

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 11. COMMERCIAL DRIVER LICENSES**

RULEMAKING ACTION:

EMERGENCY adoption

RULE:

Subchapter 5. Commercial Driver License Third-Party Examiners

595:11-5-1 Purpose [AMENDED]

595:11-5-2 Scope and application [AMENDED]

595:11-5-3 Definitions [AMENDED]

595:11-5-4 Requirements for certification as a certified school; display of certificate; certification renewal [AMENDED]

595:11-5-5 Requirements for certification as third-party examiner, display of certificate, certification renewal [AMENDED]

595:11-5-7 Skills examination requirements and standards [AMENDED]

595:11-5-9 Failed examinations and reexamination [AMENDED]

595:11-5-10 Commercial driver license applicant [AMENDED]

595:11-5-11 Records to be maintained by certified schools and third-party examiners [AMENDED]

595:11-5-12 Records to be maintained at the Department [AMENDED]

595:11-5-13 Prescribed forms [AMENDED]

595:11-5-15 Prohibited acts; conduct [AMENDED]

595:11-5-16 Termination of contracts and agreements [AMENDED]

595:11-5-17 Withdrawal or denial of certification [AMENDED]

Subchapter 7. Truck Driver Training

595:11-7-2 Definitions [AMENDED]

595:11-7-3 School licenses and instructor permits [AMENDED]

595:11-7-4 Qualifications for instructors [AMENDED]

595:11-7-9 Prescribed course of study [AMENDED]

595:11-7-10 Specification for commercial motor vehicles [AMENDED]

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-110

ADOPTION:

October 28, 2019

EFFECTIVE:

Immediately upon the Governor's approval

EXPIRATION:

Effective September 14, 2020, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

Not applicable

INCORPORATION BY REFERENCE:

Not applicable

FINDING OF EMERGENCY:

SB 378 was signed into law by Governor Stitt on May 15, 2019 and has an effective date of November 1, 2019. The Administrative Rules identified require amending to comply with the new law and must be in promulgated by December 15, 2019.

GIST ANALYSIS:

SB 378 provides for Third Party Examiners to be employed by Public or private truck driving schools. It further provides DPS to adopt curriculum and courses required for training of the third party examiners. Additionally, the Department must conduct an annual nationwide background check for each third party examiner. This bill also provides the Department the ability to develop processes to inform schools or examiners of application denials and to create an appeal process for said denials.

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

CHAPTER 11. COMMERCIAL DRIVER LICENSES

SUBCHAPTER 5. COMMERCIAL DRIVER LICENSE THIRD-PARTY EXAMINERS

595:11-5-1. Purpose

This Subchapter establishes requirements, procedures, and standards for the certification of public and technology center schools, any public or private commercial truck driving school that has or maintains a program instructing students for a commercial license in the State of Oklahoma, and of commercial motor vehicle driver training instructors to administer skills examinations on the premises of the schools to qualified applicants for a commercial driver license.

595:11-5-2. Scope and application

The provisions of this Subchapter shall apply only to schools and persons described under the following agreements:

- (1) Memorandum of Understanding entered into on July 1, 2006, by and between the Department of Public Safety and the State Board of Education.
- (2) Memorandum of Understanding entered into on January 1, 2007, by and between the Department of Public Safety and the Oklahoma Department of Career and Technology Education.
- (3) State of Oklahoma law stating upon application and approval of the Commissioner of the Department of Public Safety, any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B, or C license in the State of Oklahoma shall be authorized to hire or employ third-party examiners, approved by the Department of the Class A, B, or C skills portion of the Oklahoma driving examination. All third party examiners must successfully have completed the courses and training as outlined in 595:11-5-6.

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.

"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 ~~code codes. "L" from the current commercial driver license of a driver license applicant.~~

"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.

"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.

595:11-5-4. Requirements for certification as a certified school; display of certificate; certification renewal

(a) **Requirements and application for certification.** A school district, technology center school, or a commercial truck driving school may apply for certification as a certified school. The applying school shall meet the following requirements:

- (1) Be actively enrolling students and teaching a formal course of instruction for school bus drivers training as approved by the State Board of Education, or truck driver training as approved by the Oklahoma Board of Career and Technology Education, or a commercial truck driving school.
- (2) Obtain and possess written approval to make application for and be, if approved, a certified school from:
 - (A) the State Board of Education, if the school is a school district, or
 - (B) the Oklahoma Board of Career and Technology Education, if the school is a technology center.
 - (C) the Department of Public Safety, if the school is a commercial truck driving school that has been in operation for at least two (2) years.
- (3) Submit an application to the Department on a form prescribed by the Department [OAC 595:11-5-13].
- (4) Have its on-site examination route or routes examined and approved by the Department of Public Safety CDL Coordinator or his or her designee ~~an employee of the Department.~~ A route:
 - (A) shall start and end on the premises or property of the certified school, unless otherwise approved by the Department,
 - (B) shall meet all state and federal requirements,
 - (C) shall not be altered or changed in any manner without first being examined and approved by the Department,
 - (D) shall not be replaced by an alternate route unless the alternate route is first examined and approved by the Department. If, during the course of the examination, it is determined that any of the approved routes could not be followed, the third-party examiner shall notify the Department in writing immediately after completing the test ~~the same day the test is administered~~ as to the reason for the change in route,
 - (E) shall not be used to conduct training or practicing for the examination, and
 - (F) shall be configured to be at least seventy-five percent (75%) different from any route used for training or practicing.
- (5) Agree to:
 - (A) meet minimum examination standards required by the Department and by the Federal Motor Carrier Safety Regulations [49 C.F.R. Part 383];

