

Title 595 - Department of Public Safety

Chapter 11 - Commercial Driver Licenses

Subchapter 7 - Truck Driver Training

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595:11-7-1. Purpose

The Department of Public Safety is charged with prescribing the procedures *for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles and/or to prepare an applicant for an examination* [47 O.S., § 801 et seq.], including, but not limited to, commercial motor vehicle or truck driving, adopting the course of study, defining student eligibility, and specifying commercial motor vehicle standards, insurance requirements and required reports.

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.

"**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. 49 CFR 380.600 – 609 Subpart F-Entry Level Driver Training Requirements and meet the curriculum 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. 49 CFR 380.700-725 Subpart G- Registry of Entry-Level Driver Training Providers .

"Business day" means Monday through Friday 8am to 445pm.

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

(a) In general. A school license shall be required for any schools who offers any form of instruction, whether it be to entry-level truck driver trainees 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.** Shall be requested ninety (90) days in advance of opening a school to allow the Department to conduct a pre-audit and insure 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 check. Cash will not 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 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, 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) 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.

(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,
 - (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 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 check.

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

(C) 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 check.

(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 school, that is certified with the Department, which 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 in the type of vehicle or vehicles used, to include the proper endorsements, by the school for instructional purposes. The verifiable driving experience must be within 10 years of the application date. The driving experience must be verifiable through HireRight or the equivalent electronic background unless self-employed. If it is from self-employment, you must bring three years of tax returns with the company information.

595:11-7-5. Review of permitted instructors and licensed schools

- (a) Periodic review of all instructor permits and school licenses shall be conducted by the Department of Public Safety to determine whether both the instructor and the school remain in compliance with the rules of this Subchapter. Failure to remain in compliance will result in cancellation, suspension or revocation of instructor's permit or the school license, as applicable, by the Department.
- (b) When an instructor's driving record reflects four (4) points, he or she may be issued a warning letter by the Department and instructed that additional entries may result in cancellation of his or her instructor permit.

595:11-7-6. Eligibility for re-issuance of instructor permits

An individual who was previously approved for and issued an instructor permit by the Department, but whose instructor permit was cancelled, suspended, or revoked, shall be eligible to apply for re-issuance of an instructor permit which by making application, after the end of the period of cancellation, suspension or revocation, as if for an original instructor permit.

595:11-7-7. Inspection of school premises and commercial motor vehicles

A school shall allow the Department, the Federal Motor Carrier Safety Administration, or their representatives, to conduct examinations, inspections and audits of premises and commercial motor vehicles without prior notice.

595:11-7-8. Written notice of denial, suspension, or revocation

Any applicant who is denied an instructor permit or whose permit is suspended by the Department of Public Safety shall receive written notice of reason for denial, suspension, or revocation and be given an opportunity for hearing pursuant to OAC 595:1-3. In accordance with the rules of this Subchapter, an instructor's permit shall be suspended or revoked upon failure to remain in compliance with driving record requirements or for other good cause as determined by 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 on or after February 7, 2020 applicants 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 required knowledge examination, on or after February 7, 2020 must complete the Hazardous Materials Endorsement Training Curriculum. CFR 49 part 380 Appendix E- Hazardous Materials Endorsement Training Curriculum.

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(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 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 and skills examinations.

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 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) Each commercial vehicle used in training shall be marked on each side and on the rear with a sign using letters no less than two (2) inches in height bearing the words "TRUCK DRIVER TRAINING or COMMERCIAL DRIVER TRAINING" and "STUDENT DRIVER";

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

(d) 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.

(e) 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.

(f) All commercial vehicles must be inspected and approved by the Department prior to use of any kind or in any form of training. You may request an inspection through the CDL Coordinator, or his or her designee, by mail P.O.Box 11415 Oklahoma City, Oklahoma 73011, phone 405-425-2300, or email GENERIC ADDRESS ONCE ISSUED BY IT once you have the vehicle added to the schools inventory on the insurance. Once they have been added to the inventory at that schools location, they cannot be moved to another school location without prior approval from the Department and insurance showing it has been added to the other locations inventory.

595:11-7-11. Insurance

(a) A school shall be insured, by an insurance company licensed to do business in this state, with a commercial liability insurance policy for each commercial motor vehicle used to conduct behind-the-wheel instruction. The minimum amount of insurance shall consist, for any one collision, of at least Fifty Thousand Dollars (\$50,000.00) for bodily injury to or death of one person; One Hundred Thousand Dollars (\$100,000.00) for bodily injury to or death of two or more persons; and Fifty Thousand Dollars (\$50,000.00) for damage to property. The above coverage shall be carried on each vehicle used by the school for driver training purposes.

(b) Each school shall send a copy of the certificate of insurance when applying for the school's original or renewal license. If insurance coverage expires between school renewal certification periods, the school shall send a current copy of the certificate of insurance to the Department.

