**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 11. COMMERCIAL DRIVER LICENSES**

**SUBCHAPTER 3. Examination**

**595:11-3-6.** **Written examination**

(a)    **General.**A written examination shall be administered ~~by a Driver License Examiner~~ to each applicant for a commercial driver license to determine the applicant's ability to read and understand highway signs and the applicant's knowledge of the traffic laws of this state; provided, the written examination may be waived as provided in OAC 595:11-1-13(a). The written examination, if not waived, and the vision screening shall be successfully passed by the applicant before the skills test is administered. The written examination includes, when applicable, any separate endorsement/restriction examinations as described in this Section. The written test may be administered by the Department or written Examination Proctors that have entered into an agreement with the Department. An applicant determined by an examiner to be cheating on any portion of an examination shall:

(1)    immediately forfeit the examination,

(2)    be given a failing score by the examiner, and

(3)    be disqualified from retaking the examination for one week.

(b)    **Examination content.**

(1)    **Written examination.**The written examination administered for a commercial driver license shall consist of a minimum of fifty (50) multiple-choice questions. In addition, the combination vehicle test administered for a Class A commercial driver license shall consist of a minimum of twenty (20) multiple-choice questions. The minimum passing score for each written examination shall be eighty percent (80%).

(2)    **Endorsement or restriction examination.**The minimum number of multiple-choice questions and the minimum passing score for each endorsement or restriction examination shall be as follows:

(A)    P passenger endorsement - 20 questions - 80% score

(B)    H hazardous material endorsement - 30 questions - 80% score

(C)    N tank vehicle endorsement - 20 questions - 80% score

(D)    M motorcycle endorsement - 20 questions - 75% score

(E)    S school bus endorsement - 20 questions - 80% score

(F)    T double or triple trailers endorsement - 20 questions - 80% score

(G)    Airbrakes - 25 questions - 80% score. Failure to pass at least 80% of the 25 questions regarding air brakes will result in a restriction code "L" (Vehicle Without Air Brakes) being placed on the applicant's license upon issuance. The applicant shall be prohibited from taking the skill examination in a vehicle with air brakes.

(c)    **Alternate method of examination.**The Department may provide an alternate method for the written examination for an applicant who has difficulty reading or has a language barrier.

(d)    **Retesting.**An applicant failing the written examination may be granted the opportunity to retest on the next regular business day.

(e)    **Discretionary examination.**Any examination, as deemed necessary by the Department, may be administered by the Department as required for the establishment and authorization of a special endorsement or to permit the operation of commercial motor vehicles.

(f)    **Hazardous Materials Endorsement.**On or after February 7, 2022, the applicant must complete the Hazardous Materials Endorsement Training Curriculum. CFR 49 part 380 Appendix E- Hazardous Materials Endorsement Training Curriculum prior to completing required knowledge examination.

(g)    **Commercial learner permit.**Any person eighteen (18) years of age or older may apply for a Class A, B, or C commercial learner permit (CLP), as provided in 47 O.S. §6-101(F), solely for the purpose of behind-the-wheel training in a commercial motor vehicle while accompanied by a licensed driver who is twenty-one (21) years of age or older and who holds a valid commercial driver license, including any and all required endorsements, for the class and type of commercial motor vehicle being driven. The CLP is only valid for 180 days from the date of issuance. The State may renew the CLP for one (1) additional 180 day period without requiring the CLP holder to take the general and endorsement knowledge test. However, any previously passed skills tests are only valid for the duration of that permit period. Skills tests cannot be carried over to another CLP period. The issuance of a CLP is a pre-condition to the issuance of a CDL. The issuance of a CLP is also a pre-condition to the upgrade of a CDL if the upgrade requires a skills test. The CLP holder is not eligible to take the CDL skills in the first 14 days (excluding the day of issuance) after initial issuance of the CLP.