- (B) allow access to school facilities by the Department and by the Federal Motor Carrier Safety Administration for the purpose of monitoring examinations and examining records;
- (C) comply with the Oklahoma Open Records Act [51 O.S., § 24a.1, et seq.] with regard to records kept pursuant to this Subchapter;
- (D) maintain security of examination documents and related material as deemed necessary by the Department;
- (E) ensure all examinations are administered by a third-party examiner;
- (F) ensure third-party examiners administer the examination only to driver license applicants who:
 - (i) have successfully completed a formal course of instruction, ~~as submitted to and approved by the Department,~~ at the institution where the third-party examiner is employed and certified, or
 - (ii) successfully completed a course of instruction at a school district or technology center school in the surrounding counties of the certified school, and
 - (ii) have a commercial learner permit and driver license issued by Oklahoma. The commercial learner permit must be issued at least fourteen (14) days prior to testing and the date of issuance shall not be included;
- (G) ensure no person acts as a third-party examiner without current certification from the Department;
- (H) provide immediate written notification to the Department of any impropriety or misconduct of any third-party examiner employed by the school;
- (I) acknowledge that the Department reserves the right to take prompt and appropriate remedial action against the certification of any school or of any third-party examiner in the event that the school or the third-party examiner fails to comply with:
 - (i) any state law, Department rule, or federal regulation regarding the examination of an applicant for a commercial driver license, or
 - (ii) any terms of the appropriate memorandum of understanding or of a subsequent contract or agreement entered into pursuant to the memorandum of understanding, any terms of the contract or agreement entered into with the Department of Public Safety;
- (J) maintain records of all third-party examiners employed by the school and copies of all documents relating to examinations administered for a period of not less than three (3) years; provided, if a school discontinues doing business, the school shall send to the Department a roster of all students who were administered examinations by the school during the immediately preceding three (3) years;
- (K) immediately notify the Department by telephone, followed by written notification within five (5) days, of the termination of employment of any third-party examiner. The official seal of the Department, the CDL examiner's manual, the score sheet pads and/or testing tablet, and the certificate and identification card issued by the Department to the third-party examiner shall be returned to the Department with the written notification;
- (L) immediately notify the CDL Coordinator ~~within the Commercial Driver License Program Administration~~ of the Department, electronically, by telephone,

or first-class mail of every fraudulent application made to obtain a commercial driver license; and

(M) acknowledge that the Department reserves the right to randomly reexamine applicants tested by third-party examiners for purposes of quality assurance.

(b) **Certification.** Upon acceptance and approval by the Department of the application for certification from a school district, ~~or~~ technology center school, or any public or private commercial truck driving school, or upon acceptance and approval by the Department of the application for renewal of certification from a certified school, and upon completion to the satisfaction of the Department by the school of all other requirements for certification, the Department shall provide the certified school with a certificate evidencing approval by the Department as a certified school. The certificate shall be posted at the examination location at the certified school and in full view of the public. The certificate shall be valid for four (4) years.

(c) **Renewal of certification.** A certified school may apply for renewal of certification as a certified school. The school shall meet the following requirements:

- (1) Have evidence on file with the Department of a satisfactory on-site inspection conducted by an employee of the Department prior to renewal.
- (2) Employ at least one third-party examiner.
- (3) Submit an application for renewal on a form prescribed by the Department no later than December 1 of the year of expiration [OAC 595:11-5-13].

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. 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) 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) Be employed by a certified school.
- (4) 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) Successfully complete a course of instruction prescribed by the Department [see 595:11-5-6].

(6) ~~Meet the same vision standards as for Driver License Examiners of the Department [see OAC 595:10-5-7 and 49 C.F.R., §391.41 regarding vision standards].~~

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

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

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

(9) 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 ~~each year~~ 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,

(C) 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) is currently employed by a certified school,

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

(F) administered fifteen (15) or more full examinations within the twelve (12) months immediately preceding the application for renewal of certification, and

(G) 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~~ 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 fifteen (15) 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.

595:11-5-7. Skills examination requirements and standards

(a) **Eligibility.** To be eligible for a skills examination, a commercial driver license applicant shall successfully complete, prior to the examination, a formal prescribed commercial motor vehicle course of instruction as referred to in OAC 595:11-7-9, as submitted to and approved by the Department, by the institution where the examination will be administered, or

(1) The applicant shall provide proof of training from another school district that is recognized by the State Department of Education.

(2) The applicant provides proof of training from a technology center school that is recognized by the Oklahoma Board of Career and Technology Education.

(3) The applicant provides proof of training from any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B, or C license in the State of Oklahoma that is certified by the Department .

(b) **Application.** Before an examination may be given to an applicant by a ~~third-party examiner~~ Third-Party Examiner, the applicant must ~~completely fill out and~~ submit to the ~~examiner~~ Third-Party Examiner ~~an~~ a completed Oklahoma commercial driver license application (DPS Form DL-18-CT) [OAC 595:11-5-13(e)].

(c) **Physical Qualifications.** Prior to any examination, the Third-Party Examiner will view the medical questions on the commercial driver license application to ensure the applicant meets an applicant shall be provided with a copy of the physical qualifications for commercial motor vehicle drivers from the Federal Motor Carrier Safety Regulations and the Third-Party Examiner is not administering an examination to any commercial driver license student with any physical disability. [49 C.F.R. §391.41].

(d) **Standards.** Current minimum standards for the examination of ~~an~~ applicant for a commercial driver license, as set forth in state statutes, Department rules, and federal regulations, shall be provided by the Department to all certified schools and third-party examiners.

(e) **School bus skills examination requirements.** The school bus skills examination for a commercial driver license administered by a third-party examiner shall:

- (1) include all specified school bus maneuvers as required by the Department, and
- (2) meet or exceed all requirements of the Department and of the Federal Motor Carrier Safety Act [49 C.F.R. §391] for the class or classes of vehicle for which the applicant desires to be licensed.

(f) **Truck skills examination requirements.** The truck skills examination for a commercial driver license administered by a third-party examiner shall:

- (1) include all specified maneuvers as required by the Department [OAC 595:11-3-9] ~~and the~~ Federal Motor Carrier Safety Act [49 C.F.R. § 383].
- (2) meet or exceed all requirements of the Department and of the Federal Motor Carrier Safety Act [49 C.F.R. § 383].

