

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3966

By: Burns

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5
6 AS INTRODUCED

7 An Act relating to driver licenses; amending 47 O.S.
8 2021, Section 6-110, which relates to the examination
9 of applicants; requiring certain waiting period to
10 retest after a failed exam; allowing testing upon
11 showing proof of certain further training; and
12 providing an effective date.

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

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

16 Section 6-110. A. 1. The Department of Public Safety shall
17 establish procedures to ensure every applicant for an original Class
18 A, B, C or D license and for any endorsements thereon is examined by
19 the Department, or an approved written examination proctor, except
20 as otherwise provided in Section 6-101 et seq. of this title or as
21 provided in paragraph 2 of this subsection or in subsections D and E
22 of this section. The Department is authorized to approve and enter
23 into agreements with local school districts, the Oklahoma Department
24 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 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 of Public Safety 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 of Public Safety 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

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

14 6. Any Class D license applicant failing the written, driving,
15 or endorsement examination shall be granted the opportunity to
16 retest on the first regular business day following the expiration of
17 a three-month waiting period. However, the opportunity to retest
18 may be granted prior to the end of the three-month waiting period
19 upon a showing of proof by the applicant of the completion of
20 further training from a certified driver education instructor.

21 B. Any person holding a valid Oklahoma Class D license or
22 provisional driver license pursuant to Section 6-212 of this title
23 and applying for a Class A, B or C commercial license shall be
24 required to successfully complete all examinations as required for

1 the specified class. Failure to submit to the Department of Public
2 Safety federally required medical certification information pursuant
3 to 49 C.F.R., Part 391.41 et seq. shall result in an automatic
4 downgrade of a commercial license to a Class D license. Provided,
5 however, once the required medical certification information has
6 been received by the Department of Public Safety, the license shall
7 be reinstated to the classification of the commercial license prior
8 to the downgrade and the holder of such a license shall not be
9 required to reapply.

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

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

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

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

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

4 5. The Department of Public Safety shall conduct an annual
5 complete ~~nationwide~~ national criminal history ~~background~~ record
6 check on each designated examiner and a complete ~~nationwide~~ national
7 criminal history ~~background~~ record check on each designated examiner
8 applicant. The fees for the ~~background~~ record check shall be borne
9 by the designated examiner or designated examiner applicant.

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

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

1 examiners pursuant to this section. It shall be permissible for any
2 public transit agency operating in the State of Oklahoma to utilize
3 the third-party examiners hired or employed by a public transit
4 agency approved by the Department.

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

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

22 F. The Department of Public Safety shall promulgate rules no
23 later than December 15, 2021, to:
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1 1. Implement and administer the provisions of this section
2 based on requirements set forth in Section 383.75 of Title 49 of the
3 Code of Federal Regulations;

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

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

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

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

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