(1)    The commercial learner permit shall be issued as provided for 47 O.S.§6-101(F)(2). Any person may reapply for another commercial learner permit by complying with all requirements for the class of commercial learner permit desired.

(2)    The Department shall not place a Hazardous Materials (H) endorsement on a commercial learner permit.

(3)    A "No Passengers" restriction (restriction code "P") shall be placed on any commercial learner permit issued with a "P" or "S" endorsement. The permit holder shall not operate a commercial motor vehicle which carries any passengers [49 C.F.R. §383.25].

(4)    An "Empty/Purge Tank" restriction (restriction code "X") shall be placed on any commercial learner permit issued with an "N" endorsement. The tank vehicle shall be empty and shall be purged if the tank vehicle contained hazardous materials, and the permit holder shall not operate a commercial motor vehicle with a tank vehicle which is not empty or which has not been purged if the tank vehicle contained hazardous materials. A current and valid purge certificate shall be carried in the vehicle at all times when operated by a driver with a CLP [49 C.F.R. §383.25].

**SUBCHAPTER 5. Commercial Driver License Third-Party Examiners**

**595:11-5-3.** **Definitions**

In addition to terms defined in 47 O.S. § 1-101, et seq., the following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise. Use of the singular term includes the plural, and use of the plural term includes the singular.

**"Business day"** means Monday through Friday 8:00 a.m. to 4:45 p.m., excluding state and federal holidays.

**"Certified school"** means a school district or technology center school or any public or private commercial truck driving school that has or maintains a program instructing students for a commercial driver license in the State of Oklahoma that is approved and licensed by the Department of Public Safety to provide, on the premises of the school, the driving skills examinations for Oklahoma commercial driver licenses.

**"Commercial driver license"** means an Oklahoma Class A, B, or C commercial driver license, as defined in 47 O.S. § 6-101.

**"Commercial truck driving school"** means any public or private entity that offers a program of instruction for a Class A, B, or C license in the State of Oklahoma that has been approved and certified by the Department of Public Safety.

**"Commercial motor vehicle"** means a Class A, B, or C commercial motor vehicle, as defined in 47 O.S. §§ 1-107.1, 1-107.2 or 1-107.3, used for training students.

**"Department"** means the Department of Public Safety.

**"Driver training instructor"** means an employee of a certified school who has been approved by the State Board of Education to teach school bus driver training courses, or has been approved by Oklahoma Board of Career and Technology Education to teach truck driver training courses, or who has the appropriate approval to teach both courses, or an employee of any commercial truck driving school that has been approved by the Department to be a Third-Party Examiner. For the purposes of 47 O.S. § 6-110(E)(3), commercial school driver education instructor includes the terms "driver education instructor" and "driver training instructor".

**"Examination"** means the skills portion (one (1) test with three (3) segments to include the pre-trip, basic controls skills (BCS), and road test) of the examination for a commercial driver license which shall test the ability of the applicant to operate a commercial motor vehicle and shall be administered on the premises of a certified school by a third-party examiner employed by that school. Examination shall also mean:

(A)    an examination to upgrade the current commercial driver license of a driver license applicant, or

(B)    an examination to remove restriction codes.

**"Federal Motor Carrier Safety Administration"** means the United States Department of Transportation Office of Motor Carrier Safety, 300 N. Meridian, Suite 106 North, Oklahoma City, Oklahoma 73107, (405) 605-6047.

**"Public Transit Agency"** means an entity that operates a public transportation system.

**"School district"** means a school district, as defined in 70 O.S. § 1-108, which has at least one secondary school, as defined in 70 O.S. §1-106, which offers a school bus driver training course approved by the State Board of Education.

**"Technology center school"** means a technology center school within a technology center school district, established pursuant to Section 9B of Article X of the Oklahoma Constitution, and operated in accordance with the rules of the Oklahoma Board of Career and Technology Education which offers a school bus driver training course approved by the State Board of Education or a truck driver training course approved by the State Board of Education.

