

to the local surplus lines broker responsible for placing the coverage. Notwithstanding the foregoing, the surplus line insurer, upon request of the Commissioner, must be able to show that it has procedures in place to assure compliance with this subchapter.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:2, LRS 22:3 and LRS 22:1262.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:87 (January 2000).

Subchapter D. Administrative Actions

§8729. Hearings

Hearings, including investigatory hearings, which arise under the provisions of this regulation shall be conducted by the Commissioner.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:2, LRS 22:3, LRS 22:1211 et seq., and LRS 22:1457.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1258 (July 1999), LR 26:88 (January 2000).

§8731. Penalties

Upon proof of noncompliance with any applicable provisions of this regulation by an insurer, such disciplinary actions and/or penalties as are authorized by law, and in the manner provided thereby, may be imposed by the Commissioner.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:2, LRS 22:3, LRS 22:1211 et seq., and LRS 22:1457.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1258 (July 1999), LR 26:88 (January 2000).

James H. "Jim" Brown
Commissioner of Insurance

0001#033

RULE

Department of Public Safety and Corrections Board of Pardons

Hearing of Clemency
(LAC 22:V.109)

In accordance with the Administrative Procedure Act, LSA-R.S. 49:953(B), the Department of Public Safety and Corrections, Board of Pardons, hereby adopts amendments to rules and procedures dealing with the requirement for the publication of notice of application for clemency.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part V. Board of Pardons

Chapter 1. Applications

§109. Hearing Granted

A. After notice to a applicant that a hearing has been granted the applicant must provide the Board of Pardons office with proof of advertisement within 90 days from the date of notice to grant a hearing. Advertisement must be published in the official journal of the parish where the offense occurred. This ad must state:

"I (applicant's name), (document number), (date of birth), currently residing in (parish/county), (state), have applied for clemency for my conviction for (crime) which occurred (day/month/year), in (parish/county), (state). If you have any comments or wish to communicate with the Board of Pardons please call (225) 342-5421."

B. Applicant may submit additional information, (e.g., letters of recommendation and copies of certificates of achievement and employment/residence agreement).

AUTHORITY NOTE: Promulgated in accordance with LSA-R.S. 15:572.4, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1063 (December 1990), amended LR 26:88 (January 2000).

Irvin L. Magri, Jr.
Chairman

0001#074

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Compulsory Insurance
(LAC 55:III.1777 and 1781)

The Department of Public Safety and Corrections, Office of Motor Vehicles, pursuant to the authority contained in R.S. 32:863.2, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., amends LAC 55, Part III, Chapter 17, Subchapter B, §§1777 and 1781.

Section 1777 is being amended to add a new transaction type in order to comply with Act No. 74 of the 1999 Regular Session which enacted R.S. 32:863(A)(6) to provide that there shall be no sanctions imposed when an insurance policy is canceled because of the rescission of the sale of the involved motor vehicle. Section 1781 is being amended to provide for an additional method by which security providers can report insurance coverage information.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 17. Compulsory Insurance

Subchapter B. Reporting of Initiation and Any Subsequent Change of Insurance Coverage

§1777. Transaction Types and How the Transaction Types are Used

A.1. - 5. ...

6. 7 = Termination of a motor vehicle liability policy that occurred as a result of the rescission or other cancellation of the sale of the motor vehicle on which the policy was issued. The insured shall not be required to pay any fees that otherwise may be required by R.S. 32:863 when the insurer uses this code to report a cancellation.

B.1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1775 (September 1998), amended LR 26:88 (January 2000).

§1781. Reporting Methods

A. - C. ...

D. Section 1781.C shall also not apply to security providers who have:

1. received written approval from the Department to file reports via the Internet; and

2. entered into a written agreement with the Department to indemnify the Department against any loss which might arise out of transmitting the data over the Internet.

E. The reports submitted to the Department pursuant to Section 1781.D and E shall be formatted in the manner approved by the Department and shall include the following information:

1. the make, model, year and vehicle identification number to the subject vehicle;
2. the insurance company code;
3. the type of transaction;
4. the lessee, renter, or owner address, including city, state, and zip code;
5. the policy or binder number;
6. the termination, or change date, or the effective date and the issue date; and
7. the lessee, renter, or owner name, name indicator, and identification number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1776 (September 1998), amended LR 26:88 (January 2000).

Nancy Van Nortwick
Undersecretary

0001#023

RULE

Office of Public Safety and Corrections Office of Motor Vehicles

License Plates (LAC 55:III.325 and 327)

Under the authority of R.S. 47:511 and R.S. 47:508, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of Motor Vehicles (Department), hereby adopts new rules regarding the adoption of the International Registration Plan and the issuance of permanent metal plates to commercial motor vehicles registered under the International Registration Plan.

This rule adopts the International Registration Plan by reference. The International Registration Plan authorizes the apportioned registration of fleets of vehicles among the various jurisdictions in which the vehicles are operated. This plan provides that for one license plate even though the motor vehicle is registered in more than one jurisdiction. Louisiana was approved to participate in the plan on December 1, 1975, and began participating in the plan on April 1, 1976.

The other rule is pursuant to R.S. 47:508 and authorizes the Department to issue permanent metal plates to commercial motor vehicles registered pursuant to the plan. These plates are to be renewed without the issuance of renewal stickers, tabs, or emblems.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 3. License Plates

Subchapter A. Types of License Plates

§325. International Registration Plan

The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby adopts by reference, the International Registration Plan, hereinafter referred to as the plan, adopted in August 1994 and as revised through February 15, 1999 by the member jurisdictions, and published by International Registration Plan, Inc. The Department only adopts the articles and sections contained in the agreement, as well as the exceptions to the plan as reflected in the February 15, 1999 revision and included in Appendix C of the plan. The commentary and governing board decisions included with the adopted plan shall not be part of this rule, but may be considered by the Department in interpreting and implementing the various sections of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:511.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 26:89 (January 2000).

§327. Apportioned Plates

A. All commercial motor vehicles registered pursuant to the "International Registration Plan" and issued an apportioned license plate shall be issued a permanent metal license plate at the time of first issuance, or at the time of first renewal of the apportioned registration after the effective date of this rule.

B. The permanent metal plate issued pursuant to §321.A shall be renewed annually, but without the issuance of a renewal emblem, sticker, or tab by the Department of Public Safety and Corrections, Office of Motor Vehicles. The Department shall issue a renewed certificate of registration or other credential to indicate that the metal plate attached to, and displayed by, the commercial motor vehicle is still valid. The original or a copy of the renewed certificate of registration or other credential shall be kept with the commercial motor vehicle described in the certificate or other credential.

C. The initial certificate of registration or other credential, as well as all renewed certificates of registration or other credentials, shall not be issued until all fees and taxes, together with any applicable penalties and interest, as are required by statute, are paid by the applicant.

D. A permanent metal plate issued pursuant to this section may be used for a period of five years if properly and timely renewed. After the expiration of the fifth year, the registrant shall replace the old plate with a new plate issued by the Department. The registrant shall cause the old plate to be destroyed. The failure to comply with this paragraph may result in the imposition of a fine of \$25 per plate. The Assistant Secretary for the Office of Motor Vehicles may, for good cause, extend the replacement period provided in this section. Such a request for extension shall be in writing and shall state the reason for the extension of the replacement period. Only one extension pursuant to this section may be