

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3368

By: Roberts (Eric)

AS INTRODUCED

An Act relating to driver licenses; amending 47 O.S. 2021, Section 6-110, which relates to examination of applicants; requiring Department of Public Safety accept certain exam results from other states; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-110, is amended to read as follows:

Section 6-110. A. 1. The Department of Public Safety shall establish procedures to ensure every applicant for an original Class A, B, C or D license and for any endorsements thereon is examined by the Department, or an approved written examination proctor, except as otherwise provided in Section 6-101 et seq. of this title or as provided in paragraph 2 of this subsection or in subsections D and E of this section. The Department is authorized to approve and enter into agreements with local school districts, the Oklahoma Department of Career and Technology Education, or institutions of higher education to act as approved written examination proctors with

1 regard to any written examination required by this section. The
2 examination shall include a test of the applicant's:

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

13 The Department of Public Safety may create a knowledge test that may
14 be taken on the Internet by an applicant applying for a Class D
15 license.

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

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

- 1 a. a valid unexpired driver license issued by any state
2 or country for the same type or types of vehicles, ~~or~~
3 b. an expired driver license that:
4 (1) is not expired more than six (6) months past the
5 expiration date listed on the driver license, and
6 (2) is not a Class A, B or C commercial driver
7 license or commercial driver license permit, or
8 c. suitable proof of passing any part of an examination
9 administered for a Class D driver license, or its
10 equivalent, in another state.

11 3. The Department of Public Safety shall accept skills test
12 results from another state for Class A, B or C license applicants
13 who have successfully completed commercial motor vehicle driver
14 training in that state and successfully passed the skills test in
15 that state; provided, the Department shall not accept skills test
16 results from another state when the applicant has not successfully
17 completed commercial motor vehicle driver training in that state.
18 Nothing in this section shall be construed to prohibit the
19 Department of Public Safety from administering the skills test to
20 any applicant who has successfully completed commercial vehicle
21 driver training in another state.

22 4. All applicants requiring a hazardous materials endorsement
23 shall be required, for the renewal of the endorsement, to
24 successfully complete the examination and to submit to a security

1 threat assessment performed by the Transportation Security
2 Administration of the Department of Homeland Security as required by
3 and pursuant to 49 C.F.R., Part 1572, which shall be used to
4 determine whether the applicant is eligible for renewal of the
5 endorsement pursuant to federal law and regulation.

6 5. The Department of Public Safety, or an approved written
7 examination proctor, shall give the complete examination as provided
8 for in this section within thirty (30) days from the date the
9 application is received, and the examination shall be given at a
10 location within one hundred (100) miles of the residence of the
11 applicant. The Department of Public Safety shall make every effort
12 to make the examination locations and times convenient for
13 applicants. The Department of Public Safety shall consider giving
14 the examination at various school sites if the district board of
15 education for the district in which the site is located agrees and
16 if economically feasible and practicable.

17 B. Any person holding a valid Oklahoma Class D license or
18 provisional driver license pursuant to Section 6-212 of this title
19 and applying for a Class A, B or C commercial license shall be
20 required to successfully complete all examinations as required for
21 the specified class. Failure to submit to the Department of Public
22 Safety federally required medical certification information pursuant
23 to 49 C.F.R., Part 391.41 et seq. shall result in an automatic
24 downgrade of a commercial license to a Class D license. Provided,

1 however, once the required medical certification information has
2 been received by the Department of Public Safety, the license shall
3 be reinstated to the classification of the commercial license prior
4 to the downgrade and the holder of such a license shall not be
5 required to reapply.

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

12 D. 1. Any certified driver education instructor who is
13 currently an operator or an employee of a commercial driver training
14 school in this state or any driver education instructor employed by
15 any school district in this state shall be eligible to apply to be a
16 designated examiner of the Department of Public Safety for the
17 purposes of administering the Class D driving skills portion of the
18 Oklahoma driving examination to any person who has been issued a
19 learner permit.

20 2. The Department of Public Safety shall adopt a curriculum of
21 required courses and training to be offered to applicants who are
22 qualified to apply to be a designated examiner. The courses and
23 training for certification shall meet the same standards as required
24 for driver examiners of the Department of Public Safety.

