

An Act

ENROLLED HOUSE
BILL NO. 2183

By: Johns and West (Josh) of
the House

and

Standridge and Bergstrom of
the Senate

An Act relating to driver licenses; amending 47 O.S. 2011, Section 6-110, as last amended by Section 1, Chapter 395, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-110), which relates to examination of applicants for driver licenses; allowing a public transit agency to hire or employ certain examiners; requiring the Department of Public Safety to approve at least one public transit agency meeting certain criteria; authorizing public transit agency to use third-party examiners; modifying date for promulgation of rules; amending 47 O.S. 2011, Section 6-110.1, as amended by Section 1, Chapter 137, O.S.L. 2020 (47 O.S. Supp. 2020, Section 6-110.1), which relates to endorsements; allowing certain existing driver license holders to test for only the new endorsement sought; and providing an effective date.

SUBJECT: Driver licenses

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-110, as last amended by Section 1, Chapter 395, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-110), is amended to read as follows:

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 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 examination shall include a test of the applicant's:

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

3. The Department shall accept skills test results from another state for Class A, B or C license applicants who have successfully completed commercial motor vehicle driver training in that state and successfully passed the skills test in that state; provided, the Department shall not accept skills test results from another state when the applicant has not successfully completed commercial motor vehicle driver training in that state. Nothing in this section

shall be construed to prohibit the Department from administering the skills test to any applicant who has successfully completed commercial vehicle driver training in another state.

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

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

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

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

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

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

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

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

5. The Department shall conduct an annual complete nationwide criminal history background check on each designated examiner and a complete nationwide criminal history background check on each designated examiner applicant. The fees for the background check

shall be borne by the designated examiner or designated examiner applicant.

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

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

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

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

F. The Department of Public Safety shall promulgate rules no later than December 15, ~~2019~~ 2021, to:

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

2. Establish a process to inform any school ~~or~~, public transit agency, examiner, or state, county or municipal government agency, who has been denied, within forty-five (45) days from the denial;

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

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

SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-110.1, as amended by Section 1, Chapter 137, O.S.L. 2020 (47 O.S. Supp. 2020, Section 6-110.1), is amended to read as follows:

Section 6-110.1 A. The following endorsements shall be placed on an Oklahoma driver license to any person qualifying therefore as determined by the Department of Public Safety. Any person having an original Class A, B, C or D Oklahoma driver license shall only be required to take the supporting written endorsement testing which is required to endorse the original Class A, B, C or D Oklahoma driver license.

Endorsement	Authorizes the operation of:
"H"	A non-tank-type vehicle used to transport hazardous materials in placardable amounts pursuant to 49 C.F.R., Part 172, subpart F;
"M"	A motorcycle;
"N"	A tank vehicle as defined in Section 1-173.1 of this title;
"P"	A vehicle designed by the manufacturer to transport sixteen or more passengers, including the driver;
"S"	A school bus;

- "T" A vehicle with double or triple trailers;
- "X" A tank vehicle used to transport hazardous materials in placardable amounts pursuant to 49 C.F.R., Part 172, subpart F.

B. The Department may also provide for additional endorsements as may be needed or as otherwise provided for by law.

C. No person shall operate a motor vehicle requiring endorsements as provided for in this section without having a valid Class A, B, C or D license with the required endorsements.

D. All endorsements as provided for in this section must be obtained prior to the operation of such vehicles. However, the requirement for a hazardous materials endorsement is not required for the operation of farm vehicles used to transport pesticides, fertilizers, or other products integral to farming, but which are defined as hazardous materials. If, after obtaining a hazardous material endorsement, a person becomes ineligible for the hazardous material endorsement pursuant to state or federal law, or both, or any regulation, the Department of Public Safety shall provide notice as provided in Section 2-116 of this title. A person will have thirty (30) days from the date of the notice to appear at a designated testing facility to apply and be issued a commercial driver license without the endorsement. Failure to comply within the required time shall be grounds for the Department of Public Safety to disqualify the commercial driver license of the person until compliance has been met.

SECTION 3. This act shall become effective November 1, 2021.

Passed the House of Representatives the 2nd day of March, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 15th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____