**"Third-party examiner"** means a driver training instructor employed by a certified school who has been approved by the Department of Public Safety to administer, on the premises of the certified school employing the instructor, the examination, as defined in this Section, for a commercial driver license. A third-party examiner is not and shall not be construed or purported, either explicitly or by implication, to be an employee of the Department of Public Safety.

**"Third-Party Examiner program"** means the program at the Department that issues Third-Party Examiner certifications.

**595:11-5-5.** **Requirements for certification as a third-party examiner, display of certificate, certification renewal**

(a)    **Requirements and application for certification.**A driver training instructor [see OAC 595:11-7-4 for instructor qualifications] may apply for certification as a third-party examiner by completing an application provided by the Department [see OAC 595:11-5-13]. The applicant shall meet the following requirements:

(1) Meet all the requirements for a Driver License Examiner of the Department [47 O.S.§ 2-106(c) and (d)].

(2) Upon initial review of a completed application, the Department will provide the applicant with instructions to obtain a current electronic national criminal history record check in accordance with the Oklahoma Statutes.

(3) A current electronic national criminal history record check, for a third-party examiner license, is required when an applicant has any break in licensing and the result of the previous electronic national criminal history record check on file with the Department for the certified school employee is more than one (1) year old.

~~(2)~~ ~~Complete an application provided by the Department [see OAC 595:11-5-13] and submit a nationwide criminal background check [FMCSR, 49 CFR 384.228(g)] certified within the immediately preceding thirty (30) days and, if the applicant has not lived in Oklahoma for the immediately preceding five (5) years, a criminal background check from the agency responsible for keeping criminal history in the state or states of previous residence.~~

~~(3)~~(4) Be employed by a certified school.

~~(4)~~(5)   Have and maintain throughout the time period to be covered by the certification:

(A)    a valid Oklahoma commercial driver license for the class or classes of vehicle, including any endorsement or endorsements, for which the instructor desires to administer examinations; provided, the applicant shall not be required to have a hazardous materials endorsement (endorsement H),

(B)    in order to administer school bus examinations, a valid School Bus Workshop Instructor Certificate issued by the State Board of Education with three (3) years of instructor experience, and

(C)    in order to administer truck examinations, a valid certificate issued by the Oklahoma Board of Career and Technology Education or the Department showing the applicant has met the current requirements with three (3) years of instructor experience.

~~(5)~~(6)    Successfully complete a course of instruction prescribed by the Department [see 595:11-5-6].

~~(6)~~(7)   Have full use of both upper and lower extremities.

~~(7)~~(8)   Agree to submit examination reports to the Department by electronic means immediately upon completion of each examination.

~~(8)~~ (9)   Be required to meet at DPS Headquarters with the CDL Coordinator or designee to discuss the program requirements and expectations.

~~(9)~~ (10)   Submit required initial fee of One Thousand Dollars ($1000.00). If an applicant for the Third-Party Examiner program is employed by a public school, technology center or state entity, the fee may be waived by the Department.

(b)    **Ineligibility based upon driving record or criminal record.**A driver training instructor shall be deemed to be ineligible for certification as a third-party examiner upon evidence of a record of any of the following convictions:

(1)    Two (2) or more convictions for a moving traffic offense within the twelve (12) months immediately preceding the application, or

(2)    Any alcohol- or drug-related conviction requiring the Department to revoke, suspend, or disqualify the instructor's driving privilege within the five (5) years immediately preceding the application.

(3)    Any conviction for any offense which required or will require the Department to take any type of action against the instructor within the three (3) years immediately preceding the application, including, but not limited to:

(A)    a warning letter, or

(B)    a revocation, suspension, cancellation, denial or disqualification of the instructor's driving privileges.

(4)    Any misdemeanor conviction, except for a misdemeanor conviction for a traffic offense, within the five (5) years immediately preceding the application.

