

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2750

By: Miller

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2021, Section 6-110, as amended by Section 49,
9 Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section
10 6-110), which relates to examination of applicants;
11 authorizing certain approvals and agreements;
12 modifying distance to certain examination site;
13 allowing certain examination to be given at public or
14 private site; allowing certain organizations to make
15 certain hires; allowing certain portion of driver
16 examination to be given; and providing an effective
17 date.

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

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

22 Section 6-110. A. 1. Service Oklahoma shall establish
23 procedures to ensure every applicant for an original Class A, B, C
24 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

1 of this section. Service Oklahoma is authorized to approve and
2 enter into agreements with ~~local school districts, the Oklahoma~~
3 ~~Department of Career and Technology Education, or institutions of~~
4 ~~higher education~~ third parties to act as approved written
5 examination proctors with regard to any written examination required
6 by this section. The examination shall include a test of the
7 applicant's:

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

18 The Department of Public Safety, in conjunction with Service
19 Oklahoma, may create a knowledge test that may be taken on the
20 Internet by an applicant applying for a Class D license.

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

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

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

8 b. an expired driver license that:

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

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

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

23 4. All applicants requiring a hazardous materials endorsement
24 shall be required, for the renewal of the endorsement, to

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

7 5. Service Oklahoma, or an approved written examination
8 proctor, shall give the complete examination as provided for in this
9 section within thirty (30) days from the date the application is
10 received, and the examination shall be given at a location within
11 ~~one hundred (100)~~ fifty (50) miles of the residence of the
12 applicant. Service Oklahoma shall make every effort to make the
13 examination locations and times convenient for applicants. Service
14 Oklahoma shall consider giving the examination at ~~various school~~
15 ~~sites if the district board of education for the district in which~~
16 ~~the site is located agrees and~~ any public or private site, if
17 economically feasible and practicable, and Service Oklahoma and the
18 owner of the governing body agree.

19 B. Any person holding a valid Oklahoma Class D license or
20 provisional driver license pursuant to Section 6-212 of this title
21 and applying for a Class A, B or C commercial license shall be
22 required to successfully complete all examinations as required for
23 the specified class. Failure to submit to Service Oklahoma
24 federally required medical certification information pursuant to 49

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

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

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

21 2. The Department of Public Safety, in conjunction with Service
22 Oklahoma, shall adopt a curriculum of required courses and training
23 to be offered to applicants who are qualified to apply to be a
24 designated examiner. The courses and training for certification

1 shall meet the same standards as required for driver examiners of
2 Service Oklahoma.

3 3. Each person applying to be a designated examiner shall be
4 required to pay an initial designated examiner certification fee of
5 One Thousand Dollars (\$1,000.00). Upon successful completion of
6 training prescribed by paragraph 2 of this subsection, the person
7 shall be required to pay an annual designated examiner certification
8 fee of Five Hundred Dollars (\$500.00). If an applicant for the
9 designated examiner program is employed by an Oklahoma public school
10 system that offers driver education, and he or she administers the
11 skills test only to students enrolled in a public school driver
12 education program, the certification fee may be waived by Service
13 Oklahoma. Each designated examiner certification shall expire on
14 the last day of the calendar year and may be renewed upon
15 application to Service Oklahoma. The designated examiner
16 certification fees collected by Service Oklahoma pursuant to this
17 subsection shall be deposited to the credit of the Department of
18 Public Safety Restricted Revolving Fund to be used for the purposes
19 of this subsection, through October 31, 2022. Beginning November 1,
20 2022, the designated examiner certification fees collected by
21 Service Oklahoma pursuant to this subsection shall be deposited to
22 the credit of the Service Oklahoma Revolving Fund. No designated
23 examiner certification fee shall be refunded in the event that
24 certification is denied, suspended or revoked.

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

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

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

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

24 All designated examiners must successfully have completed the

1 courses and training as outlined in paragraph 2 of this subsection.
2 Service Oklahoma shall be required to approve at least one public
3 transit agency that has or maintains a program instructing students
4 for a Class A, B or C license to hire or employ third-party
5 examiners pursuant to this section. It shall be permissible for any
6 public transit agency operating in the State of Oklahoma to utilize
7 the third-party examiners hired or employed by a public transit
8 agency approved by Service Oklahoma.

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

14 3. Service Oklahoma shall require each third-party examiner
15 applicant and commercial school driver education instructor
16 applicant to submit to an electronic national criminal history
17 record check pursuant to Section 150.9 of Title 74 of the Oklahoma
18 Statutes. On or before December 1, 2022, Service Oklahoma shall
19 require each third-party examiner or commercial school driver
20 education instructor to submit to an electronic national criminal
21 history record check pursuant to Section 150.9 of Title 74 of the
22 Oklahoma Statutes. The fees for the background check shall be borne
23 by the third-party examiner, third-party examiner applicant,
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1 commercial school driver education instructor or commercial school
2 driver education instructor applicant.

3 F. Service Oklahoma shall promulgate rules to:

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

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

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

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

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

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