel purchased in Louisiana. Unbonded gasoline users are required to have a legitimate service station invoice, and an invoice which does not have the following information on it is considered an improper invoice:

- (1) The name and address of the seller (dealer), either printed or rubber-stamped on.
- (2) The name and address of the purchaser (user).
- (3) The number of gallons purchased.
- (4) The total dollar amount of the purchase.

f. Subtract the gallons of fuel purchased in Louisiana from the gallons of fuel needed to travel through Louisiana to get the gallons of fuel brought into Louisiana (imported).

g. Gasoline tax is eight cents per gallon. This tax is included in the cost of gasoline which the user purchased in Louisiana.

h. Multiply the gallons brought into Louisiana by eight cents to get the tax due on the fuel imported into Louisiana.

D. Motor Vehicles Using Special Fuels.

1. Special fuels are all fuels used by motor vehicles except gasoline. Special fuels include distillate fuels (eg., diesel or kerosene) and also liquefied petroleum gases (eg., butane or propane).

2. Vehicles using special fuels are required to have a working speedometer, odometer, or hub meter. Compare the speedometer, odometer, or hub meter reading with the reading on the special fuels invoice. If the readings are the same, the mileage indicator is not working.

3. Vehicles using special fuels are also required to have the name and address of the company on both cab doors in letters at least two inches high. The name and address must be legible for twenty-five feet.

4. Vehicles which are not fully licensed in Louisiana and are domiciled outside Louisiana shall be checked as they leave Louisiana to insure that the driver has purchased enough fuel in Louisiana to cover the miles traveled in Louisiana.

a. At enforcement units which are not at points of exit from Louisiana, vehicles using special fuels shall not be checked for special fuels invoices or for working speedometers, odometers,

or hub meters. Fuel Tax Assessment forms shall not be filled out. These vehicles shall be checked for the company's name and address on the cab doors.

b. If the company is on the list of "Bonded Special Fuels Users," vehicles shall not be checked for special fuels invoices or for working speedometers, odometers, or hub meters at any enforcement unit. Fuel Tax Assessment forms shall not be filled out. These vehicles may be checked for the company's name and address on the cab doors.

c. Vehicles which are exempt from licensing (such as farm equipment and off-road equipment) shall not be checked at any enforcement unit for special fuels invoices; working speedometers, odometers, or hub meters; or for the company's name and address on the cab doors. No Fuel Tax Assessment form shall be filled out. These vehicles are exempt from the tax on special fuels.

5. The Fuel Tax Assessment form shall be used to determine if any special fuels tax is due.

a. Examine bills of lading, manifests, or loading tickets to find the origin and destination of the vehicle and the route that it has traveled in Louisiana.

b. Find the miles traveled in Louisiana from point of entry into Louisiana to point of exit from Louisiana using official DOTD maps.

c. Ask the drivers how many miles per gallon the vehicle gets. If the driver is unsure of the correct figure, use the following chart (Types are the same as licensing types.):

Distillate Fuel (Diesel/Kerosene)	
Type	Miles Per Gallon
1	8
2	6
3	6
4	5
5	5
6	4
7	4
8	4
9	5
10	4
11	4
12	4
13	4
14	3.5
15	5
18	5
19	4
20	4
Liquefied Petroleum Gas (Butane/Propane)	
Type	Miles Per Gallon
1	6
2	5
3	5
4	3
5	3
6	2.5
7	2.5
8	2.5
9	3
10	2.5
11	2.5
12	2.5
13	2.5
14	2
15	3.5
18	3.5
19	2.5
20	2.5

d. Divide the miles per gallon into the miles traveled in Louisiana to get the gallons needed to travel through Louisiana.

e. Use the special fuels invoice to find the gallons of fuel purchased in Louisiana. Unbonded special fuels users are required to have a special fuels invoice. Credit card invoices are only acceptable when they are from truck stops which provide spaces for all the required information on their credit card invoices. Special fuels invoices which do not have the following information on them are considered improper invoices:

- (1) A serial number.
- (2) The name and address of the seller (supplier), either printed or rubber-stamped on.
- (3) The name and address of the purchaser (user).
- (4) The date of delivery into the vehicle.
- (5) The license plate number of the motor vehicle.
- (6) The speedometer, odometer, or hub meter reading.
- (7) The kind of special fuel purchased.
- (8) The number of gallons purchased.
- (9) The total dollar amount of the purchase.

f. When there is doubt whether a special fuels invoice is the invoice covering the fuel in the fuel supply tank, ask the driver for the gallon capacity of the fuel tank. Multiply this by five miles per gallon. Add this figure to the mileage reading on the invoice. If the final figure is less than the reading on the speedometer, odometer, or hub meter; then the invoice does not cover the last fuel purchase.

g. Subtract the gallons of fuel purchased in Louisiana from the gallons of fuel needed to travel through Louisiana to get the gallons of fuel brought into Louisiana (imported).

h. Special fuels tax is eight cents per gallon. This tax is included in the cost of all taxable special fuels purchased by the user in Louisiana.

i. Multiply the gallons brought into Louisiana by eight cents to get the tax due on the fuel imported into Louisiana.

E. Bulk Gasoline Transports.

1. The drivers of all bulk gasoline transports are required to have a currently dated invoice, bill of lading, or manifest showing the following information:

- a. The seller's and purchaser's names and addresses.
- b. The origin and destination of the gasoline.
- c. The authorized routes to be followed (this applies only to gasoline going to or coming from Texas).
- d. The quantity of gasoline.

2. Vehicles transporting bulk gasoline to or from Texas must have an authorization card issued by the Department of Revenue and Taxation. This card may not be transferred from one company to another. The name on the card shall agree with the name on the vehicle. The vehicle must be on a route specified on the authorization card. (Check especially bulk vehicles with Texas apportioned plates for these cards and routes.)

3. Bulk fuel transports shall be checked at all enforcement units by WASP officers.

a. Vehicles operated by common or contract carriers licensed by the Interstate Commerce Commission or the Louisiana Public Service Commission shall not be checked. (They may be checked, however, for the fuel they use to operate.)

b. Vehicles operated by companies on the list of "Bonded Gasoline Jobbers" or "Bonded Gasoline Dealers" shall be checked for the required information on the invoice, bill of lading, or manifest. If the gasoline is going to or coming from Texas, the vehicle shall be checked for the proper authorization card and proper route. (These vehicles shall also be checked for the fuel they use to operate.)

