



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

October 18, 2019

OLA-19-LCH-22712

VIA EMAIL ONLY (apa.s-iudb@legis.la.gov)

VIA EMAIL ONLY (apa.housejudiciary@legis.la.gov)

Senator Gary Smith
Senate Judiciary B Committee
State Capitol
Baton Rouge, Louisiana 70804

Katrina R. Jackson, Chairwoman
House Committee on the Judiciary
State Capitol
Baton Rouge, LA 70804

Re: Rules Proposed by the Department of Public Safety & Corrections, Office of Motor Vehicles, to amend Chapter 5, Section 555, 583 pertaining to Commercial Driving Schools

Dear Chairpersons:

The Department of Public Safety & Corrections, Office of Motor Vehicles, provides the following report to your committee as required by R.S. 49:968(D)(1)(b) for the proposed Notice of Intent that was published in the August 20, 2019, edition of the Louisiana Register on page 1126-7, a copy of which is enclosed.

A public hearing was not requested and therefore one was not conducted.

Louisiana State Police did not receive any public comment on the proposed rules.

As a result, no changes to the proposed rule text are necessary.

Additionally, no technical changes are required.

Thank you for your attention to this matter.

Sincerely,


Laura C. Hopes
Attorney for the Department of Public Safety
Office of Motor Vehicles
(225) 925-6103

/enclosures

cc. apa.housespeaker@legis.la.gov, apa.senatepresident@legis.la.gov,
Catherine.brindley@la.gov

COURTESY • LOYALTY • SERVICE

"An Equal Opportunity Employer"

P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

Pyrotechnic Operator License to conduct only Class C (1.4G) public fireworks displays sanctioned by public entities after applicants successfully pass a training course that accentuates the handling of 1.4G fireworks only. The proposed rule changes do not permit the use of the more complex, commercial-graded 1.3G fireworks by Class C pyrotechnic operators.

Lt. Col. Jason Starnes
Chief Administrative Officer
1908#013

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police

Breath and Blood Alcohol Analysis Methods and Techniques (LAC 55:1.555 and 583)

In accordance with the provisions of La. R.S. 32:663 relative to the authority of Louisiana Department of Public Safety to promulgate and enforce rules pursuant to approval of testing methods, the Louisiana Department of Public Safety, Louisiana State Police hereby proposes to amend rules under LAC 55:1.555 and 583, in relation to breath and blood alcohol analysis to prohibit the blood alcohol results from including a value range or measure uncertainty. Additionally, the proposed rule in relation to Analytical Procedures prohibits a quantification result from including a value range or measurement uncertainty in the event a quantification result of a drug and/or metabolite is reported. Modification is necessary to allow for results to meet national standards as well as consideration for future legislation regarding quantification of a drug and/or metabolite.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter B. Analysis of Blood

§555. Certified Techniques of Analyst

A. - D. ...

E. Results shall be expressed in terms of percent w/v (grams percent) that is, grams of alcohol per 100 milliliters of blood rounded downward to the second decimal place, for example, 0.237 grams percent shall be reported as 0.23 grams percent. Blood alcohol results are prohibited from including a value range or measurement uncertainty.

F. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 6:663 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:259 (March 1985), LR 14:360 (June 1988), LR 17:675 (July 1991), repromulgated LR 17:798 (August 1911), amended LR 26:2624 (November 2000), LR 37:1416 (May 2011), LR 44:95 (January 2018), LR 45:

§583. Analytical Procedures

A. ...

B. Positive identification of an analyte shall at a minimum be based on the possible presence of the analyte or the analyte class in the screening test and its presence in the

confirmatory test. Confirmation shall be based on the identification of at least three major ions with that of a reference analyte. Correlation between ion ratios of the base peak and another major peak shall be within 20 percent for gas chromatography/mass spectrometry procedures and within 30 percent for liquid chromatography/mass spectrometry procedures. Retention times between the analyte in question and the reference analyte shall be "within + or = 2 percent" for gas chromatography/mass spectrometry procedures and "within + or - 6 seconds or + or - 10 percent" for liquid chromatography/mass spectrometry procedures. If a quantification result of a drug and/or metabolite is reported, the quantification results is prohibited from including a value range or measurement uncertainty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:2625 (November 2000), amended LR 37:1417 (May 2011), LR 44:1272 (July 2018), LR 45:

Family Impact Statement

1. The Effect of this Rule on the Stability of the Family. This Rule will have no effect on the stability of the family.

2. The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. This Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of this Rule on the Functioning of the Family. This Rule will have no effect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule will have no effect on family earning and family budget.

5. The Effect of this Rule on the Behavior and Personal Responsibility of Children. This Rule will have no effect on the behavior and personal responsibility of children.

