

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3882

By: Burns

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5
6 AS INTRODUCED

7 An Act relating to driving examiners; amending 47
8 O.S. 2011, Section 6-110, as last amended by Section
9 1, Chapter 395, O.S.L. 2019 (47 O.S. Supp. 2019,
10 Section 6-110), which relates to examination of
11 applicants; allowing Oklahoma Highway Patrol officers
12 to apply to be designated examiners; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-110, as
16 last amended by Section 1, Chapter 395, O.S.L. 2019 (47 O.S. Supp.
17 2019, Section 6-110), is amended to read as follows:

18 Section 6-110. A. 1. The Department of Public Safety shall
19 examine every applicant for an original Class A, B, C or D license
20 and for any endorsements thereon, except as otherwise provided in
21 Section 6-101 et seq. of this title or as provided in paragraph 2 of
22 this subsection or in subsections D and E of this section. The
23 examination shall include a test of the applicant's:

24 a. eyesight,

- b. ability to read and understand highway signs regulating, warning and directing traffic,
- c. knowledge of the traffic laws of this state, including a portion on bicycle and motorcycle safety, and
- d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

The Department may create a knowledge test that may be taken on the Internet by an applicant applying for a Class D license.

Any licensee seeking to apply for a driver license of another class which is not covered by the licensee's current driver license shall be considered an applicant for an original license for that class.

2. The Department of Public Safety shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants whose driving record meets the standards set by the Department of Public Safety and surrenders either of the following:

- a. a valid unexpired driver license issued by any state or country for the same type or types of vehicles, or
- b. an expired driver license that:
 - (1) is not expired more than six (6) months past the expiration date listed on the driver license, and

1 (2) is not a Class A, B or C commercial driver
2 license or commercial driver license permit.

3 3. The Department shall accept skills test results from another
4 state for Class A, B or C license applicants who have successfully
5 completed commercial motor vehicle driver training in that state and
6 successfully passed the skills test in that state; provided, the
7 Department shall not accept skills test results from another state
8 when the applicant has not successfully completed commercial motor
9 vehicle driver training in that state. Nothing in this section
10 shall be construed to prohibit the Department from administering the
11 skills test to any applicant who has successfully completed
12 commercial vehicle driver training in another state.

13 4. All applicants requiring a hazardous materials endorsement
14 shall be required, for the renewal of the endorsement, to
15 successfully complete the examination and to submit to a security
16 threat assessment performed by the Transportation Security
17 Administration of the Department of Homeland Security as required by
18 and pursuant to 49 C.F.R., Part 1572, which shall be used to
19 determine whether the applicant is eligible for renewal of the
20 endorsement pursuant to federal law and regulation.

21 5. The Department of Public Safety shall give the complete
22 examination as provided for in this section within thirty (30) days
23 from the date the application is received, and the examination shall
24 be given at a location within one hundred (100) miles of the

1 residence of the applicant. The Department shall make every effort
2 to make the examination locations and times convenient for
3 applicants. The Department shall consider giving the examination at
4 various school sites if the district board of education for the
5 district in which the site is located agrees and if economically
6 feasible and practicable.

7 B. Any person holding a valid Oklahoma Class D license or
8 provisional driver license pursuant to Section 6-212 of this title
9 and applying for a Class A, B or C commercial license shall be
10 required to successfully complete all examinations as required for
11 the specified class. Failure to submit to the Department federally
12 required medical certification information pursuant to 49 C.F.R.,
13 Part 391.41 et seq. shall result in an automatic downgrade of a
14 commercial license to a Class D license. Provided, however, once
15 the required medical certification information has been received by
16 the Department, the license shall be reinstated to the
17 classification of the commercial license prior to the downgrade and
18 the holder of such a license shall not be required to reapply.

19 C. Except as provided in subsection E of Section 6-101 of this
20 title, any person holding a valid Oklahoma Class A, B or C
21 commercial license shall, upon time for renewal thereof, be entitled
22 to a Class D license without any type of testing or examination,
23 except for any endorsements thereon as otherwise provided for by
24 Section 6-110.1 of this title.