F. Bulk Special Fuels Transports.

All vehicles transporting bulk special fuels shall be allowed to proceed. (These vehicles shall, however, be checked for the fuel they use to operate.)

G. Fuel Tax Violations.

1. Users of Gasoline and Special Fuels:

a. If an unbonded gasoline or special fuels user has a proper fuel invoice, but has not purchased enough fuel to cover all the miles traveled in Louisiana, then the officer shall assess the fuel tax, but no violation ticket shall be written.

b. If an unbonded gasoline or special fuels user has an improper fuel invoice or no fuel invoice, then the officer shall issue a violation ticket and assess a fine of twenty-five dollars. Fuel tax shall be assessed in addition to the fine.

c. If a user of special fuels does not have a working speedometer, odometer, or hub meter, the officer shall issue a violation ticket and assess a fine of twenty-five dollars.

d. If a user of special fuels does not have the name and address of the company on both cab doors, the officer shall issue a violation ticket and assess a fine of twenty-five dollars. If the company's name and address is on only one door, the driver should be warned not to return to Louisiana with the same violation. No ticket shall be issued. However, if corrections have not been made within five days, a violation ticket for twenty-five dollars shall be issued.

e. No ticket shall be issued on any new transient vehicles or any new vehicle with less than two thousand miles on the mileage indicator.

f. Fuel tax violations are cumulative. For example, a special fuels user may be fined for not having a working speedometer, not having the company's name and address on the cab doors, and not having a special fuels invoice. In addition, the user may also be assessed fuel tax.

g. Vehicles in violation shall be impounded until all fines and taxes are paid.

h. Special instructions for officers at the east-bound Slidell unit:

(1) When a fuel user has not purchased enough fuel in Louisiana to cover the miles traveled or has purchased no fuel at all, a Fuel Tax Assessment form shall be filled out and a copy given to the driver. The Fuel Tax Assessment form shall be noted "Fuel Tax Not Collected." No violation ticket shall be issued. The driver shall be warned that fuel must be purchased at service stations between the unit and the Louisiana state line. The driver must give the Fuel Tax Assessment form to the service station. (The station mails the form directly to the Weight Enforcement Office along with the fuel invoice for the purchase.)

(2) Violation tickets shall be issued for not having the company's name and address on the cab doors or not having a working speedometer, odometer, or hub meter. Violation tickets shall also be issued if fuel was purchased, but the fuel invoice does not have all the required information.

2. Bulk Gasoline Transports:

a. All vehicles importing bulk gasoline that are not common or contract carriers or are not on the lists of "Bonded Gasoline Jobbers" or "Bonded Gasoline Dealers" shall be impounded.

b. All vehicles transporting bulk gasoline to or from Texas which do not have an authorization card from the Department of Revenue and Taxation or which are not on the specified route shall be impounded.

c. All vehicles transporting bulk gasoline whose invoice, bill of lading, or manifest does not have all the required information shall be impounded.

d. The Department of Revenue and Taxation shall be contacted for the disposition of all impounded bulk gasoline transports.

VI. Procedures for Citing Violators

A. Issuing Violation Tickets.

1. Write all violation tickets with a ball point pen only.

2. Fill out each ticket in its entirety, printing or writing clearly all information required on the ticket.

3. On the line for "Location" write the highway, parish, and the side (North, South, East, West) on which the citation is being issued. On the line for "Violation" write the specific violation. On the line for "Statute" write the number of the statute that was violated.

Statute	Violation	Fine
32:380	Overwidth	\$100
32:381	Overheight	\$100
32:382	Overlength, Overhang, Twin Trailer Combination	\$100
32:383	Dropping, shifting or leaking load	\$100
32:384	Trailer and towed vehicle violations	\$100
32:385	Farm vehicle and equipment violations	\$100
32:386	Over legal gross vehicle weight or over legal axle weight	(see chart)
32:386	Improper distribution of axle weight	\$100
32:387	Over permitted weight	(see chart)
32:387	Violating terms or conditions of permit issuance—	
	other than weight	\$100
32:387	Permit not in vehicle	\$ 25
32:388	Over licensed weight	\$100
32:388	Failure to Stop at Stationary Scale	\$100
47:511.1	No Temporary 48-hr. Permit	\$200
47:516	Improper, Expired or No License and Registration	(No fine by DOTD)
47:718	Non-payment of gasoline tax	\$ 25
47:812A	Cargo tank connected to carburetor	\$ 25
47:812B	Non-operating speedometer, odometer, or hub meter	\$ 25
47:812C	Owner's name and address not on outside of cab doors	\$ 25
47:812D	Non-payment of special fuels tax (no invoice)	\$ 25

4. Assess the penalty required for the violation, and write in the amount on the line for "Fine." The fines for violations of Title 32 are not cumulative, but a violator may be assessed more than one fine for violations of Title 47 or for violating both Title 32 and Title 47.

5. When the fine payment is collected by the officer, write the violation ticket number on the check or money order and write the check or money order number in the "Remarks" section of the violation ticket. If the Driver's License is deposited in lieu of fine payment, issue the driver a Driver's License Receipt and record the receipt number in the appropriate blank on the ticket. If a permit is required, write the permit number in the "Remarks" section of the violation ticket.

6. If the vehicle is overweight, record the weights in the spaces indicated on the ticket.

7. Note the contents of the load in the space for "Commodity;" sign the ticket; have the driver read the information on the back of the ticket, indicate whether or not he intends to protest, and sign the ticket. Give the driver the original.

8. For a violation of R.S. 47:516 (improper, expired or no license and registration), where DOTD does not assess the fine, instruct the driver to report to the nearest Vehicle Registration Bureau of the Department of Public Safety to secure the proper registration and license within five days. In the "Remarks" section of the violation ticket, write "Owner to secure proper license and

reg. by (date)." Note the date five working days from the date of offense. On the line for "Fine" draw a horizontal line.