(g) **Notice of Examination.** A notice of the examination schedule shall be submitted electronically through CSTIMS to the CDL Coordinator or his or her designee, during normal business hours, no later than ~~three (3)~~ five (5) business days prior to the initial examination and two (2) business days prior to a retest that will be administered by a third-party examiner. A third-party examiner shall not administer the skills test to any applicant he or she has instructed in the classroom and/or in behind the wheel training.

(h) **Location of examination.** All examinations shall be administered on the route approved for the certified school employing the third-party examiner.

(i) **Limitation on number of examinations.** Not more than six (6) examinations, or 18 slots per day, shall be administered by a ~~third-party examiner~~ Third-Party Examiner without prior written consent of the CDL Program Administration, or designee.

(j) **Examination reports.** Reports of examination activity by third-party examiners shall be submitted electronically through CSTIMS and any failed examinations shall be sent via email to the Department immediately upon the completion of each examination to the CDL Coordinator or ~~his or her~~ designee.

(k) Examination Fees. A Third-Party School may charge a fee of no more than Twenty-Five Dollars (\$25.00) for each CDL skills test administered, whether the student passes or fails the exam. A receipt from the Third-Party School must be placed in the student's file, signed by both the student and Third-Party Examiner.

595:11-5-9. Failed examinations and reexamination

(a) If the commercial driver license applicant fails an examination administered by a third-party examiner, the third-party examiner ~~may administer the examination to the applicant up to two (2) additional times. The third-party examiner shall wait the required amount of time before reexamining the applicant. If the applicant fails any section of the examination three (3) times, the third-party examiner shall refer the applicant to the Department for any further examination.~~

(b) The third-party examiner shall:

(1) record each failed examination on the commercial driver license application form DL-18-CF [OAC 595:11-5-13(e)];

(2) ~~report each failed examination within the same day of the examination, each failed exam must be reported to the Department:~~

(A) during the Department's normal business hours:

(i) by emailing the CDL Coordinator or his or her designee immediately upon completion of each exam, and

(ii) electronically through CSTIMS immediately upon completion of each exam.

(B) after the Department's normal business hours:

(i) by emailing the CDL Coordinator or his or her designee immediately upon completion of each exam, and

(ii) electronically through CSTIMS immediately upon completion of each exam.

(3) ~~not administer a re-examination or another examination to the same student that has failed any part of the examination for a minimum of two business days. until the next business day, unless the student has failed the examination three (3) times. The Third-party examiner will refer the student to the Department of Public Safety for the fourth examination.~~

(4) not administer a re-examination in a different vehicle that is not an exact representative vehicle to include but not limited to brakes, transmission, or class without re-examining any previously passed segments of the skills test.

595:11-5-10. Commercial driver license applicant

(a) Any commercial driver license applicant who requests an examination from a third-party examiner shall:

(1) have enrolled in and successfully completed the school bus driver course or truck driver course, as approved by the Department, ~~at the certified school employing the third-party examiner~~, and

(2) take the skills examination on a route approved by the Department for the certified school employing the third-party examiner.

(b) Any commercial driver license applicant who does not pass the skills examination administered by a ~~third-party examiner~~: Third-Party Examiner

~~(1) shall wait the required amount of time [see 595:11-3-7 and 595:11-3-9 see OAC 595:11-5-7 and OAC 595:11-5-9] before being reexamined, and,~~

~~(2) shall be given no more than two (2) subsequent examinations by the third-party examiner at the certified school, at the discretion of the third-party examiner. Further examination of the driver license applicant shall be conducted by the Department.~~

~~(c) Any commercial driver license applicant who needs an emergency certificate as a bus driver shall be examined only by the Department.~~

~~(d) Enrollment in or successful completion of a school bus driver course or a truck driver course, or successful passage of a skills examination administered by a third-party examiner shall not grant to the commercial driver license applicant the privilege to operate any commercial class vehicle.~~

595:11-5-11. Records to be maintained by certified schools and third-party examiners

(a) **Certified schools.** A certified school shall be responsible for maintaining all records pertaining to:

(1) the certification of the school,

(2) third-party examiners currently employed by the school,

(3) the certification of each third-party examiner,

(4) Currently certified third-party examiners, and previously certified third-party examiners, employed by the school for the immediately preceding three (3) years,

(5) ~~examination certificates and pre-trip forms~~ score sheets for each examination administered,

(6) ~~Form DL-18-CT,~~

~~(7)~~ class rosters for classes conducted or certificate of completion for online training and completion letter for SDE instructor for five (5) hours behind-the-wheel training,

~~(8)~~(7) commercial learner permits and base license,

~~(9)~~(8) commercial driver license application in which an examination was administered by a third-party examiner employed by the school,

(9) all correspondence between the school and the Department, and

(10) examinations and the scores of those examinations, and receipts of all money collected when applicants are charged for an administered test.

~~(11) records of previously certified third party examiners.~~

(b) **Third-party examiner.** A third-party examiner shall be responsible for assisting the school in the maintenance of records described in (a).

(c) **Length of time records are to be kept.** All records shall be kept for a period of three (3) years and shall be open for audit and inspection by the Department, the State Board of Education, the Oklahoma Board of Career and Technology Education, and the Federal Motor Carrier Safety Administration. An employee of any of the aforementioned entities shall not be required to give prior notice before appearing to examine the records of a certified school or a ~~third-party examiner~~ Third-Party Examiner.