1 D. 1. Any certified driver education instructor who is
2 currently an operator or an employee of a commercial driver training
3 school in this state ~~or~~, any driver education instructor employed by
4 any school district in this state or any officer of the Oklahoma
5 Highway Patrol shall be eligible to apply to be a designated
6 examiner of the Department of Public Safety for the purposes of
7 administering the Class D driving skills portion of the Oklahoma
8 driving examination to any person who has not previously been a
9 student of the instructor.

10 2. The Department of Public Safety shall adopt a curriculum of
11 required courses and training to be offered to applicants who are
12 qualified to apply to be a designated examiner. The courses and
13 training for certification shall meet the same standards as required
14 for driver examiners of the Department of Public Safety.

15 3. Each person applying to be a designated examiner shall be
16 required to pay an initial designated examiner certification fee of
17 One Thousand Dollars (\$1,000.00). Upon successful completion of
18 training prescribed by paragraph 2 of this subsection, the person
19 shall be required to pay an annual designated examiner certification
20 fee of Five Hundred Dollars (\$500.00). If an applicant for the
21 designated examiner program is employed by an Oklahoma public school
22 system that offers driver education, and he or she administers the
23 skills test only to students enrolled in a public school driver
24 education program, the certification fee may be waived by the

1 Department. Each designated examiner certification shall expire on
2 the last day of the calendar year and may be renewed upon
3 application to the Department of Public Safety. The designated
4 examiner certification fees collected by the Department pursuant to
5 this subsection shall be deposited to the credit of the Department
6 of Public Safety Restricted Revolving Fund to be used for the
7 purposes of this subsection. No designated examiner certification
8 fee shall be refunded in the event that certification is denied,
9 suspended or revoked.

10 4. A designated examiner may charge a fee of no more than
11 Twenty-five Dollars (\$25.00) for each Class D driving skills
12 examination given, whether the person being examined passes or fails
13 the examination.

14 5. The Department shall conduct an annual complete nationwide
15 criminal history background check on each designated examiner and a
16 complete nationwide criminal history background check on each
17 designated examiner applicant. The fees for the background check
18 shall be borne by the designated examiner or designated examiner
19 applicant.

20 6. The Department of Public Safety shall promulgate rules to
21 implement and administer the provisions of this subsection.

22 E. 1. Upon application and approval of the Commissioner of the
23 Department of Public Safety, any public or private commercial truck
24 driving school that has or maintains a program instructing students

1 for a Class A, B or C license in the State of Oklahoma shall be
2 authorized to hire or employ designated examiners approved by the
3 Department of Public Safety to be third-party examiners of the Class
4 A, B or C driving skills portion of the Oklahoma driving
5 examination. All designated examiners must successfully have
6 completed the courses and training as outlined in paragraph 2 of
7 this subsection.

8 2. The Department of Public Safety shall adopt a curriculum of
9 required courses and training to be offered to third-party
10 examiners. The courses and training for certification shall meet
11 the same standards as required for commercial driver examiners of
12 the Department of Public Safety.

13 3. The Department shall conduct on an annual basis a complete
14 nationwide criminal history background check on each third-party
15 examiner and a complete nationwide criminal history background check
16 on each third-party examiner applicant. The fees for the background
17 check shall be borne by the third-party examiner or third-party
18 examiner applicant.

19 F. The Department of Public Safety shall promulgate rules no
20 later than December 15, 2019, to:

21 1. Implement and administer the provisions of this section
22 based on requirements set forth in Section 383.75 of Title 49 of the
23 Code of Federal Regulations;

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1 2. Establish a process to inform any school or examiner, who
2 has been denied, within forty-five (45) days from the denial;

3 3. Create an appeal process for any school or examiner denied;
4 and

5 4. If the initial application for approval was denied, limit
6 the number of times an individual school or individual examiner
7 applicant may reapply in a calendar year to two reapplications.

8 SECTION 2. This act shall become effective November 1, 2020.

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