

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 569

By: Shortey

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5
6 AS INTRODUCED

7 An Act relating to driver license examinations;
8 amending 47 O.S. 2011, Sections 6-110, as last
9 amended by Section 2, Chapter 199, O.S.L. 2014 and
10 1143.2 (47 O.S. Supp. 2014, Section 6-110), which
11 relate to examination of applicants and duties of
12 motor license agents; authorizing electronic
13 administration of certain test by motor license
14 agents; authorizing rulemaking; and providing an
15 effective date.

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 2, Chapter 199, O.S.L. 2014 (47 O.S. Supp.
19 2014, 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,

- 1 b. ability to read and understand highway signs
2 regulating, warning and directing traffic,
3 c. knowledge of the traffic laws of this state, including
4 a portion on bicycle and motorcycle safety, and
5 d. ability, by actual demonstration, to exercise ordinary
6 and reasonable control in the operation of a motor
7 vehicle. The actual demonstration shall be conducted
8 in the type of motor vehicle for the class of driver
9 license being applied for.

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

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

16 2. The Department of Public Safety shall have the authority to
17 waive the requirement of any part of the examination required in
18 paragraph 1 of this subsection for those applicants who surrender a
19 valid unexpired driver license issued by any state or country for
20 the same type or types of vehicles, provided that the applicant's
21 driving record meets the standards set by the Department of Public
22 Safety.

23 3. The Department shall accept skills test results from another
24 state for Class A, B or C license applicants who have successfully

1 completed commercial motor vehicle driver training in that state and
2 successfully passed the skills test in that state; provided, the
3 Department shall not accept skills test results from another state
4 when the applicant has not successfully completed commercial motor
5 vehicle driver training in that state. Nothing in this section
6 shall be construed to prohibit the Department from administering the
7 skills test to any applicant who has successfully completed
8 commercial vehicle driver training in another state.

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

17 5. The Department of Public Safety shall give the complete
18 examination as provided for in this section within thirty (30) days
19 from the date the application is received, and the examination shall
20 be given at a location within one hundred (100) miles of the
21 residence of the applicant. The Department shall make every effort
22 to make the examination locations and times convenient for
23 applicants. The Department shall consider giving the examination at
24 various school sites if the district board of education for the

1 district in which the site is located agrees and if economically
2 feasible and practicable.

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

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

20 D. 1. Any certified driver education instructor who is
21 currently an operator or an employee of a commercial driver training
22 school in this state or any driver education instructor employed by
23 any school district in this state shall be eligible to apply to be a
24 designated examiner of the Department of Public Safety for the

1 purposes of administering the Class D driving skills portion of the
2 Oklahoma driving examination to any person who has not previously
3 been a student of the instructor.

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

9 3. Each person applying to be a designated examiner shall be
10 required to pay an initial designated examiner certification fee of
11 One Thousand Dollars (\$1,000.00). Upon successful completion of
12 training prescribed by paragraph 2 of this subsection, the person
13 shall be required to pay an annual designated examiner certification
14 fee of Five Hundred Dollars (\$500.00). If an applicant for the
15 designated examiner program is employed by an Oklahoma public school
16 system that offers driver education, and he or she administers the
17 skills test only to students enrolled in a public school driver
18 education program, the certification fee may be waived by the
19 Department. Each designated examiner certification shall expire on
20 the last day of the calendar year and may be renewed upon
21 application to the Department of Public Safety. The designated
22 examiner certification fees collected by the Department pursuant to
23 this subsection shall be deposited to the credit of the Department
24 of Public Safety Restricted Revolving Fund to be used for the

1 purposes of this subsection. No designated examiner certification
2 fee shall be refunded in the event that certification is denied,
3 suspended or revoked.

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

8 5. The Department shall conduct an annual complete nationwide
9 criminal history background check on each designated examiner and a
10 complete nationwide criminal history background check on each
11 designated examiner applicant. The fees for the background check
12 shall be borne by the designated examiner or designated examiner
13 applicant.

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

16 E. Any state motor license agent may administer an electronic
17 or online examination of the material provided for in subparagraph c
18 of paragraph 1 of subsection A of this section pursuant to
19 procedures and rules which shall be established by the Department of
20 Public Safety and the Oklahoma Tax Commission necessary to implement
21 this subsection.

22 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1143.2, is
23 amended to read as follows:

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1 Section 1143.2. A. In addition to the duties and functions
2 authorized to be performed by motor license agents pursuant to the
3 provisions of the Oklahoma Vehicle License and Registration Act, the
4 Oklahoma Tax Commission is authorized to utilize motor license
5 agents to perform the following duties:

6 1. Process, receive, and issue permits, licenses, and
7 registration relating to any tax which is payable to, collectible
8 by, or administered by the Tax Commission;

9 2. Accept documents, reports, or returns required to be filed
10 with the Tax Commission and accept payment of remittances required
11 to be made to the Tax Commission as provided by the tax laws of this
12 state;

13 3. Provide information regarding the status of any permit or
14 license issued by the Tax Commission, or the franchise tax status of
15 any corporation, upon written request and subject to the provisions
16 of Section 205 of Title 68 of the Oklahoma Statutes and any other
17 provision of law relating to the confidentiality of records or
18 information; ~~and~~

19 4. Administer in an electronic or online format the portion of
20 the driver license examination provided for in subparagraph c of
21 paragraph 1 of subsection A of Section 6-110 of this title pursuant
22 to procedures and rules established by the Department of Public
23 Safety and the Tax Commission necessary to implement this
24 subsection; and

1 5. Perform any other duties specified by the Tax Commission
2 relating to the enforcement or administration of any state tax law.

3 B. Any permit, license, or registration issued by a motor
4 license agent, and any document, report, return, or remittance
5 accepted by a motor license agent, pursuant to the provisions of
6 subsection A of this section, shall be deemed on the date of such
7 issuance or acceptance to have been issued or accepted by the Tax
8 Commission.

9 C. In addition to the amounts authorized to be retained by
10 motor license agents pursuant to the provisions of Section 1141.1 of
11 ~~Title 47 of the Oklahoma Statutes~~ this title, motor license agents
12 shall be entitled to charge and receive fees for duties performed
13 pursuant to the provisions of this section as provided by law.

14 SECTION 3. This act shall become effective January 1, 2016.

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