595:11-5-12. Records to be maintained at the Department

(a) **School records.** The following records shall be maintained by the Department ~~at its headquarters~~ for each certified school, for each previously certified school, and for each school district, ~~and~~ technology center school, and any commercial truck driving school which submitted

an application for certification, whether the application was approved or denied by the Department within the last three (3) years:

- (1) The original application and all subsequent renewal applications, including investigative reports.
- (2) Evidence of approval or denial of the application by the Department.
- (3) Current third-party examiners employed by ~~the~~a certified school.
- (4) Former third-party examiners employed by ~~the~~a certified school within the last three (3) years.
- (5) Annual ~~quality inspection~~ co-score and audit reports.
- (6) Complaints received.
- (7) Commendations received.
- (8) Evidence of violation of any standard, requirement, state statute, Department rule, or federal law or regulation relating to skills examinations.
- (9) Correspondence.
- (10) ~~Expired certifications.~~
- (11) Canceled, suspended or revoked certifications.
- (12) ~~Audits.~~

(b) **Third-party examiner and driver training instructor records.** The following records shall be maintained by the Department ~~at its headquarters~~ for each third-party examiner and for each driver training instructor who submitted an application for certification as a third-party examiner, whether the application was approved or denied certification by the Department:

- (1) The original application and all subsequent renewal applications, including investigative reports.
- (2) Evidence of approval or denial of the application by the Department.
- (3) The name of the certified school employing the examiner or instructor.
- (4) The name of any certified school which employed the examiner within the last three (3) years.
- (5) Annual ~~quality inspection~~ co-score and audit reports.
- (6) Complaints received.
- (7) Commendations received.
- (8) Evidence of violation of any standard, requirement, state statute, Department rule, or federal law or regulation relating to driver license examination.
- (9) Correspondence.
- (10) Expired certifications.
- (11) Canceled, suspended or revoked certifications.
- (12) ~~Individual files of audits.~~
- (13) ~~Student Rosters.~~
- (14) ~~(13)~~ Examination ~~Activity~~ Monthly Reports.

(c) In addition to the records specified in paragraphs (a) and (b) of this Section, the Department shall make available to the public upon request a list of all current third-party examiners and certified schools.

595:11-5-13. Prescribed forms

(a) **Certified school application.** A school district, ~~or~~ technology center school, or any commercial truck driving school shall request an application from the Department to apply for certification an original or renewal of a certification as a certified school. ~~A certified school shall~~

~~request an application form from the Department to apply for renewal of certification as a certified school.~~ The application shall require the applying school to provide the following information:

- (1) Date of application.
- (2) Whether the application is an original or renewal application.
- (3) Name of the Oklahoma school.
- (4) Name and number of the school district or commercial truck driving school.
- (5) Complete physical address and mailing address.
- (6) County name and number.
- (7) Name of administrator or superintendent.
- (8) Telephone number of administrator or superintendent of the school district or commercial truck driving school.
- (9) Name of transportation director of the school district or administrator/operator of the commercial truck driving school.
- (10) Name of each third-party examiner employed by the certified school, if the application is for renewal of certification.
- (11) Statement of agreement to comply with rules of the Department and with the provisions of the appropriate memorandum of understanding and any subsequent contracts and memorandums.
- (12) Any other information the Department deems necessary to process the application.
- (13) Signature of the administrator or superintendent.

(b) **Third-party examiner application.** A driver training instructor shall request an application form from the Department to apply for an original or renewal of a certification as a third-party examiner. ~~A third-party examiner shall request an application form from the Department to apply for renewal of certification as a third-party examiner.~~ The application shall require the applicant to provide the following personal information:

- (1) Date of application.
- (2) Whether the application is an original or renewal application.
- (3) Full name of the applicant.
- (4) Complete ~~home~~ Oklahoma residential and mailing address ~~and mailing address~~ of the applicant.
- (5) Telephone numbers (residence and business) of the applicant.
- (6) Name of the employing school.
- (7) Name and number of the school district in which the employing school is located.
- (8) Date of birth of the applicant.
- (9) Social security number of the applicant.
- (10) Oklahoma commercial driver license number of the applicant.
- (11) Any other information the Department deems necessary to process the application.
- (12) Signature of the applicant.

(c) **Certified school certificate.** The certificate for a certified school shall include, but not limited to, the following information:

- (1) Official name and seal of the Department.
- (2) Official name of the school.

- (3) School district name and number or technology center or commercial truck driving school name.
- (4) City (when applicable) and county where the school is located.
- (5) Type of certification.
- (6) Date of certification.
- (7) Expiration date of certification.
- (8) A unique certification number.
- (9) Name and signature of the Commissioner of Public Safety.

(d) **Third-party examiner certificate.** The certificate for a third-party examiner shall include, but not limited to, the following information:

- (1) Official name and seal of the Department.
- (2) Full name of the third-party examiner.
- (3) Name, school district name and number or technology center or commercial truck driving school name, city (when applicable), county, and certification number of the certified school employing the third-party examiner.
- (4) Type of certification.
- (5) Date of certification.
- (6) Expiration date of certification.
- (7) A unique certification number.
- (8) Name and signature of the Commissioner of Public Safety.

(e) **Oklahoma commercial driver license application.** ~~Oklahoma commercial driver license application forms (DPS Form DL-18-CT) shall be provided to each certified school. Each portion of the application shall be completed by the appropriate person, as indicated on the application, using black ink only. The commercial driver license applicant shall complete the applicant's portion of the application form and submit the form to the third-party examiner. The third-party examiner Third-Party Examiner shall document on the commercial driver license application form:~~

- (1) the specific identifying information related to the commercial motor vehicle used in the skills examination, including:
 - (i) the license plate number,
 - (ii) the gross vehicle weight rating (GVWR); ~~the license plate number,~~ as well as any other specific identifier pertinent to the commercial motor vehicle used in the skills examination.
- (2) ~~the third-party examiner shall also document on the form the results of the each skills examination, administered to the applicant, whether passed or failed, administered to the applicant~~
- (3) the required endorsements and restrictions applicable to the commercial driver license,
- (4) The class of commercial motor vehicle applicable to the commercial driver license,
- (5) If the applicant successfully passes the skills examination administered by the Third-Party Examiner, the verification and approval of all information on the application shall be documented by the Third-Party Examiner with a:
 - (i) signature,
 - (ii) school seal, and

