

1 **SENATE FLOOR VERSION**

2 February 12, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 378

By: Standridge of the Senate

and

Frix of the House

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9 An Act relating to motor vehicles; amending 47 O.S.
10 2011, Section 6-110, as last amended by Section 29,
Chapter 210, O.S.L. 2016 (47 O.S. Supp. 2018, Section
11 6-110), which relates to examination of applicants;
allowing certain technology schools to be examiners;
12 requiring certain application and approval; directing
adoption of curriculum and training; requiring
13 background check; allowing promulgation of rules; and
providing an effective date.

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

17 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-110, as
18 last amended by Section 29, Chapter 210, O.S.L. 2016 (47 O.S. Supp.
19 2018, Section 6-110), is amended to read as follows:

20 Section 6-110. A. 1. The Department of Public Safety shall
21 examine every applicant for an original Class A, B, C or D license
22 and for any endorsements thereon, except as otherwise provided in
23 Section 6-101 et seq. of this title or as provided in paragraph 2 of
24

1 this subsection or in ~~subsection~~ subsections D and E of this
2 section. 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 may create a knowledge test that may be taken on the
14 Internet by an applicant applying for a Class D license.

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

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

- 23 a. a valid unexpired driver license issued by any state
24 or country for the same type or types of vehicles, or

1 b. an expired driver license that:

2 (1) is not expired more than six (6) months past the
3 expiration date listed on the driver license, and

4 (2) is not a Class A, B or C commercial driver
5 license or commercial driver license permit.

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

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

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

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

23 C. Except as provided in subsection E of Section 6-101 of this
24 title, any person holding a valid Oklahoma Class A, B or C

1 commercial license shall, upon time for renewal thereof, be entitled
2 to a Class D license without any type of testing or examination,
3 except for any endorsements thereon as otherwise provided for by
4 Section 6-110.1 of this title.

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

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

18 3. Each person applying to be a designated examiner shall be
19 required to pay an initial designated examiner certification fee of
20 One Thousand Dollars (\$1,000.00). Upon successful completion of
21 training prescribed by paragraph 2 of this subsection, the person
22 shall be required to pay an annual designated examiner certification
23 fee of Five Hundred Dollars (\$500.00). If an applicant for the
24 designated examiner program is employed by an Oklahoma public school

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

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

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

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

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

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

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

22 F. The Department of Public Safety shall promulgate rules 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 or examiner, who
5 has been denied approval, within forty-five (45) days from their
6 denial;

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
14 February 12, 2019 - DO PASS AS AMENDED
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