(c) In the event the insurance coverage is canceled, a copy of the written notice of cancellation shall be forwarded immediately to the Department by registered or certified mail. Behind-the-wheel instruction shall be immediately suspended until proper verification of insurance coverage is provided to the Department of Public Safety.

595:11-7-12. Reports

(a) Schools shall provide to the Department of Public Safety on forms provided by the Department, the following:

(1) Prior to beginning behind-the-wheel instruction, a current list of all students enrolled in the school, including for each student the complete legal name, date of birth, and restricted commercial driver license number.

(2) Other reports as may be requested from time to time by the Department.

(b) A copy of the completed forms prescribed in (a) of this Section shall be kept on file in the office of the school.

595:11-7-13. Requirements for schools and classrooms

(a) Location and classroom facility of schools. The school shall:

(1) have at least one (1) permanent classroom. Each classroom shall be used exclusively for classroom instruction during the time of instruction. A classroom shall not be located in:

(A) a residence or residential facility or complex,

(B) a motor vehicle, or converted motor vehicle,

(C) a hotel or motel, or

(D) any other facility which has a bar, lounge, or other business which sells alcohol for public consumption on the premises;

(2) display its current and valid school license in the licensee's principal place of business at all times when classes are in session. The license or a copy of the license shall also be made available for inspection to students or prospective students;

(3) comply with local municipal ordinances regarding lighting, heating, ventilation, and restroom facilities; and

(4) have adequate room for equipment such as chalkboard, projector, tables and chairs for the number of students enrolled in the class being taught,

(5) an on location basic control skills pad.

(b) Advertising.

(1) No school shall use or conduct any business under any name other than its fully licensed name.

(2) A sign reading "This school is licensed by the Department of Public Safety, State of Oklahoma" or similar language may be displayed on the school premises.

(3) The school may place language such as "This school is licensed by the Department of Public Safety, State of Oklahoma" in any advertisements and publications of the school. However, a school may not use advertisement or publicity that states or implies that the school is specifically or uniquely recognized, recommended, or endorsed, or directly supervised by the Department of Public Safety.

(4) No fraudulent or deceptive statements, promotions, or fee incentives shall be used on any sign or in advertisement, whether written or oral.

(5) No school shall advertise, by any means, or otherwise state or imply that a commercial driver license or permit is guaranteed or assured to any student or individual who will take or complete any instruction offered by the school.

(c) Agreements and schedule of fees.

(1) A sample copy of each type of contract or agreement which the school may enter into with students shall be submitted to the Department with the application for an original or renewal license.

(2) Prior to enrollment or payment of fees, each prospective student shall be provided the following information, in writing:

- (A) the type of instruction offered, whether classroom or behind-the-wheel, or both;
- (B) the length of the course of study and the length of each lesson;
- (C) the cost of the course of study, or the cost per lesson, as applicable to the fee structure of the school;
- (D) the cost to lease a commercial motor vehicle from the school for the purpose of taking the skills examination;
- (E) the terms of payment and disclosure of any interest charged;
- (F) a statement indicating the specific date and time when instruction is to start.

(3) The complete schedule of fees shall be posted in easy view of students and prospective students.

(4) If any school fails to comply with the provisions of this Subchapter, the school shall refund, on a prorated basis, all monies collected from the student.

(d) Records to be maintained.

(1) Each school shall maintain a permanently bound book with pages consecutively numbered or a computer spreadsheet, setting forth the name of the school; the name of each student; the contract or agreement number for each student; the type and date of instruction given, whether classroom or behind-the-wheel, for each student. If written, all entries shall be made in ink. This record shall be on a daily time sheet form approved by the Department and initialed by each student for verification.

(2) All student instruction records for classroom and behind-the-wheel instruction and a duplicate copy of each contract or agreement entered into between the school and the student (the original shall be given to the student) shall be kept on file in the office of each school for a period of three (3) years after the student has concluded instruction at or with the school. Each school shall furnish the student, if requested, an exact copy of his or her instruction record when all of the contracted courses are completed or the student otherwise ceases taking instruction at or with the school. If a school discontinues doing business, the school shall send to the Department a roster of all students who attended the school during the immediately preceding three (3) years, with each student identified as to whether the student successfully completed or did not successfully complete the course of study.

(3) The student instruction record shall contain a copy of a receipt for any monies paid to the school by the student. The receipt shall contain:

- (A) The name of the school.
- (B) The name of the student.
- (C) The date of payment.
- (D) The amount of payment.