~~(iii) examiner stamp After verifying all the information on the application, and approving the application, if the applicant successfully passes the skills examination administered for the class of commercial motor vehicle and any endorsements.~~

~~(f) **Approval.** Upon approval by the third-party examiner and completion of all information required of the examiner, the examiner shall return the application form to the applicant.~~

~~(g) **Procedures after approval.** The applicant shall surrender the approved application to a Driver License Examiner of the Department to complete any required licensing procedures, including, but not limited to, the administration of written examinations.~~

~~(f)(h) **Where to obtain forms.** All Necessary forms are provided by the Department and can be obtained by a certified school or a third-party examiner Third-Party Examiner by written or electronic request to: Department of Public Safety, Driver License Services, P.O. Box 11415, Oklahoma City, Ok 73136-1415.~~

595:11-5-15. Prohibited acts; conduct

(a) **Certified schools - prohibited acts.** A certified school shall not:

(1) permit to be used any form of alcoholic beverage or drugs in, on or about the school premises, including the examination route, or in any commercial motor vehicle being used for the purpose of training or administering a skills examination,

(2) require or permit the administration of an examination to any commercial driver license applicant with any physical ~~handicap~~disability. The ~~third-party examiner~~Third-Party Examiner shall direct these individuals to a Department Driver License Examiner.

(3) require or permit the administration of an examination to any person who has not enrolled in and successfully completed a course at the certified school employing the Third-Party Examiner, another school district that is recognized by the State Department of Education, another technology center school that is recognized by the Oklahoma Board of Career and Technology Education, as or any commercial truck driving school submitted to and approved by the Department. The ~~third-party examiner~~Third-Party Examiner shall not administer the skills test to applicants he or she has instructed in the classroom ~~and/or~~ in behind the wheel training.

(4) require or permit any person other than a ~~third-party examiner~~Third-Party Examiner employed by the school to administer any examination,

(5) require or permit the administration of an examination in a vehicle required to be placarded for hazardous materials or any other vehicle referred to in OAC 595:11-3-8, or

(6) commit or omit any act which constitutes a violation of any of the rules of this Subchapter or the laws of this state or federal regulations governing ~~third-party examiner~~Third-Party Examiner certification.

(7) Failure to comply with Third-Party Examiner Program requirements, the Third Party Examiner Agreement, applicable federal or state statutes and regulations may result in the suspension or revocation of the school, the designated responsible person, the Third-Party Examiner Program and/or the Third-Party Examiner's testing privileges.

(8) Penalties for non-compliance violations with this program are defined and applied as follows:

(A) **Administrative Non-Compliance.** Failure to meet requirements for reporting, notifications, record keeping, or similar acts that do not compromise test integrity or public safety.

(i) First violation of Administrative Non-Compliance will result in a warning letter sent to the school.

(ii) The second and subsequent violations of Administrative Non-Compliance will result in a thirty (30) day suspension of testing authority issued by the Department .

(B) Discrepancy in Test Procedure (substandard testing). The following will result in the termination of the testing authority and permanent removal from the program:

(i) failure to properly administer a required portion of an otherwise complete test procedure, such as omission of a required maneuver, or

(ii) failure to include all required parts of a test procedure, such as omission of the vehicle inspection, or

(iii) failure to use an approved test route, or

(iv) use of an unsafe vehicle, or

(v) any other action determined to significantly compromise the integrity of the test process or public safety will result the termination of the testing authority and permanent removal from the program.

(C) Fraud. The following fraudulent activity will result in the termination of testing authority:

(i) profiting from the issuance of a license to a person that has not passed a complete skills test,

(ii) falsification of records or information,

(iii) refusal to allow access to all documents, papers, letters and material subject to the provisions of the Third-Party Tester Program, or

(iv) commits an act that, in the opinion of the Department, compromises the integrity of the Program.

(b) ~~Third-party examiner~~ **Third-Party Examiner - prohibited acts. A ~~third party examiner~~ Third-Party Examiner shall ~~not~~:**

(1) not use or permit to be used any form of alcoholic beverage or drugs in, on or about the school premises, including the examination route, or in any commercial motor vehicle being used for purpose of training or administering a skills examination,

(2) not administer an examination to any commercial driver license applicant with any physical handicap,

(3) not administer an examination to any person who has not enrolled in and successfully completed a course at the certified school employing the ~~third party examiner~~ Third-Party Examiner, another school district that is recognized by the State Department of Education, another technology center school that is recognized by the Oklahoma Board of Career and Technology Education, or any commercial truck driving school as submitted to and approved by the Department,

(4) not administer an examination to any person who has not been issued ~~and~~ or does not possess a commercial learner permit (issued at least fourteen (14) days, excluding the date of issuance, prior to the date of the examination) for the class of vehicle and proper endorsements and restrictions in which the examination is to be given,

(5) not administer an examination in a vehicle required to be placarded for hazardous materials or any other vehicle referred to in OAC 595:11-3-8.

(6) not administer an examination to any person related by consanguinity (by blood relation) or affinity (by marriage) within the third degree, or to any person who is not enrolled in or has enrolled in and completed a course of study, as defined in OAC 595:11-7-2 from the school which employs the examiner.

(7) not accept any present, meals, goods or services, trades, or favor from an applicant or any other person who has or may have an interest in the outcome of an examination, or accept any employment which represents a conflict of interest to the examination process.

(8) not use the ~~third-party examiner~~ **Third-Party Examiner** position for any personal advantage, or

(9) not commit or omit any act which constitutes a violation of any of the rules of this Subchapter or the laws of this state or federal regulations governing ~~third-party examiner certification~~ **Third-Party Examiner certification**. The Department reserves the right to take prompt and appropriate remedial action against a **Third-Party Examiner** that fails to comply with State or Federal laws, rules, and or regulations for the CDL testing program, or any other terms of the **Third-Party Examiner** contract.

