

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO.610

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to commercial driver licenses;
8 amending 47 O.S. 2011, Section 6-110, as last amended
9 by Section 29, Chapter 210, O.S.L. 2016 (47 O.S.
10 Supp. 2018, Section 6-110), which relates to
11 examination of applicants; allowing certain
12 requirements; permitting certain forfeiture; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-110, as
16 last amended by Section 29, Chapter 210, O.S.L. 2016 (47 O.S. Supp.
17 2017, Section 6-110), is amended to read as follows:

18 Section 6-110. A. 1. The Department of Public Safety shall
19 examine every applicant for an original Class A, B, C or D license
20 and for any endorsements thereon, except as otherwise provided in
21 Section 6-101 et seq. of this title or as provided in paragraph 2 of
22 this subsection or in subsection D of this section. The examination
23 shall include a test of the applicant's:

24 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
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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 6. The Department of Public Safety shall have the authority to
8 collect a skills testing fee of Sixty Dollars (\$60.00) from each
9 applicant upon examination appointment scheduling for an Oklahoma
10 Class A, Class B or Class C license skills test. Failure of an
11 applicant to notify the Department at least forty-eight (48) hours
12 in advance prior to missing an appointment for a skills test, or
13 provide a written medical excuse from a licensed physician, advanced
14 registered nurse practitioner, or physician's assistant, shall
15 result in the forfeiture of the skills testing fee.

16 B. Any person holding a valid Oklahoma Class D license or
17 provisional driver license pursuant to Section 6-212 of this title
18 and applying for a Class A, B or C commercial license shall be
19 required to successfully complete all examinations as required for
20 the specified class. Failure to submit to the Department federally
21 required medical certification information pursuant to 49 C.F.R.,
22 Part 391.41 et seq. shall result in an automatic downgrade of a
23 commercial license to a Class D license. Provided, however, once
24 the required medical certification information has been received by

1 the Department, the license shall be reinstated to the
2 classification of the commercial license prior to the downgrade and
3 the holder of such a license shall not be required to reapply.

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

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

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

23 3. Each person applying to be a designated examiner shall be
24 required to pay an initial designated examiner certification fee of

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

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

22 5. The Department shall conduct an annual complete nationwide
23 criminal history background check on each designated examiner and a
24 complete nationwide criminal history background check on each

1 designated examiner applicant. The fees for the background check
2 shall be borne by the designated examiner or designated examiner
3 applicant.

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

6 SECTION 2. This act shall become effective in accordance with
7 the provisions of Section 58 of Article V of the Oklahoma
8 Constitution.

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