RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULE:
Subchapter 1  Commercial Driver Licensing
Part 2    Application for Initial Commercial Driver License
595:11-1-13 Application by person licensed by another jurisdiction [Amended]
Part 3    Commercial Driver License Renewal – In Person
595:11-1-21 Procedure for obtaining a renewal commercial driver license in person[Amended]
Part 6    Renewal or replacement – not in person [Revoked]
595:11-1-41 Renewal or replacement – not in person [Revoked]
Part 9    Commercial Driver License Card Content
595:11-1-61 Information displayed on commercial driver licenses [Amended]
Subchapter 3  Examination
595:11-3-2 Study guide [Amended]
595:11-3-9 Automatic failure of skills examination [Amended]
Subchapter 5  Commercial Driver License Third-Party Examiners
595:11-5-3 Definitions [Amended]
595:11-5-4 Requirements for certification as a certified school; display of certificate; certification renewal [Amended]
595:11-5-11 Records to be maintained by certified schools and third-party examiners [Amended]
Subchapter 7  Truck Driver Training
595:11-7-5 Review of permitted instructors and licensed schools [Amended]
595:11-7-10 Specification for commercial motor vehicles [Amended]

SUMMARY:
Amendments to these rules are for clarification and to meet federal standards.

AUTHORITY:
Commissioner of Public Safety; 47 O.S. § 6-101, et seq.

COMMENT PERIOD:
Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:
A public hearing regarding these proposed rules will be held at 1:30 P.M., January 6, 2015 in the Robert R. Lester Training Center, Class Room C, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 1:35 P.M.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:
Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional
services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

**COPIES OF PROPOSED RULES:**

A copy of the proposed rules may be obtained from the Department’s website, http://www.dps.state.ok.us/rules/ or from the contact person.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at www.dps.state.ok.us/rules or may be obtained from the contact person.

**CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: kdammen@dps.state.ok.us

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**SUBCHAPTER 1. COMMERCIAL DRIVER LICENSING**

**PART 2. APPLICATION FOR INITIAL COMMERCIAL DRIVER LICENSE**

595:11-1-13. Application by person licensed by another jurisdiction

(a) Any person who holds a valid commercial driver license to operate a motor vehicle equivalent to a Class A, B or C commercial motor vehicle, as defined by 47 O.S. §§ 1-107.1 through 1-107.3, issued by another state, as defined in 47 O.S. § 1-168, may have the written or skills examination, or both, required in 47 O.S. § 6-110 waived; provided, an applicant applying for a hazardous materials endorsement shall take the required examination.

(b) Upon approval of the application by the Department, the applicant shall surrender to the Department the driver license from the other state, and the Department shall issue to the person a commercial driver license [47 O.S. § 6-101] if the applicant is otherwise eligible.

(c) The Department may cancel the Oklahoma commercial driver license of the person, whereupon the person shall surrender the commercial driver license to the Department [47 O.S. § 6-201(A)], for any of the following reasons.

1. The driving record is not available from the other jurisdiction.
2. The driving record is not forwarded from the other jurisdiction within thirty (30) days of the application.
3. The driving record indicates any type of withdrawal of driving privileges.
4. Information is received by the Department that the surrendered license was inappropriately or erroneously issued to the person; provided, the Department shall first attempt to resolve with the person the underlying cause for the inappropriate or erroneous issuance.

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**PART 3. COMMERCIAL DRIVER LICENSE RENEWAL - IN PERSON**

595:11-1-21. Procedure for obtaining a renewal commercial driver license in person

(a) **General requirements.** During the month of expiration or as provided in (d) of this Section, each licensee shall present proper identification and pay the required fee to a Motor License Agent or to the Department of Public Safety for renewal of the commercial driver license of the licensee. Failure to renew a commercial driver license by the end of the month of expiration shall not relieve the person of the obligation to renew his or her commercial driver
license under the provisions required by law and this Section if the person wishes to keep his or her commercial driver license in force.

(b) **Required identification.**

(1) **Renewal with expiring or expired commercial driver license.** The expiring or expired commercial driver license provided as the primary identification may be retained by the licensee, after the Department has invalidated the document by punching holes through the license class and license type displayed. The person shall provide secondary identification as prescribed in OAC 595:10-1-3(b)(2).

(2) **Renewal without driver license.** Any person who does not have the expiring or expired commercial driver license shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(c) **Vision screening.** Persons holding a commercial driver license shall, upon renewal, meet the vision standards established in OAC 595:10-5-7 and 49 C.F.R., §391.41. A valid and unexpired United States Department of Transportation medical examiner's certificate (USDOT physical) may be submitted in lieu of actual vision screening by the Department.

(d) **Limitations to issuance of a renewal commercial driver license.**

(1) A renewal commercial driver license shall be issued only to an individual whose driving privilege is not under suspension, revocation, disqualification, cancellation, or denial and who complies with this Chapter, state law, and federal law and regulation.