(10) not administer the skills test to applicants he or she has instructed in the classroom and/or in behind the wheel training.

(11) not administer an examination to any student that is not enrolled in or has completed a course of study as defined in OAC 595:11-7-2 from the ~~third-party examiner's employing school~~.

(12) not take part in, or conceal others taking part in, any fraudulent activity that may threaten the certification of Oklahoma's CDL Program. This shall result in a revocation of the **Third-Party Examiner** certification and may result in criminal charges.

(13) not falsify any required records, applications, or forms. This shall result in a revocation of the **Third-Party Examiner** certification. Such falsification may also result in criminal prosecution.

(14) not allow anyone in or around the vehicle other than students being tested, the **Third-Party Examiner**, Federal and /or Department auditors or inspectors while the skills test is being conducted.

(15) not assist a student in a manner that provides an unfair advantage in passing the skills test such as giving hints or stopping the vehicle before it hits a boundary during the basic control skills.

(16) not permit a translator or other intermediary to interpret any portion of the CDL Skills Test. Additionally, federal regulations prohibit any **Third-Party Examiner** from conversing with a student in any language other than English.

(17) start the CDL test on time, in accordance with the Notification of Scheduled Test. The Department must be notified via email immediately if a test is canceled.

(18) complete all three segments of the CDL Skills Test without interruption and in the following order: vehicle inspection, basic control skills test, and road test.

(c) ~~**Third-party examiner**~~ **Third-Party Examiner - conduct.** A ~~third-party examiner~~ **Third-Party Examiner** shall:

(1) Recognize that his or her position is of the highest public trust and that, on the wisdom of his or her decision, the lives of many people may depend,

- (2) Impartially administer all official duties without regard to race, gender, creed, position, or influence, ~~according~~ affording no applicant more favorable treatment than any other,
- (3) Conduct each examination in a manner which reflects:
 - (A) its importance to society,
 - (B) its seriousness to the individual, and
 - (C) the unquestioned competence of the examiner,
- (4) Exercise only the legal authority as has been duly vested in the position of a ~~third-party examiner~~ Third-Party Examiner, and
- (5) Fully appreciate and fulfill the responsibilities of his or her certification in order to strengthen public confidence in the training and examination of commercial driver license applicants.
- (6) Know that taking part in, or concealing others taking part in, any fraudulent activity that may threaten the certification of Oklahoma's CDL Program shall constitute immediate release and automatic ban from the Third-Party Examiner Program and may result in criminal charges.

(d) Any licensee that has his or her certification revoked, denied, suspended or cancelled under this section may request an administrative hearing pursuant to OAC 595:1-3-1 through 595:1-3-20.

595:11-5-16. Termination of contracts and agreements

Contracts and agreements entered into by the State Board of Education, by the Oklahoma Board of Career and Technology Education, or by the Department or an individual certified school and the Department, may be terminated by either party, by giving written notice to the other party, stating cause or reason for termination, as provided by the applicable memorandum of understanding.

595:11-5-17. Withdrawal or denial of certification

(a) ~~The Department may:~~ The Department reserves the right to take prompt and appropriate remedial action against a Third-Party Examiner that fails to comply with State or Federal standards for the CDL testing program, or with any other terms of the Third-Party Examiner contract.

~~(1)(b) cancel, suspend, revoke, or refuse to renew the certification of a certified school or third-party examiner for failure to comply with any provisions of state law, federal regulation, or Department rule.~~ The Department reserves the right to take prompt and remedial action against a Third-Party Examiner that falsifies any required records, applications, or forms. Such falsification may also result in criminal prosecution.

~~(2)(c) The Department reserves the right to take prompt and appropriate remedial action against a Third-Party Examiner that fails to comply with Third-Party Examiner Program requirements, the Third-Party Examiner Agreement, applicable Federal or State statutes and regulations may result in the suspension or revocation of deny certification to a school district, or technology center, or any commercial truck driving school, designated responsible person and/or the Third-Party Examiner's testing privileges. applying for certification as a certified school for failure to meet the requirements prescribed by this Subchapter.~~

~~(3)(d) The Department may Deny deny certification to any school district, technology center, or any commercial truck driving school or driver training instructor applying for certification as a~~

~~third party examiner~~ Third-Party Examiner or for failure to meet the requirements prescribed by this Subchapter.

(e) Should the Department deny a certification or license to any school or Third-Party Examiner, the Department shall notify the school or Third-Party Examiner in writing within forty-five (45) days from the denial.

~~(b)~~(f) Where it is determined that a minor disqualification exists which may readily be rectified by the school or ~~third party examiner~~ Third-Party Examiner within twenty-four (24) hours, the Department may informally notify the party by mail or telephone of the minor disqualification or violation, with a request for compliance within a specified period of time. If the party fails to rectify the minor disqualification or violation, the Department may proceed to deny, suspend, revoke or cancel certification.

~~(e)~~(g) The Department may deny or cancel certification of any applicant, certified school, or ~~third party examiner~~ Third-Party Examiner for not more than five (5) years when it is determined and good cause appears that the applicant, school, or examiner demonstrated willful disregard of the rules established in this Subchapter or committed other negligent acts.

~~(d)~~(h) Should the Department be required to re-test applicants as a result of fraudulent or negligent testing practices; the ~~contractor~~ the party to the agreement with the Department shall be required, if not bonded, to reimburse the Department at the base rate of pay for a current Department of Public Safety Commercial Driver License Examiner, including any travel, and other accrued expenses.

(i) Any licensee that has his or her certification revoked, denied, suspended or cancelled under this section may request an administrative hearing pursuant to OAC 595:1-3-1 through 595:1-3-20.

SUBCHAPTER 7. TRUCK DRIVER TRAINING

595:11-7-2. 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.

"Credential" means endorsements, major and/or minor teaching areas, licenses, as well as professional, standard, provisional, temporary, and emergency certificates.

