

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2750

By: Miller of the House

and

Haste of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; amending 47 O.S.
11 2021, Section 6-110, as amended by Section 49,
12 Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section
13 6-110), which relates to examination of applicants;
14 authorizing certain approvals and agreements;
15 allowing certain examination to be given at public or
16 private site; allowing certain organizations to make
17 certain hires; allowing certain portion of driver
18 examination to be given; and providing an effective
19 date.

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

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

24 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

1 otherwise provided in Section 6-101 et seq. of this title or as
2 provided in paragraph 2 of this subsection or in subsections D and E
3 of this section. Service Oklahoma is authorized to approve and
4 enter into agreements with ~~local school districts, the Oklahoma~~
5 ~~Department of Career and Technology Education, or institutions of~~
6 ~~higher education~~ third parties to act as approved written
7 examination proctors with regard to any written examination required
8 by this section. The examination shall include a test of the
9 applicant's:

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

20 The Department of Public Safety, in conjunction with Service
21 Oklahoma, 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. Service Oklahoma shall have the authority to waive the
5 requirement of any part of the examination required in paragraph 1
6 of this subsection for those applicants whose driving record meets
7 the standards set by the Department of Public Safety and surrender
8 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. Service Oklahoma shall accept skills test results from
17 another state for Class A, B or C license applicants who have
18 successfully completed commercial motor vehicle driver training in
19 that state and successfully passed the skills test in that state;
20 provided, Service Oklahoma shall not accept skills test results from
21 another state when the applicant has not successfully completed
22 commercial motor vehicle driver training in that state. Nothing in
23 this section shall be construed to prohibit Service Oklahoma from
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1 administering the skills test to any applicant who has successfully
2 completed 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. Service Oklahoma, or an approved written examination
12 proctor, shall give the complete examination as provided for in this
13 section within thirty (30) days from the date the application is
14 received, and the examination shall be given at a location within
15 one hundred (100) miles of the residence of the applicant. Service
16 Oklahoma shall make every effort to make the examination locations
17 and times convenient for applicants. Service Oklahoma shall
18 consider giving the examination at ~~various school sites if the~~
19 ~~district board of education for the district in which the site is~~
20 ~~located agrees and~~ any public or private site, if economically
21 feasible and practicable, and if Service Oklahoma and the owner or
22 the governing body agree.

23 B. Any person holding a valid Oklahoma Class D license or
24 provisional driver license pursuant to Section 6-212 of this title

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

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

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

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

7 3. Each person applying to be a designated examiner shall be
8 required to pay an initial designated examiner certification fee of
9 One Thousand Dollars (\$1,000.00). Upon successful completion of
10 training prescribed by paragraph 2 of this subsection, the person
11 shall be required to pay an annual designated examiner certification
12 fee of Five Hundred Dollars (\$500.00). If an applicant for the
13 designated examiner program is employed by an Oklahoma public school
14 system that offers driver education, and he or she administers the
15 skills test only to students enrolled in a public school driver
16 education program, the certification fee may be waived by Service
17 Oklahoma. Each designated examiner certification shall expire on
18 the last day of the calendar year and may be renewed upon
19 application to Service Oklahoma. The designated examiner
20 certification fees collected by Service Oklahoma pursuant to this
21 subsection shall be deposited to the credit of the Department of
22 Public Safety Restricted Revolving Fund to be used for the purposes
23 of this subsection, through October 31, 2022. Beginning November 1,
24 2022, the designated examiner certification fees collected by

1 Service Oklahoma pursuant to this subsection shall be deposited to
2 the credit of the Service Oklahoma Revolving Fund. No designated
3 examiner certification fee shall be refunded in the event that
4 certification is denied, suspended or revoked.

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

8 5. Service Oklahoma 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, in conjunction with Service
15 Oklahoma, shall promulgate rules to implement and administer the
16 provisions of this subsection.

17 E. 1. Upon application and approval of Service Oklahoma, any
18 public or private commercial truck driving school that has or
19 maintains a program instructing students for a Class A, B or C
20 license, public transit agency ~~or~~, state, county or municipal
21 government agency in this state, such as local school districts, the
22 Oklahoma Department of Career and Technology Education, or
23 institutions of higher education, or a private entity, shall be
24 authorized to hire or employ designated examiners approved by

1 Service Oklahoma to be third-party examiners of the Class A, B or C
2 driving skills portion and/or knowledge written portion, pursuant to
3 paragraph A of this section, of the Oklahoma driving examination.

4 All designated examiners must successfully have completed the
5 courses and training as outlined in paragraph 2 of this subsection.

6 Service Oklahoma shall be required to approve at least one public
7 transit agency that has or maintains a program instructing students
8 for a Class A, B or C license to hire or employ third-party
9 examiners pursuant to this section. It shall be permissible for any
10 public transit agency operating in the State of Oklahoma to utilize
11 the third-party examiners hired or employed by a public transit
12 agency approved by Service Oklahoma.

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

18 3. Service Oklahoma shall require each third-party examiner
19 applicant and commercial school driver education instructor
20 applicant to submit to an electronic national criminal history
21 record check pursuant to Section 150.9 of Title 74 of the Oklahoma
22 Statutes. On or before December 1, 2022, Service Oklahoma shall
23 require each third-party examiner or commercial school driver
24 education instructor to submit to an electronic national criminal

1 history record check pursuant to Section 150.9 of Title 74 of the
2 Oklahoma Statutes. The fees for the background check shall be borne
3 by the third-party examiner, third-party examiner applicant,
4 commercial school driver education instructor or commercial school
5 driver education instructor applicant.

6 F. Service Oklahoma shall promulgate rules to:

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

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

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

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

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

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23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
24 03/06/2023 - DO PASS, As Amended and Coauthored.