(5)    Any felony conviction within the last ten (10) years in this state or any state or other state or country or any conviction involving fraudulent activities in this state or any other state or country.

(c)    **Certification.**Upon acceptance and approval by the Department of the application for certification from a driver training instructor, or upon acceptance and approval by the Department of the application for renewal of certification from a third-party examiner, and upon completion to the satisfaction of the Department by the instructor or third-party examiner of all other requirements for certification, the Department shall provide the third-party examiner with:

(1)    a certificate evidencing approval by the Department as a third-party examiner, which shall be posted at the examination location at the certified school and in full view of the public. The certification will be valid for four (4) years.

(2)    an identification card to be carried by the third-party examiner whenever the examiner is administering an examination.

(3)    an official seal to be used by the third-party examiner to be used as provided in 595:11-5-14.

(4)    If the initial application for approval is denied, a school or applicant may re-apply no more than two (2) times per calendar year.

(5)    Any applicant denied certification under this subsection may request an administrative hearing pursuant to OAC 595:1-3-1 through 595:1-3-20.

(d)    **Renewal of certification.**

(1)    A certified third-party examiner shall be eligible for renewal of certification if the examiner:

(A)   submits an application for certification renewal upon a form provided by the Department no later than December 1 of the expiration year of the certification [see 595:11-5-13],

(B)~~submits a nationwide criminal background check certified within the immediately preceding thirty (30) days,~~ Upon initial review of a completed application, the Department will provide the applicant with instructions to obtain a current electronic national criminal history record check in accordance with the Oklahoma Statutes.

(C) A current electronic national criminal history record check, for a third-party examiner license, is required when an applicant has any break in licensing and the result of the previous electronic national criminal history record check on file with the Department for the commercial school employee is more than one (1) year old;

~~(C)~~ (D)   submits a current copy of the State Department of Education instructor certificate, or a valid certificate issued by the Oklahoma Board of Career and Technology Education confirming instructor certification or a valid certificate issued by the Department confirming instructor certification.

~~(D)~~  (E)  is currently employed by a certified school,

~~(E)~~   (F) currently meets the requirements and standards of the Department as prescribed by this Subchapter,

~~(F)~~   (G) administered ten (10) or more full examinations within the twelve (12) months immediately preceding the application for renewal of certification, and

~~(G)~~    (H) submits required renewal fee of Five Hundred Dollars ($500.00). If applicant for the Third-Party Examiner program is employed by a public school, technology center or state entity, the fee may be waived by the Department.

(2)    Any driver training instructor who was previously certified as a third-party examiner and whose previous certification has been expired for not more than one (1) year may make application for renewal of certification as provided in paragraph (1) of this section.

(3)    Any Third-Party Examiner who does not qualify for renewal of certification may apply, after a period of at least one (1) year from the date the examiner was notified he or she was not qualified for renewal of certification, for certification as a third-party examiner and shall meet all requirements as for an initial application for certification as a third- party examiner.

(4)    Upon any Third-Party Examiner's second failure to meet the requirement to conduct ten (10) or more full examinations within the twelve (12) months immediately preceding the application for renewal of certification, the Third-Party Examiner shall be removed from the Third-Party Examiner Program. The Third-Party Examiner must wait a minimum of one (1) year before reapplying to the Third-Party Examiner Program.

**SUBCHAPTER 7. Truck Driving Training**

**595:11-7-3.** **School licenses and instructor permits**

**In general.** A school license shall be required for ~~anyschool~~any school that offers any form of instruction, whether it is entry-level truck driver training to students who do not possess a valid commercial driver license or any form of refresher training. An instructor permit shall be required for instructors who teach truck driver training.

(1)    **Schools - original application.**Applications must be submitted at least ninety (90) days in advance of opening a school to allow the Department to conduct a pre-audit and ensure suitable location.

