

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 378

By: Standridge and Bergstrom of  
the Senate

6 and

7 Frix of the House

8  
9  
10 COMMITTEE SUBSTITUTE

11 An Act relating to driver licenses; amending 47 O.S.  
12 2011, Section 6-110, as last amended by Section 29,  
13 Chapter 210, O.S.L. 2016 (47 O.S. Supp. 2018, Section  
14 6-110), which relates to examination of applicants;  
15 allowing certain technology schools to be examiners;  
16 requiring certain application and approval; directing  
17 adoption of curriculum and training; requiring  
18 background check; allowing promulgation of rules; and  
19 providing an effective date.

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

21 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-110, as  
22 last amended by Section 29, Chapter 210, O.S.L. 2016 (47 O.S. Supp.  
23 2018, Section 6-110), is amended to read as follows:

24 Section 6-110. A. 1. The Department of Public Safety shall  
examine every applicant for an original Class A, B, C or D license  
and for any endorsements thereon, except as otherwise provided in

1 Section 6-101 et seq. of this title or as provided in paragraph 2 of  
2 this subsection or in ~~subsection~~ subsections D and E of this  
3 section. The examination shall include a test of the applicant's:

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

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

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

18 4. All applicants requiring a hazardous materials endorsement  
19 shall be required, for the renewal of the endorsement, to  
20 successfully complete the examination and to submit to a security  
21 threat assessment performed by the Transportation Security  
22 Administration of the Department of Homeland Security as required by  
23 and pursuant to 49 C.F.R., Part 1572, which shall be used to  
24

1 determine whether the applicant is eligible for renewal of the  
2 endorsement pursuant to federal law and regulation.

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

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

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

7 D. 1. Any certified driver education instructor who is  
8 currently an operator or an employee of a commercial driver training  
9 school in this state or any driver education instructor employed by  
10 any school district in this state shall be eligible to apply to be a  
11 designated examiner of the Department of Public Safety for the  
12 purposes of administering the Class D driving skills portion of the  
13 Oklahoma driving examination to any person who has not previously  
14 been a student of the instructor.

15 2. The Department of Public Safety shall adopt a curriculum of  
16 required courses and training to be offered to applicants who are  
17 qualified to apply to be a designated examiner. The courses and  
18 training for certification shall meet the same standards as required  
19 for driver examiners of the Department of Public Safety.

20 3. Each person applying to be a designated examiner shall be  
21 required to pay an initial designated examiner certification fee of  
22 One Thousand Dollars (\$1,000.00). Upon successful completion of  
23 training prescribed by paragraph 2 of this subsection, the person  
24 shall be required to pay an annual designated examiner certification

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

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

19 5. The Department shall conduct an annual complete nationwide  
20 criminal history background check on each designated examiner and a  
21 complete nationwide criminal history background check on each  
22 designated examiner applicant. The fees for the background check  
23 shall be borne by the designated examiner or designated examiner  
24 applicant.

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

3       E. 1. Upon application and approval of the Commissioner of the  
4 Department of Public Safety, any public or private commercial truck  
5 driving school that has or maintains a program instructing students  
6 for a Class A, B or C license in the State of Oklahoma shall be  
7 authorized to hire or employ designated examiners approved by the  
8 Department of Public Safety to be third-party examiners of the Class  
9 A, B or C driving skills portion of the Oklahoma driving  
10 examination. All designated examiners must successfully have  
11 completed the courses and training as outlined in paragraph 2 of  
12 this subsection.

13       2. The Department of Public Safety shall adopt a curriculum of  
14 required courses and training to be offered to third-party  
15 examiners. The courses and training for certification shall meet  
16 the same standards as required for commercial driver examiners of  
17 the Department of Public Safety.

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

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

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

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

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

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

13 SECTION 2. This act shall become effective November 1, 2019.

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