6. The Effect of this rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. This Rule will have no effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Laura C. Hopes, Attorney, Louisiana State Police, 7979 Independence Blvd., Suite 307, Baton Rouge, LA 70806. She is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

Requests for a public hearing must be submitted in writing either via email or written correspondence. Requests for a public hearing shall be sent to Laura.hopes@la.gov or to Laura C. Hopes, Attorney, Louisiana State Police, 7979 Independence Blvd., Suite 307, Baton Rouge, LA 70806. The deadline for submitting a request for public hearing is September 10, 2019. All requests for a public hearing sent via written correspondence must be received by September 10, 2019. A public hearing will be held on Tuesday, September 24, 2019 at 10 a.m. at 7979 Independence Boulevard, Suite 301, Baton Rouge, LA 70806. If the requisite number of comments is not received, the hearing will be cancelled. Please call and confirm the hearing will be conducted before attended.

Lt. Col. Jason Starnes
Chief Administrative Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Breath and Blood Alcohol
Analysis Methods and Techniques**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not result in implementation costs or savings to state or local governmental units. The proposed rule in relation to Blood Alcohol Analysis prohibits the blood alcohol results from including a value range or measurement uncertainty. Additionally, the proposed rule in relation to Analytical Procedures prohibits a quantification result from including a value range or measurement uncertainty in the event a quantification result of a drug and/or metabolite is reported. Modification is necessary to allow for reporting results to meet national standards as well as consideration for future legislation regarding quantification of a drug and/or metabolite.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will not result in any cost or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition and employment.

Lt. Col Jason Starnes
Chief Administrative Officer
1908#017

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety
Office of State Police**

**Towing, Recovery, and Storage
(LAC 55:I.1907)**

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., Act 103 of the 2019 Regular Session, and R.S. 32:1711 et seq., gives notice of its intent to amend rules concerning the Schedule of Fines for towing violations, and amend the conditions for suspensions or revocations of a storage license.

Title 55

PUBLIC SAFETY

Part I. State Police

**Chapter 19. Towing, Recovery, and Storage
Subchapter A. Authority, Exemptions, Definitions, Scope
§1907. Administrative Penalty Assessment; Arbitration;
Recovery of Penalties**

A. Administrative Penalty Assessment

1. A tow truck owner or operator, an employee or the agent of a tow truck owner or operator, a storage facility owner or operator, an employee or the agent of a storage facility owner or operator, determined by the department to have committed a violation of R.S. 32:1711 et seq., or adopted and promulgated regulations as provided in this Chapter, is subject to legal sanctions being imposed against them. Legal sanctions shall include, but are not limited to, administrative civil penalties, warnings, and suspension and/or revocation of the operator's license, storage inspection license, tow truck license plate.
2. The department shall issue a citation or inspection report for violations of law, rule or regulation which shall specify the offense committed. The citation or inspection report shall provide for the payment of an administrative penalty to the department in an amount prescribed by the department or if a suspension or revocation is being imposed, specify the duration of said suspension or revocation. The penalty shall be paid or imposed within 45 days of issuance and mailing, by first class mail, of the initial notice of violation, unless within that period the person to whom the citation is issued files a written request for an administrative hearing within the 45 days.
3. All assessed and adjudicated administrative penalties and fees shall be paid to the department and deposited in the towing and storage fund.



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services
August 6, 2019
OLA-19-LCH-22559
VIA EMAIL ONLY (apa.s-judb@legis.la.gov)

Senator Gary Smith
Senate Judiciary B Committee
State Capitol
Baton Rouge, Louisiana 70804

Re: Rules Proposed by the Department of Public Safety & Corrections, Louisiana State Police, to amend Chapter 5, Section 555, 583 pertaining to Breath and Blood Alcohol Analysis Methods and Techniques

Dear Senator Smith:

Notice is hereby given that the Department of Public Safety and Corrections, Louisiana State Police, intends to promulgate rules in order to provide for the addition of rules and regulations for breath and blood alcohol analysis methods and techniques. These rules are proposed in accordance with the Administrative Procedure Act, R.S. 49:950, et. seq. This notice includes the following items:

1. The insertion order authorizing the Office of the State Register to publish the Notice of Intent in the August 2019 Louisiana Register;
2. The Notice of Intent which includes the text of the proposed rules LAC 55, Part 1, Chapter 5, Section 555 and 583;
3. The Fiscal Economic Impact Statement;
4. The Family Impact Statement;
5. The Poverty Statement;
6. The Provider Impact Statement; and
7. The Small Business Impact Statement.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura C. Hopes".

Laura C. Hopes
Attorney for the Department of Public Safety
Louisiana State Police
(225) 925-6103/enclosures

COURTESY • LOYALTY • SERVICE
"An Equal Opportunity Employer"
P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

Laura Hopes

From: APA - Senate Jud B <apa.s-judb@legis.la.gov>
Sent: Tuesday, August 06, 2019 1:22 PM
To: Laura Hopes
Cc: APA - Senate Jud B
Subject: Request received

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Judiciary B, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services
August 6, 2019
OLA-19-LCH-22560
VIA EMAIL ONLY (apa.senatepresident@legis.la.gov)

John A. Alario, Jr.
President of the Senate
State Capitol
Baton Rouge, Louisiana 70804