(A)    All applications for an original school license shall be made on a form provided by the Department. The term of each original school license shall be for a period of one (1) year.

(B)    Each application for an original school license shall be accompanied by:

(i)    a fee of Twenty-five Dollars ($25.00), which shall be paid to the Department ~~by~~in the form of a money order, cashier's check, or business check. No other forms of payment will be accepted.

(ii)    a schedule of fees and charges,

(iii)    a certificate of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage to include the vehicle inventory,

(iv)    the make, model and vehicle identification number of each commercial motor vehicle used for training purposes, if truck and/or trailer are leased, a copy of the lease agreement and

(v)    a sample copy of each type of contract or agreement which the school may enter into with students

(C)    No license fee shall be refunded in the event the license is rejected, suspended or revoked by the Department of Public Safety.

(D)    All applications shall be approved by the Department before a school shall be permitted to open for business.

(E)    Every operator of a school shall be required to have an instructor permit.

(F)    Application for a school license may be obtained:

(i)    upon request by mail from the Department of Public Safety, Driver License Services, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415, or

(ii)    on the Department's website at www.ok.gov/dps, or

(iii)    contacting the CDL Coordinator by phone at 405-425-2300.

(G)    All schools shall meet the requirements of OAC 595:11-7-13.

(H)    The individual school may apply no more than two (2) times each calendar year.

(2)    **Schools - renewal application.**

(A)    All applications for a renewal school license shall be made on a form provided by the Department of Public Safety. The term of each renewal school license shall be for a period of one (1) year.

(B)    Each application for a renewal school license shall be accompanied by:

(i)    a fee of Twenty-five Dollars ($25.00), which shall be paid to the Department by money order, cashier's check, or business check, no other forms of payment will be accepted.

(ii)    a schedule of fees and charges, if any changes have been made since the last license issuance,

(iii)    a certificate of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage (must include appendix of listed vehicles insured for training) to include the vehicle inventory,

(iv)    the make, model and vehicle identification number of each commercial motor vehicle used for training purposes, and

(v)    a sample copy of each type of contract or agreement which the school may enter into with students.

(C)    All application forms for renewal school licenses shall be mailed by the Department to each school no later than October 1 every year. Each school desiring to renew shall submit an application to the Department no later than November 15 of each year. If application for renewal is not received by the required date and the Department is unable to process and approve the application by December 31, the commercial school shall cease operation on January 1 of the following year and shall not resume operation until the application for renewal is processed and approved by the Department.

(3)    **Instructors - original applications.**

(A)    All applications for an original instructor permit shall be made on a form provided by the Department. The term of an original instructor permit shall be for a period of no more than one (1) year. An instructor shall make application for each school location where he or she will be instructing. An instructor permit for a particular school shall become invalid upon termination of employment with that school. If an instructor accepts employment with another school or schools, an instructor permit shall not be transferable, and the instructor shall apply for an original license for each school where he or she is employed.

(B)    Each application for an original instructor permit shall be accompanied by:

(i)    documentation required by OAC 595:11-7-4, and

(ii)    a fee of Five Dollars ($5.00), which shall be paid to the Department~~by~~ in the form of a money order, cashier's check, or business check. No other forms of payment will be accepted.

(iii)    the requirement to meet at DPS Headquarters with the CDL Coordinator and/or his or her designee to discuss the program requirements and expectations.

(C) Upon initial review of a completed application the Department will provide the applicant with instructions to obtain a current electronic national criminal history record check in accordance with the Oklahoma Statutes.

(D) A current electronic national criminal history record check, for a commercial school driver education instructor license, is required:

(i) When an applicant has any break in licensing and the result of the previous electronic national criminal history record check on file with the Department for the commercial school employee is more than one (1) year old;

(ii) If the applicant changes employment to a commercial school with a different owner and it has been more than one (1) year since the last electronic national criminal history record check was completed; or

(iii) If an electronic national criminal history record check was not previously required of the commercial school employee.

