

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 411

By: Crain and Pittman of the
Senate

3
4 and

Echols of the House

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8 [commercial driver licenses - pilot program -
inspections - license - fees - background checks -
9 codification - effective date]

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12 AUTHORS: Add the following House Coauthors: Johnson, Walker and
Russ

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14 AUTHOR: Add the following Senate Coauthor: Sharp

15 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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17 "An Act relating to commercial driver licenses;
directing the Department of Public Safety to develop
18 certain pilot program; providing eligibility
requirements; directing the Department to adopt a
19 curriculum of courses; providing for certification
and renewal fees; directing the deposit of fees into
20 certain revolving fund; requiring annual background
checks; providing for the promulgation of rules;
21 providing for codification; and providing an
effective date.

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24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-110.4 of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The Department of Public Safety is directed to develop and
5 implement a pilot program to evaluate the potential use of certified
6 commercial truck driver training instructors employed by businesses
7 engaged in interstate or intrastate commerce licensed in the state
8 of Oklahoma to be certified third-party examiners for the Department
9 of Public Safety. The pilot program shall have a maximum of ten
10 businesses and shall begin no later than July 1, 2016, for a period
11 of two (2) years.

12 B. Any certified commercial truck driver training instructor
13 who is currently an operator or an employee of a business engaged in
14 interstate or intrastate commerce licensed in this state shall be
15 eligible to apply to be a third-party tester of the Department of
16 Public Safety for the purpose of administering the Class A, B or C
17 driving skills portion of the Oklahoma driving examination to any
18 person who has not previously been a student of the instructor.

19 C. No business shall be established for the education and
20 training of persons, and no person shall act as an instructor or
21 third-party tester unless such business or person applies for and
22 obtains from the Commissioner of Public Safety a license in the
23 manner and form prescribed by the Commissioner.
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1 D. The Department of Public Safety shall adopt a curriculum of
2 required courses and training to be offered to applicants who are
3 qualified to apply to be a third-party tester. The courses and
4 training for certification shall meet the same standards as required
5 for commercial driver examiners of the Department of Public Safety.

6 E. Each business engaged in interstate or intrastate commerce
7 licensed in this state with an employee or person applying to be an
8 instructor or third-party tester shall be required to pay an initial
9 fee of Five Thousand Dollars (\$5,000.00) and an annual renewal fee
10 of Five Thousand Dollars (\$5,000.00). Each person applying to be an
11 instructor or third-party tester shall be required to pay an initial
12 certification fee of Two Thousand Five Hundred Dollars (\$2,500.00).
13 Upon successful completion of training prescribed by subsection D of
14 this section, the person shall be required to pay an annual third-
15 party tester certification fee of Two Thousand Five Hundred Dollars
16 (\$2,500.00). The third-party tester certification fees collected by
17 the Department pursuant to this subsection shall be deposited to the
18 credit of the Department of Public Safety Restricted Revolving Fund
19 to be used for the purposes of this section. The Department shall
20 not be required to operate this program unless adequate funds are
21 provided. No third-party tester certification fee shall be refunded
22 to the business or person in the event that certification is denied,
23 suspended or revoked.

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F. The Department shall conduct on an annual basis a complete nationwide criminal history background check on each third-party tester and a complete nationwide criminal history background check on each third-party tester applicant. The fees for the background check shall be borne by the third-party tester or third-party tester applicant.

G. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 47 of the Code of Federal Regulations.

SECTION 2. This act shall become effective November 1, 2015."
Passed the House of Representatives the 13th day of April, 2015.

Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2015.

Presiding Officer of the Senate