

# An Act

ENROLLED HOUSE  
BILL NO. 2750

By: Miller of the House

and

Haste of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 6-110, as amended by Section 49, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-110), which relates to examination of applicants; authorizing certain approvals and agreements; allowing certain examination to be given at public or private site; allowing certain organizations to make certain hires; allowing certain portion of driver examination to be given; and providing an effective date.

SUBJECT: Motor vehicles

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-110, as amended by Section 49, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-110), is amended to read as follows:

Section 6-110. A. 1. Service Oklahoma shall establish procedures to ensure every applicant for an original Class A, B, C or D license and for any endorsements thereon is examined by Service Oklahoma, or an approved written examination proctor, except as otherwise provided in Section 6-101 et seq. of this title or as provided in paragraph 2 of this subsection or in subsections D and E of this section. Service Oklahoma is authorized to approve and enter into agreements with ~~local school districts, the Oklahoma Department of Career and Technology Education, or institutions of higher education~~ third parties to act as approved written examination proctors with regard to any written examination required

by 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 of Public Safety, in conjunction with Service Oklahoma, 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. Service Oklahoma 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 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. Service Oklahoma 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, Service Oklahoma 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 Service Oklahoma 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 determine whether the applicant is eligible for renewal of the endorsement pursuant to federal law and regulation.

5. Service Oklahoma, or an approved written examination proctor, shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. Service Oklahoma shall make every effort to make the examination locations and times convenient for applicants. Service Oklahoma shall consider giving the examination at ~~various school sites if the district board of education for the district in which the site is located agrees and~~ any public or private site, if economically feasible and practicable, and if Service Oklahoma and the owner or the governing body agree.

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

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C commercial license shall, upon time for renewal thereof, be entitled

to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

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

2. The Department of Public Safety, in conjunction with Service Oklahoma, shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a designated examiner. The courses and training for certification shall meet the same standards as required for driver examiners of Service Oklahoma.

3. Each person applying to be a designated examiner shall be required to pay an initial designated examiner certification fee of One Thousand Dollars (\$1,000.00). Upon successful completion of training prescribed by paragraph 2 of this subsection, the person shall be required to pay an annual designated examiner certification fee of Five Hundred Dollars (\$500.00). If an applicant for the designated examiner program is employed by an Oklahoma public school system that offers driver education, and he or she administers the skills test only to students enrolled in a public school driver education program, the certification fee may be waived by Service Oklahoma. Each designated examiner certification shall expire on the last day of the calendar year and may be renewed upon application to Service Oklahoma. The designated examiner certification fees collected by Service Oklahoma pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this subsection, through October 31, 2022. Beginning November 1, 2022, the designated examiner certification fees collected by Service Oklahoma pursuant to this subsection shall be deposited to the credit of the Service Oklahoma Revolving Fund. No designated examiner certification fee shall be refunded in the event that certification is denied, suspended or revoked.

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

5. Service Oklahoma shall conduct an annual complete nationwide criminal history background check on each designated examiner and a complete nationwide criminal history background check on each designated examiner applicant. The fees for the background check shall be borne by the designated examiner or designated examiner applicant.

6. The Department of Public Safety, in conjunction with Service Oklahoma, shall promulgate rules to implement and administer the provisions of this subsection.

E. 1. Upon application and approval of Service Oklahoma, any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B or C license, public transit agency ~~or~~, state, county or municipal government agency in this state, such as local school districts, the Oklahoma Department of Career and Technology Education, or institutions of higher education, or a private entity, shall be authorized to hire or employ designated examiners approved by Service Oklahoma to be third-party examiners of the Class A, B or C driving skills portion and/or knowledge written portion, pursuant to paragraph A of this section, of the Oklahoma driving examination. All designated examiners must successfully have completed the courses and training as outlined in paragraph 2 of this subsection. Service Oklahoma shall be required to approve at least one public transit agency that has or maintains a program instructing students for a Class A, B or C license to hire or employ third-party examiners pursuant to this section. It shall be permissible for any public transit agency operating in the State of Oklahoma to utilize the third-party examiners hired or employed by a public transit agency approved by Service Oklahoma.

2. The Department of Public Safety, in conjunction with Service Oklahoma, shall adopt a curriculum of required courses and training to be offered to third-party examiners. The courses and training for certification shall meet the same standards as required for commercial driver examiners of Service Oklahoma.

3. Service Oklahoma shall require each third-party examiner applicant and commercial school driver education instructor applicant to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma

Statutes. On or before December 1, 2022, Service Oklahoma shall require each third-party examiner or commercial school driver education instructor to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The fees for the background check shall be borne by the third-party examiner, third-party examiner applicant, commercial school driver education instructor or commercial school driver education instructor applicant.

F. Service Oklahoma shall promulgate rules to:

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

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

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

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

SECTION 2. This act shall become effective November 1, 2023.

Passed the House of Representatives the 9th day of March, 2023.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 19th day of April, 2023.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_