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

"Course of study" means a course of study in truck driver training, including highway signs, signals, markings and design, rules of the road, state laws, local ordinances, basic driving maneuvers, and safe operation of commercial motor vehicles on streets and highways-; including 49 CFR 380.600 – 609 Subpart F-Entry Level Driver Training Requirements set forth in appendices A through E of part 380.

"Endorsements" means credentials placed on valid licenses or certificates, or both, to indicate that the holder is eligible to teach specific subjects. An endorsement qualifies the holder to teach a full day in the subject of the endorsement.

"Instructor" means a qualified commercial truck driver training instructor who is certified by the Department to instruct students desiring to apply for a commercial license, at an approved commercial truck driver training school.

"School" means a business enterprise conducted as a commercial truck driver training school by an individual, association, partnership, or corporation for the purpose of education and training of students desiring to apply for a commercial driver license-, including the requirements set forth in 49 CFR 380.700-725 Subpart G- Registry of Entry-Level Driver Training Providers.

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

(a) **In general.** A school license shall be required for ~~any schools~~ school who that offer offers any form of instruction, whether it is to entry-level truck driver trainees 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 ~~that is to be requested well in advance of the applicants projected opening date.~~ 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 money order, cashier's check, or business ~~personal~~ 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 ~~Commissioner~~ 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, ~~CDL Program Administration~~ 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. If the initial application for approval was denied, the individual school may number of times an individual school or individual applicant may re-apply in a calendar year is two re-applications.

(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/personal 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 money order, cashier's check, or business/personal check. ~~If the instructor is licensed at multiple schools with the same owner, only one (1) fee of Five Dollars (\$5.00) shall be paid. If the instructor is licensed at multiple schools~~

~~with different owners, a fee of Five Dollars (\$5.00) shall be paid for each school with a different owner. 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) An application to be certified a CDL Instructor may be submitted no more than two (2) times per calendar year. If the initial application for approval was denied, the number of times an individual school or individual applicant may re-apply in a calendar year is two re-applications.

(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 money order, cashier's check, or business/personal check. ~~If the instructor is licensed at multiple schools with the same owner, only one fee of Five Dollars (\$5.00) shall be paid. If the instructor is licensed at multiple schools with different owners, a fee of Five Dollars (\$5.00) shall be paid for each school with a different owner. 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 ~~which~~ 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 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, ~~or a general education diploma,~~ or a college degree; and
- (10) 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.

595:11-7-9. Prescribed course of study

(a) A prescribed course of study commercial truck driver training shall be designed to develop knowledge of those provisions of the Title 47 of the Oklahoma Statutes, other laws of this state, and federal laws and regulations relating to the operation of commercial motor vehicles; acceptance of personal responsibility in traffic; appreciation of the causes, seriousness, and consequences of traffic collisions; and to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles. In addition, each course of study shall meet the minimum training requirements, as found in 49 CFR, Part 380:

(1) Commercial truck driver curriculum for entry-level instruction for novice truck drivers, including but not limited to:

- (A) Section 1 - Basic Operations
 - (i) Unit 1.1 - Orientation
 - (ii) Unit 1.2 - Control systems
 - (iii) Unit 1.3 - Vehicle inspection
 - (iv) Unit 1.4 - Basic control
 - (v) Unit 1.5 - Shifting
 - (vi) Unit 1.6 - Backing
 - (vii) Unit 1.7 - Coupling and uncoupling
 - (viii) Unit 1.8 - Proficiency development
- (B) Section 2 - Safe Operating Practices
 - (i) Unit 2.1 - Visual search
 - (ii) Unit 2.2 - Communication
 - (iii) Unit 2.3- Speed management
 - (iv) Unit 2.4- Space management
 - (v) Unit 2.5- Night operations
 - (vi) Unit 2.6- Extreme driving conditions
 - (vii) Unit 2.7- Proficiency development
- (C) Section 3 - Advanced Operating Procedures
 - (i) Unit 3.1-Hazard perception
 - (ii) Unit 3.2-Emergency maneuvers
 - (iii) Unit 3.3-Skid control and recovery
 - (iv) Unit 3.4-Special situations

- (D) Section 4 - Vehicle Maintenance
 - (i) Unit 4.1 - Vehicle systems
 - (ii) Unit 4.2 - Preventative maintenance and servicing
 - (iii) Unit 4.3 - Diagnosing malfunctions
 - (E) Section 5 - Non-Driving Activities
 - (i) Unit 5.1 - Handling cargo
 - (ii) Unit 5.2 - Hours of service
 - (iii) Unit 5.3 - Crash procedures
 - (iv) Unit 5.4 - Trip planning
 - (v) Unit 5.5 - Miscellaneous topics
- (2) Commercial truck driver curriculum for refresher ~~and recertification~~ classroom instruction for experienced truck drivers that currently hold a commercial driver license, including but not limited to:
- (A) Introduction
 - (B) Defensive driving tactics
 - (C) Uniform Vehicle Code (Title 47 of the Oklahoma Statutes)
 - (D) Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Highway Administration, 49 C.F.R., Parts 383 and 390 through 399
 - (E) Techniques of first aid (Instructor must have valid First Aid Instructor's Card)
 - (F) Driver attitude
 - (G) Fire prevention and fire fighting
 - (H) Map reading and routing
 - (I) Credentials, including:
 - (i) Cab cards
 - (ii) Port of entry
 - (iii) Size and weights permits
 - (iv) Elective of cargo handling
 - (J) Training in preparation for the written examination, pre-trip inspection and examination, and air brake examination, and skills examinations.

(b) On or after February 7, 2020, commercial driver license holders must be in compliance with the provisions of 49 CFR 380.600 subpart F-Entry Level Driver Training Requirements and meet the curriculum requirements set forth in appendices A through E of part 380(f) , prior to completing the required knowledge examination.

(c) On or after February 7, 2020, commercial driver license holders must complete the Hazardous Materials Endorsement Training Curriculum, CFR 49 part 380 Appendix E- Hazardous Materials Endorsement Training Curriculum prior to completing the required knowledge examination.