B. Collecting Drivers' Licenses.

1. If the vehicle in violation is registered in Louisiana, either full plated or apportioned, and if the driver lawfully possesses a valid Louisiana operator's license, he may deposit that license with the officer in lieu of immediate payment of the fine for a violation or in lieu of impoundment for improper, expired or no license or registration.

2. Upon collecting the operator's license, issue the driver a Receipt for Driver's License and Temporary Operator's Permit. Write the information required from the operator's license, the date issued, amount of the fine, and violation ticket number in the spaces provided; sign the form; and have the driver read the form and sign it in the space provided.

3. Give the driver the original and the second copy, with instructions to pay the fine in Baton Rouge within thirty days or to mail in the second copy with his payment within fourteen days to the address stated on the form. Instruct him to retain the original, as it will serve as a temporary operator's license for thirty days. For improper, expired or no license and registration, the owner must secure the proper license and registration within five working days; and the receipt serves as a temporary operator's license for the driver for thirty days.

4. If the driver possesses, in place of his driver's license, a temporary operator's permit issued by any police agency in the state, including the Louisiana State Police and the DOTD Weights and Standards police force, accept it in lieu of immediate payment of the fine, and issue the driver another Receipt for Driver's License and Temporary Operator's Permit.

VII. Procedures for Collecting Cash and Credit Card Payments

A. General Procedures.

1. Cash may be accepted only as payment for a Temporary Forty-Eight-Hour Permit (when a fine is not also incurred), and for payment of gasoline and special fuels taxes and the twenty-five dollar fines for violations of R.S. 47:718 and R.S. 47:812. The petty cash fund at each port-of-entry stationary unit at the out-of-state bound installation is for the purpose of making change while collecting gasoline and special fuels taxes. A locked cash box will be used for keeping the twenty-five dollar fines, the tax collections, and the matching Cash Receipt forms.

2. The in-state bound port-of-entry installations will use a locked cash box to keep the collections from the sale of Temporary Forty-Eight-Hour Permits. The driver can use cash or a money order, certified check, cashier's check, Master Charge, Visa (BankAmericard), or Department charge account (established when a bond has been posted for fines). The only cash fines accepted will be the twenty-five dollar fines. Any time cash is received, a Cash Receipt shall be filled out in triplicate: the original for the driver, second copy to be mailed to headquarters, and third copy for the enforcement unit.

3. The portable units will have locked cash boxes bolted into the units for the purpose of collecting gasoline and special fuels taxes and the twenty-five dollar fines. If the sale of a Temporary Forty-Eight-Hour Permit also requires assessment of the two hundred dollar fine, the total amount shall be remitted by the driver in the form of a money order, certified check, cashier's check, Master Charge, Visa (BankAmericard), or DOTD charge account. If the driver has a valid Louisiana driver's license, he can surrender this in lieu of the fine and pay for the permit.

4. As cash is received, the officer shall note on the Register of Cash Receipts the cash receipt number; amount of cash; whether for a Temporary Forty-Eight-Hour Permit, or fuel tax, or fuel tax and fine; the Forty-Eight-Hour Permit number, or the amount of

fuel tax and amount of fine, if any. Use the "Remarks" column to note the violation ticket number if a fine was assessed.

B. Reconciling Cash and Cash Receipts at the End of Each Shift.

At the end of each shift at the stationary locations both the officer going off duty and the officer coming on duty shall count the money in the petty cash fund, and both shall verify the amount. The monies in the cash box shall also be counted by both officers and checked with the matching Cash Receipt forms to make sure the monies collected are equal to the Cash Receipt forms written. Both officers shall stay on duty until the money and Cash Receipt forms are reconciled and a Reconciliation Form for that shift is made out in duplicate—one copy to be kept at the unit and a copy to be mailed to headquarters. Then both shall sign the Reconciliation Form verifying the monies and Cash Receipt forms.

C. Submission of Monies and Reports by Unit Supervisors.

1. The unit supervisor shall remit the monies and a copy of the Reconciliation Form for the previous twenty-four hours to headquarters daily. The daily mailing to headquarters shall contain a copy of the Summary Report of Daily Weighing Operations, a copy the Reconciliation Form, a copy of all the tickets written, all monies collected and a copy of all Cash Receipt forms issued for the previous twenty-four hours. All monies and Cash Receipt forms shall be verified and reconciled, with no errors or omissions, and the supervisor shall sign the Reconciliation Form. One copy of the form shall be retained at the enforcement unit.

2. A money order shall be purchased to cover the amount of cash collected for the twenty-four-hour period with the money order being purchased by the supervisor or designated representative. The cost of the money order shall be taken out of the petty cash fund and copies of all receipts for money orders shall be attached to the request for reimbursement of petty cash.

3. Portable unit supervisors shall reconcile the monies and Cash Receipt forms at the end of the day's shift, and both officers shall be responsible for verifying and reconciling the receipts. The supervisor shall purchase a money order and transmit a copy of the Reconciliation Form to headquarters after each shift and before going home. The cost of the money orders shall be taken from the petty cash fund as described in paragraph two.

4. If no receipts are collected for a particular day at either a stationary or portable unit, a form from that unit showing the hours of operation and "no receipts collected" shall be sent to headquarters.

D. Procedures for Handling Credit Card Payments.

1. The officer shall check the expiration date and the name on the Master Charge or Visa (BankAmericard) and verify that it is valid and current. Under no circumstances may an officer use a card which has expired.

2. If the amount to be charged is over fifty dollars, the officer shall call the toll free number for an authorization code (1d800-362-6742). When calling for the authorization code, give the type card (Master Charge or Visa), the card number, the expiration date, the total amount of the charge, and the merchant's account number. The merchant's account number is on the plate of your imprinter (01106747).

3. Use the imprinter to impress the card on the charge slip.

4. Fill in the following information:

a. Date.

b. Dept.—your unit number.

c. Auth. Code—the authorization number given you when you call the toll free number on amounts over fifty dollars. If the amount is less than fifty dollars, draw a horizontal line through that blank.

d. Clerk—your initials.

e. Description—use a separate line for each item (violation ticket, Temporary Forty-Eight-Hour Permit, DOTD permit) and

the corresponding numbers of the forms and accounts; and give the total. (See examples.)

