

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 411 By: Crain and Pittman of the
Senate
3
4 and
5 Echols of the House
6
7

8 [commercial driver licenses - pilot program -
9 inspections - license - fees - background checks -
10 codification - effective date]
11

12 AUTHORS: Add the following House Coauthors: Johnson, Walker and
13 Russ

14 AUTHOR: Add the following Senate Coauthor: Sharp

15 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
16 entire bill and insert

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

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

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

4 A. The Department of Public Safety is directed to develop and
5 implement a pilot program to evaluate the potential use of certified
6 commercial truck driver training instructors employed by businesses
7 engaged in interstate or intrastate commerce licensed in the state
8 of Oklahoma to be certified third-party examiners for the Department
9 of Public Safety. The pilot program shall have a maximum of ten
10 businesses and shall begin no later than July 1, 2016, for a period
11 of two (2) years.

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

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

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

6 E. Each business engaged in interstate or intrastate commerce
7 licensed in this state with an employee or person applying to be an
8 instructor or third-party tester shall be required to pay an initial
9 fee of Five Thousand Dollars (\$5,000.00) and an annual renewal fee
10 of Five Thousand Dollars (\$5,000.00). Each person applying to be an
11 instructor or third-party tester shall be required to pay an initial
12 certification fee of Two Thousand Five Hundred Dollars (\$2,500.00).
13 Upon successful completion of training prescribed by subsection D of
14 this section, the person shall be required to pay an annual third-
15 party tester certification fee of Two Thousand Five Hundred Dollars
16 (\$2,500.00). The third-party tester certification fees collected by
17 the Department pursuant to this subsection shall be deposited to the
18 credit of the Department of Public Safety Restricted Revolving Fund
19 to be used for the purposes of this section. The Department shall
20 not be required to operate this program unless adequate funds are
21 provided. No third-party tester certification fee shall be refunded
22 to the business or person in the event that certification is denied,
23 suspended or revoked.

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

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

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

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

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Presiding Officer of the House of
Representatives

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17 Passed the Senate the ____ day of _____, 2015.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 411

By: Crain and Pittman of the
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 110.4 of Title 47, unless there
13 is created a duplication in numbering, reads as follows:

14 1. The Department of Public Safety is directed to develop and
15 implement a pilot program to evaluate the potential use of certified
16 commercial driver education instructors and examiners by private
17 businesses in the state of Oklahoma. The pilot program shall begin
18 no later than January 1, 2017 for a period of two (2) years.

19 2. Any certified commercial driver education instructor who is
20 currently an operator or an employee of a commercial driver training
21 school in this state or any driver education instructor employed by
22 business in this state shall be eligible to apply to be a designated
23 examiner of the Department of Public Safety for the purposes of
24 administering the Class A, B, or C driving skills portion of the

1 Oklahoma driving examination to any person who has not previously
2 been a student of the instructor.

3 3. The Department of Public Safety shall adopt a curriculum of
4 required courses and training to be offered to applicants who are
5 qualified to apply to be a designated examiner. The courses and
6 training for certification shall meet the same standards as required
7 for commercial driver examiners of the Department of Public Safety.

8 4. Each business with an employee or person applying to be a
9 designated instructor or examiner shall be required to pay an
10 initial fee of Five Thousand Dollars (\$5,000.00). Each person
11 applying to be a designated instructor or examiner shall be required
12 to pay an initial designated certification fee of One Thousand
13 Dollars (\$1,000.00). Upon successful completion of training
14 prescribed by paragraph 2 of this subsection, the person shall be
15 required to pay an annual designated examiner certification fee of
16 Five Hundred Dollars (\$500.00). The designated examiner
17 certification fees collected by the Department pursuant to this
18 subsection shall be deposited to the credit of the Department of
19 Public Safety Restricted Revolving Fund to be used for the purposes
20 of this subsection. No designated examiner certification fee shall
21 be refunded in the event that certification is denied, suspended or
22 revoked.

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

1 complete nationwide criminal history background check on each
2 designated examiner applicant. The fees for the background check
3 shall be borne by the designated examiner or designated examiner
4 applicant.

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

7 SECTION 4. This act shall become effective November 1, 2015.

8 Passed the Senate the 3rd day of March, 2015.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2015.

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Presiding Officer of the House
of Representatives

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