(2) Any applicant who requests a renewal of his or her commercial driver license when the license has been expired in excess of three (3) years shall be required to appear before a driver license examiner, pursuant to OAC 595:11-1-11 as for an original license.

(e) **Early renewal of a commercial driver license.** Any licensee may renew his or her commercial driver license no more than one (1) year prior to the expiration date. A renewal which occurs more than one (1) year prior to the expiration date shall be treated as a replacement under the provisions of OAC 595:10-1-18.

(f) **Change of commercial driver license number.** A request by a licensee to change the commercial driver license number shall conform to the provisions of OAC 595:11-1-12(c).

**PART 6. RENEWAL OR REPLACEMENT - NOT IN PERSON**

595:11-1-41. **Renewal or replacement—not in person**

(a) Any Oklahoma commercial driver license holder may apply to the Department of Public Safety to renew or replace his or her commercial driver license without appearing in person as provided in this Section.

(b) The commercial driver license holder shall make application in writing to the Department and shall submit to the Department:

—(1) copies of documentary evidence of the applicant's name, date of birth and medical qualification as required by OAC 595:11-1-21 and OAC 595:10-5,
—(2) the applicant's commercial driver license number,
—(3) the applicant's address; provided, if the address is different than the address on record at the Department, the application for renewal or replacement without appearing in person shall be denied by the Department;
—(4) the number of a nationally recognized credit card and authorization for the required fee for the renewal or replacement commercial driver license to be paid for the applicant to the Department using the credit card; provided, payment may be made by check if the application for renewal or replacement commercial driver license is submitted by mail.
the applicant's signature.

(c) Submission of the items required in (b) shall be made in one of the following manners:

(1) on the internet at www.dps.state.ok.us/cdlreplacement/, or

(2) by mail to: Department of Public Safety, PO Box 11415, Oklahoma City, OK 73136; provided, payment may be made by check if the application for renewal or replacement commercial driver license is submitted by mail.

(d) If the Department approves the renewal or replacement commercial driver license without appearing in person, pursuant to the requirements of this chapter, and:

(1) if the digital photograph and digital signature of the applicant are available from the files of the Department, the Department shall create the renewal or replacement commercial driver license using that photo and signature, or

(2) if digital photograph and digital signature of the applicant are not available from the files of the Department, the Department shall not create the renewal or replacement commercial driver license.

(e) The Department shall mail the renewal or replacement commercial driver license only to the address of record of the commercial driver license holder.

(f) If the Department denies the renewal or replacement commercial driver license to the applicant pursuant to this Section, the Department shall notify the applicant in writing of the denial, the reason for the denial, return any payment submitted by the applicant, and the applicant shall be required to appear in person for the renewal or replacement commercial driver license.

(g) A renewal or replacement commercial driver license without appearing in person shall be approved only when the immediately previous renewal or replacement was in person.

(h) Upon successful processing of the renewal or replacement application, the Department shall charge the replacement fee to the credit card submitted by the applicant or deposit the check submitted by the applicant.

PART 9. COMMERCIAL DRIVER LICENSE CARD CONTENT

595:11-1-61. Information displayed on commercial driver licenses

Each commercial driver license shall display the following information about the person to whom the license was issued [47 O.S. §§ 6-111(A) and 6-106(B)]:

1. digitized color photograph color photograph or computerized image of the licensee,
2. full legal name in the order [last], [first] [middle]. No initial shall be used unless the initial is a part of the legal name of the person. If any abbreviation is required due to the length of the name, only the Department of Public Safety shall have authority to determine the abbreviation used,
3. current residence address or mailing address,
4. signature,
5. sex,
6. date of birth,
7. weight,
8. height,
9. color of eyes,
10. driver license class,
11. driver license number,
(12) driver license issue date,
(13) driver license expiration date,
(14) any driving restriction code(s) (if applicable),
(15) any driver license endorsement(s) (if applicable),
(16) date upon which the person reaches twenty-one (21) years of age and the words "UNDER 21" [47 O.S. §6-101.1(A)] (if applicable), and
(17) organ donor indicator (if applicable).

SUBCHAPTER 3. EXAMINATION

595:11-3-2. Study guide
The official study guide for applicants shall be the "Commercial Driver's Manual", which is distributed by the Department of Public Safety. Copies are available free of charge:
(1) from motor license agencies, Driver License Examination stations,
(2) by mail from: Department of Public Safety, Commercial Driver License Program Administration, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415,
(3) in person at the Department of Public Safety, Commercial Driver License Program Administration, 3600 North M. L. King Avenue, Oklahoma City, or
(4) from the Department's website at http://www.dps.state.ok.us/dls/.