Re: Rules Proposed by the Department of Public Safety & Corrections, Louisiana State Police, to amend Chapter 5, Section 555, 583 pertaining to Breath and Blood Alcohol Analysis Methods and Techniques

Dear Mr. Alario:

Notice is hereby given that the Department of Public Safety and Corrections, Louisiana State Police, intends to promulgate rules in order to provide for the addition of rules and regulations for breath and blood alcohol analysis methods and techniques. These rules are proposed in accordance with the Administrative Procedure Act, R.S. 49:950, et. seq. This notice includes the following items:

1. The insertion order authorizing the Office of the State Register to publish the Notice of Intent in the August 2019 Louisiana Register;
2. The Notice of Intent which includes the text of the proposed rules LAC 55, Part I, Chapter 5, Section 555 and 583;
3. The Fiscal Economic Impact Statement;
4. The Family Impact Statement;
5. The Poverty Statement;
6. The Provider Impact Statement; and
7. The Small Business Impact Statement.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Laura C. Hopes".

Laura C. Hopes
Attorney for the Department of Public Safety
Louisiana State Police
(225) 925-6103/enclosures

COURTESY • LOYALTY • SERVICE
"An Equal Opportunity Employer"
P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

Laura Hopes

From: APA - President <APA.senatepresident@legis.la.gov>
Sent: Tuesday, August 06, 2019 1:22 PM
To: Laura Hopes
Cc: APA - Request Senate
Subject: Request received

ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services
August 6, 2019
OLA-19-LCH-22557
VIA EMAIL ONLY (apa.housejudiciary@legis.la.gov)

Katrina R. Jackson, Chairman
House Judiciary Committee
State Capitol
Baton Rouge, Louisiana 70802

Re: Rules Proposed by the Department of Public Safety & Corrections, Louisiana State Police, to amend Chapter 5, Section 555, 583 pertaining to Breath and Blood Alcohol Analysis Methods and Techniques

Dear Ms. Jackson:

Notice is hereby given that the Department of Public Safety and Corrections, Louisiana State Police, intends to promulgate rules in order to provide for the addition of rules and regulations for breath and blood alcohol analysis methods and techniques. These rules are proposed in accordance with the Administrative Procedure Act, R.S. 49:950, et. seq. This notice includes the following items:

1. The insertion order authorizing the Office of the State Register to publish the Notice of Intent in the August 2019 Louisiana Register;
2. The Notice of Intent which includes the text of the proposed rules LAC 55, Part I, Chapter 5, Section 555 and 583;
3. The Fiscal Economic Impact Statement;
4. The Family Impact Statement;
5. The Poverty Statement;
6. The Provider Impact Statement; and
7. The Small Business Impact Statement.

Thank you for your attention to this matter.

Sincerely,

Laura C. Hopes
Attorney for the Department of Public Safety
Louisiana State Police
(225) 925-6103/enclosures

COURTESY • LOYALTY • SERVICE
"An Equal Opportunity Employer"
P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

Laura Hopes

From: Microsoft Outlook
To: apa.housejudiciary@legis.la.gov
Sent: Tuesday, August 06, 2019 1:25 PM
Subject: Relayed: Notice of Intent - LAC 55:I.555, 583 - Crime Lab

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

apa.housejudiciary@legis.la.gov (apa.housejudiciary@legis.la.gov)

Subject: Notice of Intent - LAC 55:I.555, 583 - Crime Lab



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services
August 6, 2019
OLA-19-LCH-22558
VIA EMAIL ONLY (apa.housespeaker@legis.la.gov)

Taylor F. Barras
Speaker of the House of Representatives
State Capitol
Baton Rouge, Louisiana 70802

Re: Rules Proposed by the Department of Public Safety & Corrections, Louisiana State Police, to amend Chapter 5, Section 555, 583 pertaining to Breath and Blood Alcohol Analysis Methods and Techniques

Dear Mr. Barras:

Notice is hereby given that the Department of Public Safety and Corrections, Louisiana State Police, intends to promulgate rules in order to provide for the addition of rules and regulations for breath and blood alcohol analysis methods and techniques. These rules are proposed in accordance with the Administrative Procedure Act, R.S. 49:950, et. seq. This notice includes the following items:

1. The insertion order authorizing the Office of the State Register to publish the Notice of Intent in the August 2019 Louisiana Register;
2. The Notice of Intent which includes the text of the proposed rules LAC 55, Part I, Chapter 5, Section 555 and 583;
3. The Fiscal Economic Impact Statement;
4. The Family Impact Statement;
5. The Poverty Statement;
6. The Provider Impact Statement; and
7. The Small Business Impact Statement.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Laura C. Hopes".

Laura C. Hopes
Attorney for the Department of Public Safety
Louisiana State Police
(225) 925-6103/enclosures

COURTESY • LOYALTY • SERVICE
"An Equal Opportunity Employer"
P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

Laura Hopes

From: APA - Speaker <apa.housespeaker@legis.la.gov>
Sent: Tuesday, August 06, 2019 1:21 PM
To: Laura Hopes
Cc: APA - HOUSE SPEAKER
Subject: Request received

ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.