5. Have the driver (or whoever actually presents the credit card) sign it. His or her name, or the name of the company, should be on the card.

6. Give the individual the credit card and the original copy of the charge slip. Attach the yellow copy and the white hard copy to the headquarters copies of the violation ticket.

7. In the "Remarks" section of the violation ticket write the credit card number. (Example: Paid by Master Charge No. 813419839)

8. The charge slips are numbered. These numbers do not serve any purpose. In the event an error is made, destroy the charge slip in the presence of the individual and use another slip.

9. In some instances the individual will not actually have the credit card but will be able to supply the account number. In all such instances, call the toll free number (1-800-362-6742) for approval, regardless of the amount involved. Write in the information normally imprinted by the credit card, and this information should include the expiration date if possible.

VIII. Forms for Supervisory Personnel

A. Receipt Cards.

The top of this form will be filled out at the headquarters office and placed inside each book or set of forms sent to the field. Upon placing the book or set of forms in use, the supervisor shall verify that all the forms in the set are in consecutive numerical order and that none are missing, sign the card, and note the unit number. Violation ticket books and control permit forms shall be verified by the officer to whom the book or the forms were issued, and the officer shall also sign the card. The supervisor shall send the card to headquarters in the daily mailing.

B. Lost or Missing Form.

In the rare event that a form is lost or found to be missing, the supervisor shall fill out two copies of a Lost or Missing Form, noting the type of form, unit number, date, form number, and reason. Where applicable the officer responsible for the missing form shall sign, and the supervisor shall sign the form and send the original to headquarters in the daily mailing. The second copy shall be filed at the unit in place of the missing form.

C. Spoiled Form.

When a mistake that cannot be easily corrected is made on a form and a new form has to be filled out, or when a form is filled out in error and has to be cancelled, the officer shall fill out two copies of the Spoiled Form, noting the type of form, unit number, date, form number, reason, and cross reference to the corrected form (if any). The officer and the supervisor shall sign the form. The original shall be attached to the headquarters copy of the form that was spoiled and the copy attached to the unit's copy of the spoiled form.

D. Register of Violation Tickets.

A ledger containing a Register of Violation Tickets sheet for each book of tickets issued is to be maintained by each unit supervisor. The information required on the form shall be kept current on a daily basis.

E. Daily Report of Weighing Operations.

This report shall be filled out by the officer weighing vehicles. All vehicles crossing the scales shall be counted with a mechanical counter, and only overweight and permit loads shall be logged on the daily report. The unit supervisor shall mail the original to headquarters daily and keep a copy on file at the unit.

F. Summary Report of Daily Weighing Operations.

The unit supervisors of stationary units shall fill out this report daily, noting the information required on the form. They shall mail one copy with the day's tickets, receipts, and monies collected to the Enforcement and Truck Permits Administrator and retain a copy of the report at the unit. The supervisors of both stationary

and portable units shall also use this form to submit a monthly summary report of daily weighing operations.

G. Register of Control Permit Forms.

A register of "C" forms issued, in consecutive order, shall be maintained. Note the "C" form number; the number of the violation ticket that required the purchase of the permit; the number of the permit issued by the Permit Office for that "C" form; the cost of the permit; the customer's method of payment (type of money order or check, etc.); the money order, check or cash receipt number; and the date mailed to headquarters.

H. Register of Temporary Forty-Eight-Hour Permits.

A register of Temporary Forty-Eight-Hour Permits sold, in consecutive order, shall be maintained. Note the temporary permit number; the corresponding violation ticket number issued (if any); the customer's method of payment (type of money order or check, etc.); the money order, check or cash receipt number; the date mailed to headquarters.

I. Register of Cash Receipts (Stationary Units Only).

A register of cash receipts shall be maintained for all cash payments collected during a shift. Note the cash receipt number issued; the total amount of cash received; what the cash was collected for (whether for Forty-Eight-Hour Permit, fuel tax, etc.); the Forty-Eight-Hour Permit number, if any; the amount of the permit; the amount of fuel tax, if any; the amount of the fine, if any; and the date mailed to headquarters. Total columns 2, 5, 6, and 7 at the bottom of the sheet. Add the totals of columns 5, 6, and 7 together. This grand total should match the total of Column 2 and the actual amount of cash collected during the shift. This form is to be used by the supervisor when filling out the Cash Reconciliation Form.

J. Cash Reconciliation Form (Stationary Units Only).

The supervisor shall tally and verify all cash received and items sold at the end of each twenty-four-hour period, purchase a money order to cover the cash received, and send one copy of the Cash Reconciliation Form and the money order with the daily mailing to headquarters. Retain one copy of the form at the unit.

K. Daily Activity Report.

This form is to be used by the mobile units only. It is a combination summary report of daily weighing operations, cash reconciliations, and register of cash receipts. The unit supervisor shall follow the instructions in preceding paragraphs F, I, and J above; send the original to headquarters daily; and retain a copy in the unit files. However use the Summary Report of Daily Weighing Operations form to submit the monthly summary.

Oversize and Overweight Permit Regulations

I. General Information

A. Permit Policies.

1. Vehicles or loads which exceed the legal size or weight, but which cannot be easily divided, broken, or dismantled, are called indivisible vehicles or indivisible loads. Drivers of these vehicles are eligible to purchase oversize or overweight permits. These permits will allow oversize or overweight vehicles to travel on state-maintained highways.

2. Some vehicles transporting divisible loads are eligible to obtain permits. These are:

a. Vehicles transporting pipe loaded across a vehicle, rather than lengthwise, are eligible for overwidth permits as long as the width of the vehicle and load does not exceed eight feet, eight inches.

b. Vehicles transporting up to three bundles of pre-packaged or strapped oil field pipe are eligible for overwidth permits if the load does not exceed ten feet in width.

c. Vehicles transporting pulpwood or plywood bolts loaded across a vehicle, rather than lengthwise, are eligible for Forest Product Permits.

d. Vehicles transporting farm products in their natural state are eligible for Harvest Season Permits.

e. Waste disposal trucks transporting divisible loads are eligible for Waste Disposal Truck Permits and Steering Axle Permits.

f. When all parts which have been or can be easily divided or dismantled from a shipment weigh altogether five hundred pounds or less, these parts may be moved along with the indivisible part of the shipment as one load.