595:11-7-10. Specification for commercial motor vehicles

(a) Commercial motor vehicles used in training shall meet the minimum safety standards in the most recent edition of the "North American Standard Out-of-service Criteria," as published annually by the Commercial Vehicle Safety Alliance. Vehicles found in violation of ~~the~~ these standards shall not be used for training or leased to an-applicant for use in the commercial driver license skills examination.

(b) All students and instructors shall comply with the Oklahoma Mandatory Seat Belt Use Act, 47 O.S. §§ 12-416 through 12-420, whenever the vehicle is in operation.

(c) ~~Signs shall be placed on~~ Each commercial vehicle used in training shall be marked on each side and on the rear of the vehicle with a sign using with letters no less than two (2) inches in height, as follows: bearing the words: "TRUCK DRIVER TRAINING" or "COMMERCIAL DRIVER TRAINING" and "STUDENT DRIVER".

~~(1) Each truck tractor and trailer shall be marked on each side and on the rear with the a sign bering the words: "TRUCK DRIVER TRAINING".~~

~~(2) Each trailer shall bear a sign plainly visible from the rear bearing the words: "NOT FOR HIRE".~~

~~(3) Each vehicle used for instruction of truck driver training shall be marked on each side and on the rear with the words "STUDENT DRIVER".~~

~~(4) Any additional signs and markings shall not be placed on on the vehicle without prior approval by the Department of Public Safety.~~

(d) Each commercial vehicle used in training shall bear a sign plainly visible from the rear bearing the words: "NOT FOR HIRE".

(1) Each truck-tractor and trailer shall be marked on each side and on the rear with a sign bearing the words: "TRUCK DRIVER TRAINING or "COMMERCIAL DRIVER TRAINING" and "STUDENT DRIVER."

(2) Each trailer shall bear a sign plainly visible from the rear bearing the words: "NOT FOR HIRE".

~~(3) Each vehicle used for instruction of truck driver training shall be marked on each side and on the rear with the words "STUDENT DRIVER".~~

~~(4)~~ (3) Any additional signs and markings shall not be placed on the vehicle without prior approval by the Department of Public Safety.

~~(d)~~(e) All commercial vehicles, truck-tractors and trailers shall be used only for the purpose of driver training and no school shall accept payment in any way for services rendered from use of the vehicle; provided, the school may lease the truck-tractor or trailer, or both, for the sole purpose of use of the vehicle leased to allow the leasee to take the skills examination as part of the application process for a commercial driver license.

(f) All vehicles must have the vehicle registration, security verification form, and current cab card if registered with apportioned tag. If truck tractor and/or trailers are leased for purposes of training, a lease agreement must be available at the time of inspection.

(g) All commercial vehicles must be inspected and approved by the Department prior to use of any kind or in any form of training. An inspection shall be requested through the CDL Coordinator, or designee, by mail (Department of Public Safety, Driver License Services, P.O. Box 11415, Oklahoma City, OK 73136), phone (405-425-2300), or email the Department once the vehicle has the vehicle added to the school's inventory and reflected on the school's insurance. Once it has been added to the inventory at the school's location, it cannot be moved to another school location without prior approval from the Department. The Department may require insurance documentation reflecting the commercial vehicle has been added to the new location's inventory.

595:11-7-15. Suspension or revocation of license

(a) ~~The Commissioner~~ Department of Public Safety may cancel, suspend, revoke, or deny a school license or an instructor permit, as prescribed in 47 O.S. § 806.

(b) Where it is determined that a minor disqualification or violation exists which may be readily rectified by the school or instructor within twenty-four (24) hours, or by an applicant for a school license or instructor permit the Department of Public Safety may informally notify the party by mail or electronically of the minor disqualification or violation, with a request for compliance within a specified period of time. If the party fails to rectify the minor disqualification or violation, the Department may proceed to deny, suspend, revoke or cancel the school license.

(c) Any school and/or instructor that takes part in, or conceals others taking part in, any fraudulent activity that may threaten the certification of Oklahoma's CDL Program will be immediately released and automatically banned from the commercial truck school program and may result in criminal charges.

(d) Failure to comply with Truck Driving School requirements, Oklahoma Administrative Code, and any applicable Federal or State statutes and regulations may result in the suspension or revocation of your the Truck Driving School and/or training privileges.

(e) Penalties for non-compliance violations with this program are defined and applied as follows:

(1) **Administrative Non-Compliance.** Failure to meet requirements for reporting, notifications, record keeping, or similar acts that do not compromise test integrity or public safety.

(A) First violation of Administrative Non-Compliance will result in a warning letter sent to the school.

(B) A second or subsequent Administrative Non-Compliance violation will result in a thirty (30) day suspension of testing authority will be issued by the Department.

(B) **Discrepancy in Test Procedure (substandard testing).** The following will result in the termination of the testing authority and permanent removal from the program:

(i) failure to properly administer a required portion of an otherwise complete test procedure, such as omission of a required maneuver, or

(ii) failure to include all required parts of a test procedure, such as omission of the vehicle inspection, or

(iii) failure to use an approved test route, or

(iv) use of an unsafe vehicle, or

(v) any other action determined to significantly compromise the integrity of the test process or public safety will result the termination of the testing authority and permanent removal from the program.

(C) **Fraud.** The following fraudulent activity will result in the termination of testing authority:

(i) profiting from the issuance of a license to a person that has not passed a complete skills test,

(ii) falsification of records or information,

(iii) refusal to allow access to all documents, papers, letters and material subject to the provisions of the Third-Party Tester Program, or

(iv) commits an act that, in the opinion of the Department, compromises the integrity of the Program.

(f) Any licensee that has his or her certification revoked, denied, suspended or cancelled under this section may request an administrative hearing pursuant to OAC 595:1-3-1 through OAC 595:1-3-20.