TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND
MOTOR LICENSE AGENT PROCEDURES

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Subchapter 11  Certified Schools and Designated Class D Examiners
595:10-11-3  Definitions [Amended]
595:10-11-7  Examination requirements and standards [Amended]
595:10-11-8  Reexamination upon failure of examination [Amended]
595:10-11-9  Driver license applicant [Amended]
595:10-11-11  Records to be maintained at the Department [Amended]

SUMMARY:
595:10-11-3 – This amendment will add "parent-taught" driver education to the definition of "driver education"
595:10-11-7 – This amendment will allow the commercial driver education school to accept the Oklahoma driver license permit or, if the student has lost or is no longer in possession of the permit, allows the student to provide a photo identification along with another form of identification listed under the primary forms of identification found in 595:10-1-3 in order to take the skills examination for an Oklahoma Graduated driver license.
595:10-11-8 and 595:10-11-9 – This amendment allows the designated examiner to conduct the skills examination of a student up to three times before referring that student to the Department of Public Safety for additional skills examination.
595:10-11-11 – This amendment will allow a digital copy to be an acceptable method of retaining the application and subsequent renewal applications for designated examiners.

AUTHORITY:
Commissioner of Public Safety; 47 O.S. § 1-101, 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 t the close of the public hearing.

PUBLIC HEARING:
A public hearing regarding these proposed rules will be held at 9:30 A.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 9:35 A.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 theses 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](http://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

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

595:10-11-3. 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 driver education instructor" means an instructor any qualified person, as defined by 47 O.S. § 801(B) or 70 O.S. § 19-113, et seq., who is currently certified to instruct in a school, providing instruction to, demonstrating to, or supervising students who are seeking a Class D driver license in a school, but shall not include an instructor who instructs for the operation of motorcycles only.

"Department" means the Department of Public Safety.

"Designated examiner" means a certified driver education instructor who has been approved and certified by the Department of Public Safety or State Department of Education to administer driving skills examinations, on routes approved by the Department and who is employed by or operating a school.

"Division" means the Driver License Examining Division of the Department.

"Driver education" or "driver education course" means

(A) a public secondary school driver education course [70 O.S. §19-113, et seq.],

(B) a parochial, private, or nonpublic secondary school driver education course, certified by the Department of Public Safety, or

(C) a commercial driver training course [47 O.S. §801, et seq.], or

(D) a parent-taught driver education course, certified by the Department of Public Safety [47 O.S. § 6-105].

"Examination" means the driving skills examinations for an Oklahoma Class D driver license.

"School" means a:

(A) public school which that is a secondary school, as defined in 70 O.S. §1-106, within a school district, as defined in 70 O.S. §1-108, which offers a prescribed secondary school driver education course, as defined by 70 O.S. §19-113,

(B) private school which that is a secondary school, including parochial and other nonpublic schools, which offers a driver education course certified by the Department of Public Safety, or

(C) commercial driver training school, as defined in 47 O.S. §801(A).
595:10-11-7. Examination requirements and standards
(a) Application. Before an examination may be given to a driver license applicant by a designated examiner, the applicant shall provide a valid Oklahoma learner permit for inspection by the designated examiner and completely fill out and submit to the examiner an Oklahoma skills examination application (DPS Form DL-18-DE) which shall be provided to the applicant by the examiner [see 595:10-11-12]. If the student is no longer in possession of the Oklahoma learner permit, the student shall provide the designated examiner a photo identification along with another form of identification listed under the primary forms of identification found in 595:10-1-3 and a signed, notarized affidavit stating the student is no longer in possession of his or her Oklahoma learner permit. The examiner shall, by electronic means, verify with the Department on the day of the examination that the applicant is eligible to be administered the examination. If the applicant is not eligible, the examiner shall refer the applicant to a Driver License Examiner.
(b) Standards. Current minimum standards for the skills examination of applicants for an Oklahoma Class D intermediate license or driver license, as set forth in state statutes and Department rules shall be provided to all designated examiners by the Department.
(c) Examinations.
(1) The driving skills examination for an Oklahoma Class D intermediate license or driver license administered by a designated examiner shall:
   (A) include all specified maneuvers as required by the Department, and
   (B) meet or exceed all requirements of the Department for the Class D driver license.
(2) If an applicant fails a skills examination administered by the designated examiner, the examiner shall immediately notify the Division by electronic means of the failure. The notification shall include, at a minimum, the applicant's:
   (A) name and date of birth,
   (B) driver license number, if applicable;
   (C) score on the failed examination, along with any details of the failure which the examiner deems pertinent to the Department's records.
(d) Location of examination. All skills examination shall be administered on the route approved for the designated examiner which shall be a different route than any route used for training the applicant being examined.
(e) Vehicle used for driving skills examination. The applicant or parent or legal guardian of the applicant may specify the vehicle in which the driving skills examination is administered. The vehicle shall meet the same requirements as any vehicle which is used for Class D driving skills tests administered by the Department of Public Safety.
(f) Auditing. An employee of the Department of Public Safety or the State Board of Education may, at any time and without prior notice, accompany a designated examiner and a driver license applicant while a skills examination is being administered for the purpose of auditing the performance and effectiveness of the designated examiner.

595:10-11-8. Reexamination upon failure of examination
(a) If the driver license applicant fails the skills examination administered by a designated examiner, the designated examiner may administer only one (1) subsequent examination to the applicant. The designated examiner shall wait the required amount of time before reexamining the applicant [see 595:10-3-7 and 595:10-3-9]. If the applicant fails the examination
two three (23) times, the designated examiner shall refer the applicant to the Department for any further examination.

(b) The designated examiner shall record each failed examination on the Oklahoma skills examination application (DL-18-DE) [see 595:10-11-12] and the examiner shall immediately notify the Division by electronic means of the failure, as provided in OAC 595:10-11-7(c).

595:10-11-9. Driver license applicant
(a) Any applicant who requests an examination from a designated examiner shall have passed the vision test and shall have enrolled in and successfully completed a driver education course and been issued an Oklahoma learner permit.
(b) Any applicant who does not pass an examination administered by a designated examiner:
   (1) shall wait the required amount of time [see 595:10-3-7 and 595:10-3-9] before being reexamined, and
   (2) may be given no more than one two (42) subsequent examination by any designated examiner. Further examination of the driver license applicant shall be conducted by the Department.
(c) Enrollment in or successful completion of a driver education or training course, or successful passage of an examination administered by a designated examiner does not grant to the driver license applicant the privilege to operate any vehicle and does not ensure that a driver license will be issued to the applicant if the applicant is not otherwise eligible.
(d) No person shall knowingly apply to be administered the skills examination by a designated examiner when the person is not eligible to be issued an Oklahoma driver license.
(e) At its discretion, the Department may retest any applicant for any reason.

595:10-11-11. Records to be maintained at the Department
(a) The following records shall be maintained by the Department at its headquarters for each designated examiner and for each driver education instructor who submitted an application for certification as a designated examiner but was denied certification by the Department:
   (1) The original or digital image of the application and all subsequent renewal applications, including investigative reports.
   (2) Evidence of approval or denial of the application by the Department.
   (3) Annual quality inspection reports.
   (4) Complaints received.
   (5) Commendations received.
   (6) Evidence of violation of any standard, requirement, state statute or Department rule relating to driver license examination.
   (7) Correspondence.
   (8) Canceled, suspended or revoked certifications.
   (9) Individual files of audits.
(b) The Department shall make available to the public upon request a list of all current designated examiners.