3. Federal, state, and local government agencies are required to have oversize and overweight permits. They shall not be charged for oversize permits, but shall be charged for overweight permits. Only vehicles with federal or public license plates and identification numbers which are being used for official business are eligible for the oversize permit fee exemption.

a. The Louisiana National Guard shall not be charged for overweight permits through June 30, 1979. Beginning July 1, 1979, the National Guard shall be charged for overweight permits.

b. Government-owned utility companies cannot get the oversize permit fee exemption.

4. Authorization for check weights must be confirmed by the Truck Permit Office before the vehicle arrives at a stationary enforcement unit. The Truck Permit Office will also provide the license number or serial number of the vehicle and the overweight permit number. The vehicle must have a valid overweight permit for at least the minimum permitted weight. If the vehicle is both oversize and overweight, the vehicle must have a valid oversize and overweight permit. If the vehicle arrives at the scale without authorization, if the vehicle does not match the license number or serial number provided by the Truck Permit Office, or if the overweight permit number does not agree with the number provided; then the vehicle shall be fined by the usual procedure.

5. Permits must be obtained before movement of an oversize or overweight vehicle or load begins or before the vehicle enters Louisiana.

6. The original of a permit must be in the vehicle for which it was issued; Xerox copies are not acceptable except in the case of permits transmitted through the wire services. Permits should always be filled out in ink.

7. The types of acceptable payment for oversize and overweight permits can be found in Section C.

B. Permit Authority.

1. Permits are issued at the Truck Permit Office, and officials at this office have final authority on which vehicles or loads will be granted permits. The Truck Permit Office also has the final authority on the disposition of any vehicles or loads which have or require a permit.

2. Hours at the Truck Permit Office are: Monday thru Friday, 5 a. m. to 7 p. m.; Saturday, 5 a. m. to 12 noon; Sunday and holidays, closed.

3. Routine permits are not issued after office hours.

4. The WATS telephone number of the Truck Permit Office will be provided to all WASP officers. In emergencies which occur when the office is closed, use (504) 343-2345.

5. The Office of State Police and State Police troop commanders have the authority to prohibit the movement of vehicles with permits or override Permit Office instructions in hazardous driving conditions or in emergencies. This may be done by radio contact.

II. Types of Permits

A. Oversize Permits.

These permits are for vehicles and loads which exceed the legal limitations on width, height, length, or projecting loads. The fee is eight dollars for a single trip if the trip lasts less than one day or eight dollars for a single day if the trip lasts more than one day. Oversize Permits may be issued on regular permit forms (P-forms), transmit-

ted forms (telecopies), control permit forms (C-forms), or prepaid permit forms (A-forms).

B. Overweight Permits.

These permits are for vehicles and loads which exceed the legal limitations on axle weight or gross vehicle weight. They may be valid for vehicles or loads which are both oversize and overweight if the dimensions are noted on the permit. These permits are valid for a single trip; the fee is based on weight and the distance to be traveled. If a vehicle and load is both oversize and overweight, only the overweight fee is charged. Overweight permits may be issued on regular forms (P-forms), transmitted forms (telecopies), or control forms (C-forms).

C. Monthly Oversize Permits.

These permits are for vehicles and loads which exceed the legal limitations on width, height, length, or projecting loads; but which do not exceed the legal weight limitations. Vehicles and loads may not be more than twelve feet wide; more than fourteen feet, four inches high; or more than ninety feet long. Monthly Oversize Permits may be valid for as long as twelve months and may be issued for Monday through Friday only, Monday through Saturday only, or for every day of the week (except holidays when requested). The fee is eight dollars for each day that the permit is valid. These permits may be issued on regular forms (P-forms), transmitted forms (telecopies), or control forms (C-forms).

D. Forest Product Permits.

These permits are for vehicles transporting plywood bolts or pulpwood which exceeds the legal limitations on width. These permits allow a maximum width of nine feet when the pulpwood or plywood bolts are transported across the vehicle, rather than lengthwise. They are valid for a year, but may be used only on non-Interstate highways. On Interstate highways Oversize Permits must be obtained on a daily basis. The fee is five dollars a year. Vehicles with Forest Product Permits are not prohibited from traveling during moderate weather, on Sundays after 1:00 p. m., or on holidays; but they are prohibited from traveling at night. Forest Product Permits may be issued on regular forms (P-forms), transmitted forms (telecopies), or control forms (C-forms).

E. Forest Management Equipment Permits.

These permits are for forest management equipment which exceeds the legal limitations on width. These permits will allow a maximum width of ten feet. General construction equipment (bulldozers, draglines, graders, etc.) is excluded from this permit; included are rubber-tired and tracktype skidders, tree shears, feller bunchers, tree planting equipment, log loaders, shredders, yarders, tractors, chippers, portable chippers, drum choppers, pre-haulers, and fire plows. These permits are valid for a year, but only on non-Interstate highways. Oversize Permits must be obtained for travel on Interstate highways. The fee is five dollars a year. Vehicles with Forest Management Equipment Permits are not prohibited from traveling on Sundays after 1:00 p. m., on holidays, or during moderate weather, but are prohibited from traveling at night. Forest Management Equipment Permits may be issued on regular forms (P-forms), transmitted forms (telecopies), or control forms (C-forms).

F. Utility Vehicle Permits.

These permits are for vehicles transporting utility poles which exceed the legal limitations on length and projecting loads. These permits will allow a maximum length of ninety feet as long as the poles are at least two feet above the roadway. These permits may be purchased only by utility companies, but may be used by contractors working for these companies. Utility Vehicle Permits are valid for twenty-four hours from the effective date and time of day shown on the permit. The fee is eight dollars for twenty-four hours. Once they are filled out in ink, they may be used without calling the Truck Permit Office for activation. Vehicles with valid Utility Vehicle Permits are not prohibited from traveling at night,

during severe weather, on Sundays after 1:00 p.m., or on holidays. Utility Vehicle Permits are issued on the U-form.