~~(C)~~  (D)  An application to be certified a CDL Instructor may be submitted no more than two (2) times per calendar year.

(4)    **Instructors - renewal applications.**

(A)    All applications for a renewal instructor permit shall be made on a form provided by the Department. The term of each renewal instructor permit shall be for a period of one (1) year. An instructor shall make application for each school location where he or she will be instructing. An instructor permit for a particular school shall become invalid upon termination of employment with that school. If an instructor accepts employment with another school or schools, an instructor permit shall not be transferable, and the instructor shall apply for an original license for each school where he or she is a new employee.

(B)    Each application for a renewal instructor permit shall be accompanied by:

(i)    documentation required by OAC 595:11-7-4, and

(ii)    a fee of Five Dollars ($5.00), which shall be paid to the Department ~~by~~in the form of a money order, cashier's check, or business ~~checkNo~~check. No other forms of payment will be accepted.

(C)    Any instructor who allows his or her instructor permit to lapse or expire without renewal shall reapply as if for an original instructor permit.

**595:11-7-4.** **Qualifications for instructors**

An instructor employed by a school shall submit to the Department of Public Safety, upon application, proof of the following:

(1)    current employment by a Department-certified school that offers a prescribed course of study;

(2)    possessing a valid Oklahoma commercial driver license, with proper class and endorsements commensurate with type or types of vehicles and endorsements which are the subject of instruction;

(3)    being at least twenty-one (21) years of age;

~~(4)    having never been convicted of a felony as evidenced by a nationwide criminal background check certified within the immediately preceding thirty (30) days;~~

~~(5)    if applicable, having driving privileges reinstated for at least twelve (12) months, if driving privileges were suspended, canceled, revoked, denied, or disqualified for a driving-related conviction or for Department action related to driving under the influence or driving while impaired. If driving privileges are suspended, canceled, revoked, denied, or disqualified only for a non-driving-related conviction or reason, the applicant shall be eligible immediately upon reinstatement of driving privileges;~~

~~(6)    having not been convicted of misdemeanor possession or use of alcohol or drugs within the past twelve (12) months;~~

~~(7)    having not more than five (5) point violations points accumulated on the driving record;~~

~~(8)    having no administrative action pending at the Department pursuant to 47 O.S. §§753, 754, or 754.1;~~

~~(9)    having a high school diploma, a general education diploma, or a college degree; and~~

~~(10)~~ (4)   having three (3) years verifiable driving experience, to include the proper endorsements, in the type of vehicle or vehicles used by the school for instructional purposes. The verifiable driving experience must be within ten (10) years of the application date; and must be verifiable through HireRight or the equivalent electronic background unless self-employed. If the driving experience is from self-employment, three (3) years of tax returns with the company information must be provided to the Department.

~~(11)~~ (5)   current medical examiner's certificate.

(6)  An applicant will not be issued an instructor license if any of the following disqualifying events, from any jurisdiction, are revealed by the electronic national criminal history record check:

(A) any felony conviction;

(B) any pending court action that could result in a felony conviction;

(C) any conviction that would result in the applicant having to register according to the Sex Offenders Registration Act;

(D) any conviction of a misdemeanor possession or use of alcohol or drugs within the past twelve (12) months.

(7)   Upon review of the applicant’s driver history:

(A) Driving privileges must be reinstated for at least twelve (12) months, if driving privileges were suspended, canceled, revoked, denied, or disqualified for a driving-related conviction or for Department action related to driving under the influence or driving while impaired.

(B) If driving privileges are suspended, canceled, revoked, denied, or disqualified only for a non-driving-related conviction or reason, the applicant shall be eligible immediately upon reinstatement of driving privileges;

(C) The applicant cannot have more than five (5) points accumulated on the driving record;

(D) The applicant cannot have any administrative action pending pursuant to 47 O.S. §§ 753, 754, or 754.1.