

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 1073

By: Jett

AS INTRODUCED

An Act relating to driver licenses; amending 47 O.S. 2021, Section 6-110, as amended by Section 49, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-110), which relates to examination of applicants; allowing testing entities to collect required information for certain submittal; allowing rule promulgation; 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, as amended by Section 49, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-110), is amended to read as follows:

Section 6-110. A. 1. Service Oklahoma 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 Service Oklahoma, 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. Service Oklahoma 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

1 with regard to any written examination required by this section.

2 The 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, in conjunction with Service
14 Oklahoma, 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. Service Oklahoma shall have the authority to waive the
20 requirement of any part of the examination required in paragraph 1
21 of this subsection for those applicants whose driving record meets
22 the standards set by the Department of Public Safety and surrender
23 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. Service Oklahoma shall accept skills test results from
9 another state for Class A, B or C license applicants who have
10 successfully completed commercial motor vehicle driver training in
11 that state and successfully passed the skills test in that state;
12 provided, Service Oklahoma shall not accept skills test results from
13 another state when the applicant has not successfully completed
14 commercial motor vehicle driver training in that state. Nothing in
15 this section shall be construed to prohibit Service Oklahoma from
16 administering the skills test to any applicant who has successfully
17 completed 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
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1 determine whether the applicant is eligible for renewal of the
2 endorsement pursuant to federal law and regulation.

3 5. Service Oklahoma, or an approved written examination
4 proctor, shall give the complete examination as provided for in this
5 section within thirty (30) days from the date the application is
6 received, and the examination shall be given at a location within
7 one hundred (100) miles of the residence of the applicant. Service
8 Oklahoma shall make every effort to make the examination locations
9 and times convenient for applicants. Service Oklahoma shall
10 consider giving the examination at various school sites if the
11 district board of education for the district in which the site is
12 located agrees and if economically 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 Service Oklahoma
18 federally required medical certification information pursuant to 49
19 C.F.R., Part 391.41 et seq. shall result in an automatic downgrade
20 of a commercial license to a Class D license. Provided, however,
21 once the required medical certification information has been
22 received by Service Oklahoma, 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 Service Oklahoma for the purposes of
12 administering the Class D driving skills portion of the Oklahoma
13 driving examination to any person who has been issued a learner
14 permit.

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

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

1 shall be required to pay an annual designated examiner certification
2 fee of Five Hundred Dollars (\$500.00). If an applicant for the
3 designated examiner program is employed by an Oklahoma public school
4 system that offers driver education, and he or she administers the
5 skills test only to students enrolled in a public school driver
6 education program, the certification fee may be waived by Service
7 Oklahoma. Each designated examiner certification shall expire on
8 the last day of the calendar year and may be renewed upon
9 application to Service Oklahoma. The designated examiner
10 certification fees collected by Service Oklahoma pursuant to this
11 subsection shall be deposited to the credit of the Department of
12 Public Safety Restricted Revolving Fund to be used for the purposes
13 of this subsection, through October 31, 2022. Beginning November 1,
14 2022, the designated examiner certification fees collected by
15 Service Oklahoma pursuant to this subsection shall be deposited to
16 the credit of the Service Oklahoma Revolving Fund. No designated
17 examiner certification fee shall be refunded in the event that
18 certification is denied, suspended or revoked.

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

22 5. Service Oklahoma shall conduct an annual complete nationwide
23 criminal history background check on each designated examiner and a
24 complete nationwide criminal history background check on each

1 designated examiner applicant. The fees for the background check
2 shall be borne by the designated examiner or designated examiner
3 applicant.

4 6. The Department of Public Safety, in conjunction with Service
5 Oklahoma, shall promulgate rules to implement and administer the
6 provisions of this subsection.

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

23 2. The Department of Public Safety, in conjunction with Service
24 Oklahoma, shall adopt a curriculum of required courses and training

1 to be offered to third-party examiners. The courses and training
2 for certification shall meet the same standards as required for
3 commercial driver examiners of Service Oklahoma.

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

16 F. Service Oklahoma shall promulgate rules to:

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

20 2. Establish a process to inform any school, public transit
21 agency, examiner, or state, county or municipal government agency,
22 who has been denied, within forty-five (45) days from the denial;
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1 3. Create an appeal process for any school, public transit
2 agency, examiner, or state, county or municipal government agency
3 denied; and

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

9 G. Any person who is a resident of this state, who has
10 successfully completed and passed the required written and driving
11 skills test at a location other than a Service Oklahoma or
12 Department of Public Safety location, shall be allowed to provide
13 the testing entity with the necessary information, including payment
14 for the driver license and an electronic photo image of the
15 applicant, to satisfy the requirements of Service Oklahoma to secure
16 a driver license. The driver license shall be mailed to the
17 applicant's mailing address on the application documentation.
18 Service Oklahoma shall promulgate rules to effectuate the provisions
19 of this subsection.

20 SECTION 2. This act shall become effective November 1, 2023.

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