G. Waste Disposal Truck Permits.

These permits are for waste disposal trucks which have single axles on the rear and which exceed the legal limitations for axle weight on the rear axle. A Waste Disposal Truck Permit will allow a maximum of 23,000 pounds on the rear axle. The overweight rear axle must be equipped with dual-mounted tires, and tires on the overweight axle must have a width of 10.00 or larger. These trucks must have been in actual use in Louisiana by January 1, 1977; trucks purchased after this date do not qualify and must meet the legal limitations. Waste Disposal Truck Permits are valid only on non-Interstate highways. These vehicles must be of legal weight on Interstate highways. These permits are valid for a year, and the fee is five dollars a year. Vehicles with Waste Disposal Truck Permits are not prohibited from traveling at night, during moderate weather, on Sundays after 1:00 p.m., or on holidays. Waste Disposal Truck Permits may be issued on regular forms (P-forms), transmitted forms (telecopies), or on control forms (C-forms).

H. Steering Axle Permits.

These permits are for equipment which is primarily used off-road, which only occasionally uses the state-maintained highway system, and which exceeds the legal axle weight on the steering axle, due to its design. (Rig-up trucks may obtain a Steering Axle Permit if their length does not exceed forty-five feet and their width does not exceed ten feet. No load may be carried by a rig-up truck with a Steering Axle Permit, and another vehicle may not be towed by the truck.) A vehicle with a Steering Axle Permit must be equipped with tires of 10.00 width or larger. These permits are valid for a year, but only on non-Interstate highways. On Interstate highways Overweight Permits must be purchased on a single-trip basis. The fee is fifteen dollars a year. If a waste disposal truck requires both a Waste Disposal Truck Permit and a Steering Axle Permit, only the fee for the Steering Axle Permit shall be charged. Vehicles with valid Steering Axle Permits are not prohibited from traveling at night, during moderate weather, on Sundays after 1:00 p.m., or on holidays. Steering Axle Permits may be issued on regular forms (P-forms), transmitted forms (telecopies), or on control forms (C-forms).

I. Harvest Season Permits.

1. These permits are for vehicles which haul farm products in their natural state and which exceed the legal limitations on gross vehicle weight or axle weight. (A five hundred-pound variance shall be added to the permitted axle weight as long as the permitted gross vehicle weight is not exceeded.)

2. On non-Interstate highways the maximum weights are:

- a. Gross vehicle weight—83,400 pounds.
- b. Single axles—20,700 pounds (+500 pounds variance = 21,200 pounds).
- c. Tandem axles—354,200 pounds (+ 500 pounds variance = 35,700 pounds.)

3. On Interstate highways the maximum weights are:

- a. Gross vehicle weight—83,400 pounds.
- b. Single axles—19,800 pounds (+ 500 pounds variance = 20,300 pounds).
- c. Tandem axles—354,200 pounds (X 500 pounds variance = 35,700 pounds).

4. These permits are valid for a year, and the fee is five dollars a year. Vehicles with Harvest Season Permits are not prohibited from traveling at night, during moderate rain, on Sundays after 1:00 p.m., or on holidays. Harvest Season Permits are issued on the F-form.

J. Oil Field Equipment Permits.

These permits are for lowboys which are designed to transport oil field equipment and which exceed the legal length and width limitations. These permits allow a lowboy combination to have a

maximum length of seventy feet and a maximum width of ten feet. Oil Field Equipment Permits are valid only on non-Interstate highways and only when no load is being carried. Oversize or Overweight Permits must be obtained when the vehicle is carrying a load or when the vehicle is traveling on Interstate highways. The fee is fifteen dollars for a month. Vehicles with Oil Field Equipment Permits are not prohibited from traveling on Sundays after 1:00 p.m., on holidays, at night, or during moderate rain. Oil Field Equipment Permits may be issued on regular forms (P-forms), transmitted forms (telecopies), or control forms (C-forms).

III. Types of Permit Forms

A. Regular Permit Forms (P-forms).

1. These forms are available through the mail or by appearing in person at the Truck Permit Office.

2. These forms have a number preceded by a "P" in their upper right corner. The name of the permit issuing official must be written on the line at the lower right corner of the form.

3. Regular permit forms may be used for Oversize Permits, Overweight Permits, Monthly Oversize Permits, Forest Product Permits, Forest Management Equipment Permits, Waste Disposal Truck Permits, Steering Axle Permits, and Oil Field Equipment Permits.

B. Transmitted Permit Forms (telecopies).

1. These forms are transmitted by the wire services.

2. Some of the forms look like a Xerox copy of a regular permit form; others are typed by a teletype machine.

3. Transmitted permit forms may be used for Oversize Permits, Overweight Permits, Monthly Oversize Permits, Forest Product Permits, Forest Management Equipment Permits, Waste Disposal Truck Permits, Steering Axle Permits, and Oil Field Equipment Permits.

C. Control Permit Forms (C-forms).

1. These forms are available at the Truck Permit Office only to charge customers. WASP officers may use these forms for any customer who has been fined and requires a permit (if they have acceptable payment).

2. These forms are purchased blank at the Truck Permit Office and used when needed by the permittee. Before they can be used, all information which the permittee has filled out on the form must be phoned in to the Truck Permit Office.

3. These forms have a C-number which is printed in the lower left corner of the form. To be valid, the forms must have a P-number written in the upper right corner. This number is given out by the permit issuing official when the form is activated. The permit official's name must be written on the line at the bottom right of the form.

4. Control permit forms may be used for Oversize Permits, Overweight Permits, Monthly Oversize Permits, Forest Product Permits, Forest Management Equipment Permits, Waste Disposal Truck Permits, Steering Axle Permits, and Oil Field Equipment Permits.

D. Prepaid Permit Forms (A-forms).

1. These forms are available through the mail or by appearing in person at the Truck Permit Office for those customers who wish to pay the eight dollar fee in advance of using the forms.

2. These forms may be used when needed by the permittee as long as the information on the form is phoned in to the Truck Permit Office.

3. These forms are printed with an A-number in the lower left corner and also have "Prepaid \$8.00" on them. To be valid, the form must have a P-number in the upper right corner. This number is given out by the permit issuing official when the form is activated. The permit issuing official's name must also be written on the line at the bottom right of the form.