595:11-3-9. Automatic failure of skills examination
An occurrence of any of the following will result in the automatic failure of the skills examination by the applicant:
(1) Seat belt not in use. Applicant failed to use the seat belt. The seat belt shall be properly adjusted and fastened before the vehicle enters a public roadway.
(2) Moving traffic violation. Applicant received a traffic citation for a moving violation during the skills examination.
(3) Disobey sign or signal. Applicant ignored or did not obey sign or signal.
(4) Speed. Applicant sped more than five (5) miles per hour over the posted speed limit or the lawful speed limit for the vehicle being driven.
(5) Fail to stop. Applicant rolled through stops or failed to stop.
(6) Fail to yield. Applicant did not yield to other road users (pedestrians, vehicles, etc.). Applicant did not appropriately yield the right-of-way to pedestrians or other vehicles during driving maneuvers.
(7) Left of center. Applicant drove left of center (except when needed to perform a turn safely, or any other lawful reason).
(8) School bus endorsement. Commit any of the following in the procedures for pickup or discharge of students established by the State Department of Education ("SDE"):
   (A) Fail to activate amber warning lights before stop
   (B) Fail to set park brake and/or fail to shift to neutral
   (C) Use hand outside the bus to direct students
   (D) Fail to make final check of crossover mirrors before the bus is set in motion
(9) School bus endorsement, passenger endorsement, or hazardous materials endorsement. Commit any of the following:
   (A) Fail to stop vehicle at most fifty (50) feet and no less than fifteen (15) feet from first rail of railroad tracks.
(B) Shift gears while crossing railroad track.
(C) Vehicle in motion with door open or unnecessarily impeding traffic.
(10) **Avoidable crash or incident; dangerous act.** Commit any of the following:
    (A) Applicant was involved in an avoidable crash or accident.
    (B) Applicant's vehicle had physical contact with other vehicles, objects, pedestrians, etc.
    (C) Applicant commits any act or omission that creates a dangerous or unsafe traffic environment (near accidents, etc.).
    (D) Drivers of other vehicles or pedestrians were forced to take evasive actions.
    (E) Applicant's actions force examiner to take verbal or physical control of the vehicle.
(11) **Put vehicle over sidewalk or curb.** Driver put vehicle over curb or sidewalk unnecessarily.
(12) **Improper backing.** Driver opens door and leans out of cab during backing maneuver.
(13) **Weighted offenses.** Accumulation of four (4) or more of any of the following offenses in any combination:
    (A) Failure to use turn signal
    (B) Failure to turn on headlamps (if required)
    (C) Coasting on a downgrade (gears in neutral or clutch disengaged)
    (D) Consistently exceed speed limit
    (E) Proceed through intersection on yellow light when applicant could have stopped without creating a dangerous situation.
(14) **Violation of time limit for Pre-trip.** Applicant does not compete the full pre-trip within forty (40) minutes.
(15) **Violation of time limit for Basic Control Skills ("BCS").** Applicant does not complete each BCS maneuver within ten (10) minutes.

**SUBCHAPTER 5. COMMERCIAL DRIVER LICENSE THIRD-PARTY EXAMINERS**

595:11-5-3. Definitions
In addition to terms defined in 47 O.S., § 1-101, et seq., the following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise. Use of the singular term includes the plural, and use of the plural term includes the singular.
"Certified school" means a school district or technology center school approved 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 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.
"Examination" means the skills portion 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 "V1L" 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.

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 or technology center 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.

(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.

(3) Submit an application to the Department on a form prescribed by the Department [see OAC 595:11-5-13].

(4) Have its on-site examination route or routes examined and approved by 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 the same day the test is administered as soon as possible 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 enrolled in and 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, and
   (ii) have an Oklahoma restricted commercial driver license learner permit and Oklahoma Class D driver license issued by Oklahoma. The commercial learner permit must be issued at least fourteen (14) days prior to testing;
(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;
(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, 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 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 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 five (5) 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 [See OAC 595:11-5-13].

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. third-party examiners employed by the school for the immediately preceding three (3) years,
5. examination certificates and pre-trip forms for each examination administered by a third-party examiner,
6. Form DL-18-CT,
7. class rosters for classes conducted or certificate of completion for online training and completion letter for SDE instructor of five hours behind-the-wheel training,
8. commercial dance learner permits,
9. commercial driver license applicants application to whom in which an examination was administered by a third-party examiner employed by the school,
10. examinations and the scores of those examinations, and
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) 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.

**SUBCHAPTER 7. TRUCK DRIVER TRAINING**

**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.

**595:11-7-10. 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 in shall 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 vehicle used in training with letters no less than two (2) inches in height, as follows:

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".
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" with letters no less than two (2) inches in height.
4. Any additional signs and markings shall not be placed on the vehicle without prior approval by the Department of Public Safety.

(d) All 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.