An Act

ENROLLED SENATE
BILL NO. 411

By: Crain, Pittman and Sharp of the Senate

and

Echols, Johnson, Walker and Russ of the House

An Act relating to commercial driver licenses; directing the Department of Public Safety to develop certain pilot program; providing eligibility requirements; directing the Department to adopt a curriculum of courses; providing for certification and renewal fees; directing the deposit of fees into certain revolving fund; requiring annual background checks; providing for the promulgation of rules; providing for codification; and providing an effective date.

SUBJECT: Department of Public Safety examiners

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-110.4 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Department of Public Safety is directed to develop and implement a pilot program to evaluate the potential use of certified commercial truck driver training instructors employed by businesses engaged in interstate or intrastate commerce licensed in the state of Oklahoma to be certified third-party examiners for the Department of Public Safety. The pilot program shall have a maximum of ten

businesses and shall begin no later than July 1, 2016, for a period of two (2) years.

B. Any certified commercial truck driver training instructor who is currently an operator or an employee of a business engaged in interstate or intrastate commerce licensed in this state shall be eligible to apply to be a third-party tester of the Department of Public Safety for the purpose of administering the Class A, B or C driving skills portion of the Oklahoma driving examination to any person who has not previously been a student of the instructor.

C. No business shall be established for the education and training of persons, and no person shall act as an instructor or third-party tester unless such business or person applies for and obtains from the Commissioner of Public Safety a license in the manner and form prescribed by the Commissioner.

D. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a third-party tester. The courses and training for certification shall meet the same standards as required for commercial driver examiners of the Department of Public Safety.

E. Each business engaged in interstate or intrastate commerce licensed in this state with an employee or person applying to be an instructor or third-party tester shall be required to pay an initial fee of Five Thousand Dollars ($5,000.00) and an annual renewal fee of Five Thousand Dollars ($5,000.00). Each person applying to be an instructor or third-party tester shall be required to pay an initial certification fee of Two Thousand Five Hundred Dollars ($2,500.00). Upon successful completion of training prescribed by subsection D of this section, the person shall be required to pay an annual third-party tester certification fee of Two Thousand Five Hundred Dollars ($2,500.00). The third-party tester certification fees collected by the Department 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 section. The Department shall not be required to operate this program unless adequate funds are provided. No third-party tester certification fee shall be refunded to the business or person in the event that certification is denied, suspended or revoked.

F. The Department shall conduct on an annual basis a complete nationwide criminal history background check on each third-party tester and a complete nationwide criminal history background check on each third-party tester applicant. The fees for the background check shall be borne by the third-party tester or third-party tester applicant.

G. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 47 of the Code of Federal Regulations.

SECTION 2. This act shall become effective November 1, 2015.

Passed the Senate the 15th day of April, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2015.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16th
day of April, 20 15, at 3:25 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 15, at 2:13 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st
day of April, 20 15, at 3:19 o'clock P. M.
By: Chi Benge