4. Prepaid permit forms may only be used for Oversize permits and only for a single trip on a single day. Overweight vehicles and loads may not be moved with prepaid permit forms.

E. Harvest Season Permit Forms (F-forms).

1. These forms are available through the mail or by appearing in person at the Truck Permit Office.

2. These forms have an F-number in the upper right corner. The permit issuing official's name must be written on the line at the bottom right of the form.

3. Harvest season permit forms may only be used for Harvest Season Permits.

F. Utility Vehicle Permit Forms (U-forms).

1. These forms are available through the mail or by appearing in person at the Truck Permit Office, but are available only to utility companies. Contractors may use this form if it is purchased by the utility company.

2. These forms must be filled out in ink by customers since they do not have to call the Permit Office before movement begins.

3. These forms have a U-number in the upper right corner.

4. Utility vehicle permit forms may only be used for Utility Vehicle Permits.

IV. Obtaining Permits

A. General Procedures.

1. A permit should have been obtained before the movement of the vehicle began or the vehicle entered Louisiana. Permits may be sold by WASP officers only when a fine has been incurred.

2. Vehicles and loads requiring a permit shall be impounded until a proper permit has been obtained and both the permit fee and the fine have been paid. If the driver must leave the scales to obtain a permit or fine payment, then the driver may take a truck-tractor or any other vehicle which is of legal size and weight.

3. The violation ticket number shall be noted on the permit and the permit number shall be noted on the violation ticket.

4. If possible, officers should be prepared with all information before calling the Truck Permit Office, since the Permit Office is able to allow only three minutes for each call.

5. The Truck Permit Office does not issue routine permits after office hours.

6. Each of the control permit forms (C-forms) which have been checked out to a unit shall be recorded on a Register of Control Permit Forms as it is used. Spoiled, lost or missing control permit forms shall also be recorded.

B. Assisting the Driver.

There are four ways for officers to assist drivers in obtaining proper permits.

1. Customers who have DOTD permit charge accounts may obtain a permit from a Weights and Standards Police officer and have the fee charged to their account. The officer shall use one of the control forms (C-forms) which have been checked out to the unit. The officer shall fill out the form completely; then call the Truck Permit Office, relay the information from the form, and request a permit number (P-number). The P-number must be written in the upper right corner of the permit. The line for "Issuing Official" must be filled in with the name of the person at the Truck Permit Office who issues the permit number. The officer shall sign the form below the line for "Issuing Official." The officer shall give the white and pink copies to the driver. The supervisor shall mail the yellow copy along with the attached violation ticket to the Enforcement and Truck Permits Administrator.

2. Drivers who have their own blanks of either control forms or prepaid forms may also be assisted. The officer shall complete the form and call the Truck Permit Office as described in 1. above. The control forms must be charged to an authorized charge account. The officer shall give the white and pink copies to the driver. The supervisor shall mail the yellow copy and the attached violation ticket to the Enforcement and Truck Permits Administrator.

3. Drivers may also obtain a permit form an enforcement officer by paying the permit fee with an acceptable method of payment. The officer shall fill out one of the control forms (C-forms) which

have been checked out to the unit and call the Truck Permit Office as described in 1. above. The permit number shall be noted on the cashier's check, certified check, money order, or cash receipt; and the cashier's check, certified check, money order, or cash receipt number shall be noted on the permit. The officer shall give the white and pink copies of the form to the driver. The supervisor shall mail the fee payment, the yellow copy, and the attached violation ticket to the Enforcement and Truck Permits Administrator.

4. If a customer does not have an acceptable method of payment, the officer may recommend the wire services to the driver. The location of the nearest office of each company can be obtained from the telephone book. If no listing is available in the phone book, the following toll-free numbers may be called to obtain the nearest local office: Instacom, 1-800-527-6161; Mid Continent, 1-800-643-8650; Transceiver, 1-800-537-7740; Western Union, 1-800-851-2300. After a location has been obtained, the officer shall telephone the Truck Permit Office to request a permit and request that the permit be transmitted to that wire service location.

5. If a driver wishes to obtain a permit without assistance, the officer shall provide the driver with the public telephone number of the Truck Permit Office, (504) 343-2345. The toll-free WATS number is for the use of Weights and Standards Police officers only, and calls from drivers on that line will not be accepted by the Truck Permit Office.

C. Increasing Permitted Weight.

1. If a vehicle needs to increase its permitted weight, officers may assist the driver by the methods described in B. above.

2. The incorrect permit form may be reused and changed if the customer has an established permit charge account or if acceptable payment is made.

V. Permit Restrictions

A. Enforcing Permit Restrictions.

1. The Truck Permit Office has the authority to put additional restrictions on a permit. These restrictions will be noted on the "Restrictions" or "Remarks" sections of the permit.

2. The WASP officer shall see that all restrictions shown on the permit have been followed before a vehicle is allowed to proceed, unless directed otherwise by the Truck Permit Office.

3. If an officer suspects that a normal restriction has been omitted from the permit (for example, a load one hundred feet long without an escort), the Truck Permit Office shall be contacted for verification. No ticket shall be issued for restrictions which were overlooked by the Permit Office; however, the vehicle shall be delayed until necessary restrictions have been met.

B. Escorts.

1. Private escorts are normally required for vehicles and loads:

a. Over twelve feet wide and up to fourteen feet wide on a two-lane highway.

b. Over twelve feet wide and up to sixteen feet wide on a multilane highway.

c. Over ninety feet long and up to one hundred twenty-five feet long.

2. State police escorts are normally required for vehicles and loads:

a. Over fourteen feet wide on a two-lane highway.

b. Over sixteen feet wide on a multilane highway.

c. Over one hundred twenty-five feet long.

3. An escort vehicle may escort two overlength vehicles or loads, but only one overwidth vehicle or load.

4. An escort vehicle must be behind overlength vehicles and loads. On a multilane highway it must be behind an overwidth vehicle or load and on a two-lane highway it must be in front of an overwidth vehicle or load.

5. The DOTD District Maintenance Engineer must approve all movements over eighteen feet wide, such as houses. This may be done by a letter which grants permission for the movement or by

sending a representative from the district office to escort the movement. Either the letter or the representative must be present before the movement can proceed.