1 3. Each person applying to be a designated examiner shall be
2 required to pay an initial designated examiner certification fee of
3 One Thousand Dollars (\$1,000.00). Upon successful completion of
4 training prescribed by paragraph 2 of this subsection, the person
5 shall be required to pay an annual designated examiner certification
6 fee of Five Hundred Dollars (\$500.00). If an applicant for the
7 designated examiner program is employed by an Oklahoma public school
8 system that offers driver education, and he or she administers the
9 skills test only to students enrolled in a public school driver
10 education program, the certification fee may be waived by the
11 Department of Public Safety. Each designated examiner certification
12 shall expire on the last day of the calendar year and may be renewed
13 upon application to the Department of Public Safety. The designated
14 examiner certification fees collected by the Department of Public
15 Safety pursuant to this subsection shall be deposited to the credit
16 of the Department of Public Safety Restricted Revolving Fund to be
17 used for the purposes of this subsection. No designated examiner
18 certification fee shall be refunded in the event that certification
19 is denied, suspended or revoked.

20 4. A designated examiner may charge a fee for each Class D
21 driving skills examination given, whether the person being examined
22 passes or fails the examination.

23 5. The Department of Public Safety shall conduct an annual
24 complete nationwide criminal history background check on each

1 designated examiner and a complete nationwide criminal history
2 background check on each designated examiner applicant. The fees
3 for the background check shall be borne by the designated examiner
4 or designated examiner applicant.

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

7 E. 1. Upon application and approval of the Commissioner of
8 Public Safety, any public or private commercial truck driving school
9 that has or maintains a program instructing students for a Class A,
10 B or C license, public transit agency or state, county or municipal
11 government agency in this state shall be authorized to hire or
12 employ designated examiners approved by the Department of Public
13 Safety to be third-party examiners of the Class A, B or C driving
14 skills portion of the Oklahoma driving examination. All designated
15 examiners must successfully have completed the courses and training
16 as outlined in paragraph 2 of this subsection. The Department of
17 Public Safety shall be required to approve at least one public
18 transit agency that has or maintains a program instructing students
19 for a Class A, B or C license to hire or employ third-party
20 examiners pursuant to this section. It shall be permissible for any
21 public transit agency operating in the State of Oklahoma to utilize
22 the third-party examiners hired or employed by a public transit
23 agency approved by the Department.

1 2. The Department of Public Safety shall adopt a curriculum of
2 required courses and training to be offered to third-party
3 examiners. The courses and training for certification shall meet
4 the same standards as required for commercial driver examiners of
5 the Department of Public Safety.

6 3. The Department of Public Safety shall require each third-
7 party examiner applicant and commercial school driver education
8 instructor applicant to submit to an electronic national criminal
9 history record check pursuant to Section 150.9 of Title 74 of the
10 Oklahoma Statutes. On or before December 1, 2022, the Department
11 shall require each third-party examiner or commercial school driver
12 education instructor to submit to an electronic national criminal
13 history record check pursuant to Section 150.9 of Title 74 of the
14 Oklahoma Statutes. The fees for the background check shall be borne
15 by the third-party examiner, third-party examiner applicant,
16 commercial school driver education instructor or commercial school
17 driver education instructor applicant.

18 F. The Department of Public Safety shall promulgate rules no
19 later than December 15, 2021, to:

20 1. Implement and administer the provisions of this section
21 based on requirements set forth in Section 383.75 of Title 49 of the
22 Code of Federal Regulations;
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1 2. Establish a process to inform any school, public transit
2 agency, examiner, or state, county or municipal government agency,
3 who has been denied, within forty-five (45) days from the denial;

4 3. Create an appeal process for any school, public transit
5 agency, examiner, or state, county or municipal government agency
6 denied; and

7 4. If the initial application for approval was denied, limit
8 the number of times an individual school, public transit agency,
9 individual examiner applicant, or state, county or municipal
10 government agency may reapply in a calendar year to two
11 reapplications.

12 SECTION 2. This act shall become effective November 1, 2022.

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