**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

**RULEMAKING ACTION:**

EMERGENCY adoption

 **RULES:**

 Subchapter 11. Certified Schools and Designated Class D Examiners

 595:10-11-5 Requirements for certification as a designated examiner; display of certificate; certification renewal [AMENDED]

**AUTHORITY:**

 Commissioner of Public Safety, 47 O.S. §2-108, 47 O.S. §6-110

**ADOPTION:**

September 16, 2021

**EFFECTIVE:**

Immediately upon Governor's approval

**EXPIRATION:**

Effective through September 14, 2022, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

The proposed rules are required for the rules to remain consistent with the Oklahoma Statues amended by HB1059. HB1059 was passed by the 58th Legislature with an emergency making it effective immediately.

**GIST/ ANALYSIS:**

The rules clarify that a fingerprint based national criminal history check is required.

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**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (F):**

**SUBCHAPTER 11. CERTIFIED SCHOOLS AND DESIGNATED CLASS D EXAMINERS**

**595:10-11-5.** **Requirements for certification as a designated examiner; display of certificate; certification renewal**

(a)    **Requirements and application for certification.**A certified driver education instructor may apply for certification as a designated examiner. The applicant must meet the following requirements:

(1)    Complete an application provided by the Department [see 595:10-11-12],

(2)    Possess, or have access to, sufficient electronic equipment and data processing capacity to operate the Department's internet based applications as required to carry out the functions of a designated examiner,

(3)    Certified driver education instructors must maintain throughout the time period to be covered by the certification all other certification requirements to be a certified driver education instructor, and

(4)    Successfully complete a course of instruction prescribed by the Department [see 595:10-11-6].

(5) Obtain an electronic national criminal history record check, as a designated examiner, in accordance with the Oklahoma Statutes.

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

(1)    a certificate evidencing approval by the Department as a designated examiner, which shall be presented for inspection to each driver license applicant, and to the parent or legal guardian of any applicant under eighteen (18) years of age, before the applicant enters the vehicle in which the examination is to be administered. The certificate shall be carried in the vehicle in which any examination is being administered. The certificate shall be valid for the calendar year in which it is issued, and

(2)    an official seal to be used by the designated examiner as provided in 595:10-11-13.

(3)    If the Certification of the designated examiner becomes invalid, the certification badge and stamp are to be remanded to the Department of Public Safety.

(c)    **Renewal of certification.**

(1)    A certified designated 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 each year [see 595:10-11-12],

(B)    currently meets the requirements and standards of the Department as prescribed by this subchapter,

(C)    administered twenty (20) or more examinations within the twelve (12) months immediately preceding the application for renewal of certification. IF the applicant fails to complete 20 drives during the previous 12 month period, the applicant must attend remedial training and pay all fees.

(2)    Any driver education instructor who was previously certified as a designated 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 designated 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 designated examiner and shall meet all requirements as for an initial application for certification as a designated examiner.

(4)    Upon renewal the previous certification badge will be turned in to the Department of Public Safety and a new certificate badge will be issued.

(d)  **Vehicle Insurance for Designated Examiner Employed by a Commercial Driving School.**Vehicles owned by a Commercial Driving School must meet all requirements of OAC 595:40-1-11 and 595:40-1-12.