

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 411

By: Crain and Pittman of the  
Senate

and

Echols of the House

6  
7  
8  
9  
10 COMMITTEE SUBSTITUTE

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

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

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

1. The Department of Public Safety is directed to develop and  
implement a pilot program to evaluate the potential use of certified

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

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

14 3. No business shall be established for the education and  
15 training of persons, and no person shall act as an instructor or  
16 third-party tester unless such business or person applies for and  
17 obtains from the Commissioner of Public Safety a license in the  
18 manner and form prescribed by the Commissioner.

19 4. The Department of Public Safety shall adopt a curriculum of  
20 required courses and training to be offered to applicants who are  
21 qualified to apply to be a third-party tester. The courses and  
22 training for certification shall meet the same standards as required  
23 for commercial driver examiners of the Department of Public Safety.  
24

1           5. Each business engaged in interstate or intrastate commerce  
2 licensed in this state with an employee or person applying to be an  
3 instructor or third-party tester shall be required to pay an initial  
4 fee of Five Thousand Dollars (\$5,000.00) and an annual renewal fee  
5 of Five Thousand Dollars (\$5,000.00). Each person applying to be an  
6 instructor or third-party tester shall be required to pay an initial  
7 certification fee of Two Thousand Five Hundred Dollars (\$2,500.00).  
8 Upon successful completion of training prescribed by paragraph 4 of  
9 this section, the person shall be required to pay an annual third-  
10 party tester certification fee of Two Thousand Five Hundred Dollars  
11 (\$2,500.00). The third-party tester certification fees collected by  
12 the Department pursuant to this paragraph shall be deposited to the  
13 credit of the Department of Public Safety Restricted Revolving Fund  
14 to be used for the purposes of this section. The Department shall  
15 not be required to operate this program unless adequate funds are  
16 provided. No third-party tester certification fee shall be refunded  
17 to the business or person in the event that certification is denied,  
18 suspended or revoked.

19           6. The Department shall conduct on an annual basis a complete  
20 nationwide criminal history background check on each third-party  
21 tester and a complete nationwide criminal history background check  
22 on each third-party tester applicant. The fees for the background  
23 check shall be borne by the third-party tester or third-party tester  
24 applicant.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

7. 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.

55-1-7319            GRS            04/02/15