

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 378

By: Standridge and Bergstrom of
the Senate

3

and

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Frix of the House

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

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15 AUTHOR: Add the following House Coauthor: Dollens

16 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
and replace with:

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

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

2 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-110, as
3 last amended by Section 29, Chapter 210, O.S.L. 2016 (47 O.S. Supp.
4 2018, Section 6-110), is amended to read as follows:

5 Section 6-110. A. 1. The Department of Public Safety shall
6 examine every applicant for an original Class A, B, C or D license
7 and for any endorsements thereon, except as otherwise provided in
8 Section 6-101 et seq. of this title or as provided in paragraph 2 of
9 this subsection or in ~~subsection~~ subsections D and E of this
10 section. The examination shall include a test of the applicant's:

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

21 The Department may create a knowledge test that may be taken on the
22 Internet by an applicant applying for a Class D license.

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

4 2. The Department of Public Safety shall have the authority to
5 waive the requirement of any part of the examination required in
6 paragraph 1 of this subsection for those applicants whose driving
7 record meets the standards set by the Department of Public Safety
8 and surrenders either of the following:

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

11 b. an expired driver license that:

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

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

16 3. The Department shall accept skills test results from another
17 state for Class A, B or C license applicants who have successfully
18 completed commercial motor vehicle driver training in that state and
19 successfully passed the skills test in that state; provided, the
20 Department shall not accept skills test results from another state
21 when the applicant has not successfully completed commercial motor
22 vehicle driver training in that state. Nothing in this section
23 shall be construed to prohibit the Department from administering the
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1 skills test to any applicant who has successfully completed
2 commercial vehicle driver training in another state.

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

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

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

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

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

23 2. The Department of Public Safety shall adopt a curriculum of
24 required courses and training to be offered to applicants who are

1 qualified to apply to be a designated examiner. The courses and
2 training for certification shall meet the same standards as required
3 for driver examiners of the Department of Public Safety.

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

23 4. A designated examiner may charge a fee of no more than
24 Twenty-five Dollars (\$25.00) for each Class D driving skills

1 examination given, whether the person being examined passes or fails
2 the examination.

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

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

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

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

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

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

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

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

16 3. Create an appeal process for any school or examiner denied;
17 and

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

21 SECTION 2. This act shall become effective November 1, 2019."
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1 ENGROSSED SENATE
2 BILL NO. 378

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8 2011, Section 6-110, as last amended by Section 29,
9 Chapter 210, O.S.L. 2016 (47 O.S. Supp. 2018, Section
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11 allowing certain technology schools to be examiners;
12 requiring certain application and approval; directing
13 adoption of curriculum and training; requiring
14 background check; allowing promulgation of rules; and
15 providing an effective date.

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

17 SECTION 3. 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 this subsection or in ~~subsection~~ 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 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

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

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

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

21 5. The Department of Public Safety shall give the complete
22 examination as provided for in this section within thirty (30) days
23 from the date the application is received, and the examination shall
24 be given at a location within one hundred (100) miles of the

1 residence of the applicant. The Department shall make every effort
2 to make the examination locations and times convenient for
3 applicants. The Department shall consider giving the examination at
4 various school sites if the district board of education for the
5 district in which the site is located agrees and if economically
6 feasible and practicable.

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

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

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

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

14 3. Each person applying to be a designated examiner shall be
15 required to pay an initial designated examiner certification fee of
16 One Thousand Dollars (\$1,000.00). Upon successful completion of
17 training prescribed by paragraph 2 of this subsection, the person
18 shall be required to pay an annual designated examiner certification
19 fee of Five Hundred Dollars (\$500.00). If an applicant for the
20 designated examiner program is employed by an Oklahoma public school
21 system that offers driver education, and he or she administers the
22 skills test only to students enrolled in a public school driver
23 education program, the certification fee may be waived by the
24 Department. Each designated examiner certification shall expire on

1 the last day of the calendar year and may be renewed upon
2 application to the Department of Public Safety. The designated
3 examiner certification fees collected by the Department pursuant to
4 this subsection shall be deposited to the credit of the Department
5 of Public Safety Restricted Revolving Fund to be used for the
6 purposes of this subsection. No designated examiner certification
7 fee shall be refunded in the event that certification is denied,
8 suspended or revoked.

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

13 5. The Department shall conduct an annual complete nationwide
14 criminal history background check on each designated examiner and a
15 complete nationwide criminal history background check on each
16 designated examiner applicant. The fees for the background check
17 shall be borne by the designated examiner or designated examiner
18 applicant.

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

21 E. 1. Upon application and approval of the Commissioner of the
22 Department of Public Safety, any public or private commercial
23 driving school that has or maintains a program instructing students
24 for a Class A, B, or C license in the State of Oklahoma operating

1 under the State Board of Career and Technology Education may be
2 authorized to hire or employ designated examiners of the Department
3 of Public Safety to be third-party testers of the Class A, B or C
4 driving skills portion of the Oklahoma driving examination. All
5 designated examiners must successfully have completed the courses
6 and training as outlined in paragraph 2 of this subsection.

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

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

18 F. The Department of Public Safety shall promulgate rules to:

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

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

1 3. Create an appeal process for any school or examiner denied;
2 and

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

6 SECTION 4. This act shall become effective November 1, 2019.

7 Passed the Senate the 5th day of March, 2019.

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Presiding Officer of the Senate

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11 Passed the House of Representatives the ____ day of _____,

12 2019.

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Presiding Officer of the House
of Representatives

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