C. Interstate Movement.

1. Vehicles and loads with Forest Product Permits, Forest Management Equipment Permits, Oil Field Equipment Permits, and Steering Axle Permits are prohibited from moving on Interstate highways.

2. Vehicles and loads over fourteen feet wide are prohibited from moving on Interstate highways.

D. Night, inclement Weather, Sunday and Holiday Movement.

1. Most vehicles and loads requiring a permit will be prohibited from moving at night, in inclement weather, on Sundays after 1:00 p.m., and on certain designated holidays by the Truck Permit Office. The State Police may override the Truck Permit Office for safety reasons.

2. WASP officers shall not allow vehicles requiring oversize permits to cross either of the Mississippi River Bridges in New Orleans from 6:30 to 9:00 a.m. and from 3:30 to 6:00 p.m. Except in emergencies, these vehicles cannot be parked within seventy-five feet of the highway if they are within two miles of the bridges. Vehicles with valid Utility Vehicle Permits are exempt from these restrictions if they are being operated by a public utility. Vehicles in violation shall be reported to the State Police.

3. The primary concern is the safety of the motoring public. Permitted vehicles traveling during inclement weather or at night shall be impounded if they are not equipped with all necessary safety lights.

4. The Truck Permit Office does not prohibit the following vehicles and loads from traveling on Sundays after 1:00 p.m., on holidays, or at night:

a. Vehicles with valid Waste Disposal Truck Permits, Steering Axle Permits, Harvest Season Permits, Utility Vehicle Permits, and Oil Field Equipment Permits.

b. Vehicles with valid Oversize and Overweight Permits—if the load does not project beyond the boundaries of the vehicle; if the width of the vehicle and load does not exceed eight feet; if the height of the vehicle and load does not exceed fourteen feet, four inches; and if the weight of the vehicle and load does not exceed 120,000 pounds.

5. The Truck Permit Office does not prohibit the following vehicles and loads from traveling on Sundays after 1:00 p.m. or on holidays, but it does prohibit them from traveling at night:

a. Vehicles with valid Forest Product Permits or Forest Management Equipment Permits.

b. Vehicles with valid Oversize Permits which are transporting pipe loaded across the vehicle (rather than lengthwise) and which do not exceed eight feet, eight inches in width (including the pipe).

6. In the field the WASP officer shall be responsible for determining the intensity of inclement weather (severe, moderate, or mild) unless the State Police determine otherwise.

7. Severe Weather: Vehicles and Loads requiring a permit are prohibited from traveling during weather which is physically severe, such as extremely heavy rain, heavy fog, icy road conditions, heavy snow, or any continuous condition which creates low visibility for drivers or hazardous driving conditions. However, vehicles with valid Utility Vehicle Permits are not prohibited from traveling in severe weather.

8. Moderate Weather: Some vehicles with permits may travel at the option of the driver if the officer considers the weather to be moderate and if the vehicle has not been prohibited by the Truck Permit Office from traveling during moderate weather. In general, the following vehicles and loads are not prohibited by the Truck Permit Office from traveling during moderate weather:

a. Vehicles with valid Forest Product Permits, Forest Management Equipment Permits, Utility Vehicle Permits, Waste Disposal Permits, Steering Axle Permits, Harvest Season Permits, and Oil Field Equipment Permits.

b. Vehicles with valid Oversize and Overweight Permits—if the load does not project beyond the boundaries of the vehicle; if the width of the vehicle and load does not exceed eight feet; if the height of the vehicle and load does not exceed fourteen feet, four inches; and if the weight of the vehicle and load does not exceed 120,000 pounds.

c. Vehicles with valid Oversize Permits which are transporting pipe loaded across the vehicle (rather than lengthwise) and which do not exceed eight feet, eight inches in width (including pipe).

9. Mild Weather: Wet pavement, light drizzle, and wind are not considered inclement weather for the purposes of permit movement. Permit movements are not prohibited from traveling during these milder weather conditions unless the movement would create a traffic hazard; for example, movement of a load fourteen feet wide during rain or movement of mobile homes in wind.

10. If a vehicle has been prohibited from moving in moderate or severe weather is underway when such weather occurs, the vehicle is required to proceed to a safe place off the roadway and park until the weather clears. During inclement weather officers at stationary location shall delay such vehicles until the weather clears, and officers on mobile units shall escort such vehicles to a safe place for parking until the weather clears. If the vehicle is observed traveling after being directed to stop, a violation ticket shall be issued.

E. Red Warning Flags.

1. In general, flags are required by the Truck Permit Office on vehicles and loads which exceed the legal width. There must be flags at the following points:

a. Four flags, two on the front edges and two on the rear edges, must be attached at the widest points on the part of the vehicle or load which exceeds the legal width.

b. If a load projects only to one side of a vehicle of legal width, one flag on the front edge of the load and one flag on the rear edge of the load will be sufficient.

c. If a projecting load does not exceed three feet from front to back, one flag on each side will be sufficient.

d. Flags must be attached on any other portion of the vehicle which is wider than the flagged front or rear edges.

2. Generally, red flags are also required by the Truck Permit Office on vehicles and loads which exceed the legal length or which have a rear end overhang of more than four feet. (If the overhang clears the pavement by six feet or more, red flags are not required.) There must be flags at the following points:

a. If the overlength or projecting portion is two feet wide or less, one flag must be located at the extreme rear end of the load.

b. If the overlength or projection portion is wider than two feet, two flags at the extreme rear end of the load must be located to indicate maximum width.

3. All warning flags must be red and at least eighteen inches square. Flags must either be securely fastened by at least one corner or securely mounted on a staff which keeps the flag upright.

F. Warning Signs.

1. Vehicles and loads exceeding ten feet in width must display two signs with the wording "OVERSIZE LOAD." One sign must be on the front of the vehicle. The other must be on the rear of the load; however, if the sign cannot be attached or clearly read in this position, then the sign must be on the rear of the vehicle itself.

2. Vehicles and loads exceeding seventy-five feet in length or the legal rear end overhang must display two signs with the wording "OVERSIZE LOAD." These signs must be on the sides of the overhanging part of the load; however, if the signs cannot be attached or clearly read in this position, then the signs must be on