- (E) The signature of the person receiving the payment.
- (4) The student instruction record maintained by the school shall be available at all times for inspection and/or copying by an authorized representative of the Department of Public Safety.
- (5) A copy of the student's completion certificate, in a preprinted format prescribed by the Department, shall be provided and issued by the school to each student upon the successful completion of course work (both classroom and behind-the-wheel). The certificate shall contain, at a minimum, the following:
 - (A) Name of the school;
 - (B) Full legal name of student;
 - (C) Number of total hours of instruction (optional)
 - (D) Date of completion;
 - (E) Signature of administrator (a stamped signature is acceptable).
- (6) Medical examiner's certificate.
- (7) Copy of the student's valid driver license and commercial learner permit.
- (8) Copy of proof of Oklahoma residency: utility bill or Government form bearing the name and address of the student.

595:11-7-14. Prohibited acts; conduct

- (a) No school owner, agent, instructor or employee shall:
 - (1) instruct on or near the skills examination route used by the Department of Public Safety;
 - (2) distribute or use, for any purpose, any test or examination designed or used by the Department;
 - (3) use, or permit to be used, any form of alcoholic beverage or drugs in, on or about the premises of the school or a commercial motor vehicle being used for truck driver training;
 - (4) engage in any conduct involving moral turpitude; or
 - (5) commit or omit any act which constitutes a violation of any of the rules of this Subchapter or the laws of this state governing driver training.
- (b) Instructors shall at all times be cognizant of their primary obligation to render impartial, efficient, and effective service to the public in the discharge of their duties and to always regard their position as a public trust.

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

- (a) The Commissioner 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, 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 license.

(c) Any school and/or instructor that takes part in, or is aware of any 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, applicable Federal or State statutes and regulations may result in the suspension or revocation of your Truck Driving School and/or training privileges.

(e) 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 training integrity or public safety.

_____ (i) First Occurrence: Warning letter

_____ (ii) Repeated Occurrence: Thirty (30) day suspension of training privileges.

B. Discrepancy in training Procedure (substandard training): Failure to properly administer a required portion of an otherwise complete training procedure, such as omission of a required curriculum. Or failure to include all required parts of training, such as omission of any parts of 49 CFR 380 for entry level training, use of an unsafe vehicle, or other action determined to significantly compromise the integrity of the training process or public safety.

(i) First Occurrence: termination of training authority and permanent removal from the program.

C. Fraud: Abuse of authority granted to gain profit through issuance of a license to an applicant that has not completed the entire training requirements set forth in 49 CFR 380 , falsification of records or information, refusal to allow access to all documents, papers, letters and material subject to the provisions of the Truck Driving School or commits an act that, in the opinion of the Department, compromises the integrity of the Program.

_____ (i) First Occurrence: Termination of training privileges.

595:11-7-16. Hearings

(a) In the event the Department has determined that a school's license or and instructor's permit should be denied, suspended, revoked, or canceled, notice shall be provided by mail to school or instructor, or to the applicant for a school license or instructor permit, of the facts or conduct which warrant the intended

action, and an opportunity for hearing shall be offered. The aggrieved party may request a hearing within twenty (20) days of receipt of the notice. The request for a hearing shall be in writing and must:

- (1) state the name and address of the respondent,
 - (2) state which allegations of violations, if any, are admitted,
 - (3) state generally the issues to be raised by the respondent at the hearing, but issues not raised in the written request are not barred from presentation at the hearing, and
 - (4) be addressed to the official who issued the notice.
- (b) If the hearing is timely requested, such hearing shall be scheduled at the Department no less than fifteen (15) days nor more than thirty (30) days from the date the Department received the request. However, the parties may agree to schedule the hearing at another location or time.
- (c) The Commissioner shall designate the hearing officer. Each party shall be afforded the opportunity to respond and present evidence and argument on all issues involved. Either party may make application for a continuance of the hearing. The granting or denial of a continuance is within the reasonable discretion of the hearing officer.
- (d) The hearing officer shall render a decision based upon the law and the evidence presented. Each party shall be promptly notified of the decision either personally or by mail.
- (e) Unless the hearing officer timely receives a written request for a rehearing, reopening, or reconsideration of the decision as provided by the Administrative Procedures Act [75 O.S. §317], the hearing officer shall, after twenty (20) days from the entry of the decision, enter an appropriate final order. Each party shall be notified of the final order personally or by mail.
- (f) If the respondent fails to appear at the scheduled hearing without good cause, the hearing officer shall record the nonappearance and enter a final order.
- (g) If the Department representative fails to appear without good cause, the hearing officer shall record the nonappearance and enter a final order dismissing the administrative penalty action, with prejudice. The parties shall be notified that the department action has been dismissed with prejudice.
- (h) A party aggrieved with the hearing officer's decision may file an appeal with the Commissioner requesting reopening or reconsideration of the case [75 O.S. §317]. Such an appeal must:
- (1) be in writing,
 - (2) be within twenty (20) days of the entry of the decision by the hearing officer, and
 - (3) state the grounds for the appeal and include all arguments and information pertinent to the grounds for appeal.