Rulemaking Action:
Notice of proposed PERMANENT rulemaking

Rules:

Subchapter 1. Commercial Driver Licensing
Part 2. Application for Initial Commercial Driver License
595:11-1-12. Procedures for obtaining an initial commercial driver license [AMENDED]
Part 7. Changes to Information Contained on Commercial Driver License
595:11-1-51. Procedure to make a change of name on a commercial driver license [AMENDED]
Subchapter 3. Examination
595:11-3-7. Pre-trip inspection examination of commercial motor vehicles [AMENDED]
Subchapter 5. Commercial Driver License Third-Party Examiners
595:11-5-7. Skills examination requirements and standards [AMENDED]
595:11-5-9. Failed examinations and reexamination [AMENDED]
595:11-5-15. Prohibited acts; conduct [AMENDED]
Subchapter 7. Truck Driver Training
595:11-7-3. School licenses and instructor permits [AMENDED]
595:11-7-4. Qualifications for instructors [AMENDED]
595:11-7-13. Requirements for schools and classrooms [AMENDED]

Summary:
These proposed amendments are to ensure the Department of Public Safety meets Federal Regulations regarding the application process, examination, and issuance of Oklahoma Commercial Driver Licenses. Failure to implement these rules could deem the Oklahoma CDL program in noncompliance and therefore the State could no longer issue any type of Commercial Driver License that would be recognized by other states.

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

SUBCHAPTER 1. COMMERCIAL DRIVER LICENSING
PART 2. APPLICATION FOR INITIAL COMMERCIAL DRIVER LICENSE

595:11-1-12. Procedures for obtaining an initial commercial driver license
(a) Application. An applicant for an initial Oklahoma commercial driver license shall first appear before a driver license examiner [47 O.S. § 6-110]. An application for a commercial driver license shall be completed by the applicant at the driver license examination station and approved by a driver examiner prior to the commencement of the required examination. Upon submitting a completed and approved application, providing proof of identity [see OAC 595:10-1-3(b) regarding required identification documents] and proof that the applicant is a United States citizen, foreign national or a legal permanent resident alien [21 O.S. § 1550.42(B)], meeting all statutory requirements, and successfully completing every required examination [see Subchapter 3 of this Chapter relating to examinations], the applicant may then proceed to a motor license agent or the Department of Public Safety, 3600 N. M.L. King, Oklahoma City, and present to the agent or the Department a DL-10 form issued by the driver license examiner, along with the same primary and secondary identification presented to the examiner, to the agent or the Department, pay the required fees, and be issued a driver license. Upon approval of the application by the Department, the applicant shall surrender to the Department any driver license, whether issued by Oklahoma or by another jurisdiction, currently issued to the applicant.

(b) Required identification. Every applicant shall furnish to the driver examiner both primary documentary proof of identity [47 O.S., § 6-106(A)(3)], to include whether the applicant is a United States citizen, foreign national or a legal permanent resident alien [21 O.S., § 1550.42(B)], and secondary documentary proof of identity [47 O.S., § 6-106(A)(3)] and proof of full legal name and birth date beyond any reasonable doubt when applying for an initial Oklahoma driver license [47 O.S. § 6-101(L)]. Complete requirements for identification and the documents which are acceptable for primary and secondary proofs of identity are found in OAC 595:10-1-3(b). At the time of application for an initial Oklahoma driver license, every applicant shall provide to the driver examiner:

1. primary proof of identification [47 O.S. § 6-106(A)(3); OAC 595:10-1-3(b)],
2. secondary proof of identification [47 O.S. § 6-106(A)(3); OAC 595:10-1-3(b)],
3. documentation showing whether the applicant is a United States citizen, foreign national or legal permanent resident alien [21 O.S. § 1550.42]. Proof of citizenship or lawful permanent residency shall be met only when the applicant provides [49 C.F.R. § 383.71]:
   (A) a United States citizen:
   (i) Valid, unexpired U.S. Passport;
   (ii) Certified copy of a birth certification filed with a State Office of Vital Statistics or equivalent agency in the individual’s State of birth, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;
   (iii) Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State;
(iv) Certificate of Naturalization issued by the U.S. Department of Homeland security (DHS); or
(v) Certificate of Citizenship issued by DHS.
(B) a lawful permanent resident: valid, unexpired Permanent Resident Card, issued by USCIS or INS.
(4) proof of full legal name,
(5) date of birth,
(6) and proof of Oklahoma residency: utility bill or Government form bearing the name and address of the applicant. Proof of current residence must be shown for initial issuance, transfer, renewal, or upgrade, made after July 8, 2011. [47 O.S. § 6-106(B)].
(c) Documentation requirements. Any document furnished must be either a certified or original copy and issued by the proper authority; notarized documents will not be accepted. Any document presented shall be unexpired unless otherwise noted in OAC 595:10-1-3. Any document that has been or appears to have been duplicated, traced over, mutilated, defaced, tampered with, or altered in any manner or that cannot be read by the Driver License Examiner shall not be accepted or used for identification purposes. All identification documents must be approved by the Examiner before acceptance. The Examiner may, at his or her discretion, request additional identification documentation of the applicant.
(ed) Commercial driver license numbers.
(1) Commercial driver license numbers shall be assigned by computer. Use of the applicant’s Social Security number as the commercial driver license number is prohibited [47 O.S. § 6-106(B)].
(2) Any licensee may request to change the numeric characters of his or her commercial driver license number to any nine-digit number by making a written request to the Department. Upon approval by the Department, the licensee shall obtain a replacement commercial driver license from a motor license agent or the Department, and the licensee shall pay the required fee for the replacement license [see OAC 595:11-1-31 or OAC 595:11-1-41 regarding replacement commercial driver licenses]. The commercial driver license number may be changed no more than two (2) times in any four-year period without prior approval of the Identification Verification Unit of the Department.

PART 7. CHANGES TO INFORMATION CONTAINED ON COMMERCIAL DRIVER LICENSE

595:11-1-51. Procedure to make a change of name on a commercial driver license
(a) Procedure. Any licensee may request a change of name on his or her commercial driver license upon providing the appropriate identification, as provided in OAC 595:10-1-3(b), and paying the required fee to a motor license agent or to the Department of Public Safety.
(b) Name changes allowed. Name changes must result from either marriage or court action. A licensee requesting a legitimate name change shall submit, without exception, the original document which indicates the name change.
(c) Documentation required. A person requesting a name change shall comply with the primary and secondary identification requirements in OAC 595:10-1-3(b) in order to identify the person by his or her former name and OAC 595:10-1-18(c)(1) in order to identify the person by his or her new name and proof of current residence address [OAC 595:11-1-12(b) and 49 C.F.R. § 383.71]. The required documents for a name change shall include:
(1) Court-ordered name change, which shall be in addition to the primary and secondary forms of identification required by OAC 595:10-1-3(b). Only the following types of court orders may be considered when a name change is requested:
   (A) divorce decree,
(B) adoption decree,
(C) name change decree, or
(D) establishment of record of birth, pursuant to 63 O.S. § 1-315;
(2) Marriage certificate, which may serve only as the secondary form of identification required by OAC 595:10-1-3(b). The name change shall be to the name signed by the person on the marriage certificate; or
(3) For a common law marriage, "Affidavit of Common Law Marriage" containing the notarized signatures of the husband and wife. Both primary and secondary forms of identification as prescribed in OAC 595:10-1-3(b) must be submitted in addition to this affidavit.

d) Form of new name.
   (1) A name change resulting from marriage shall appear on the commercial driver license in one of the following forms. Provided, no initial shall be used unless it is a legal part of the name of the person; provided further, if any abbreviation is required due to the length of the name, only the Department shall have authority to determine the abbreviation used:
      (A) [Surname of spouse], [first name] [middle name or initial],
      (B) [Surname of spouse], [first name] [former surname or initial],
      (C) [Surname of spouse], [first name] [middle name or initial], or
      (D) [Surname of spouse surname], [first name] [middle name or initial].
   (2) A name change resulting from a marriage, court order or divorce decree must appear on the driver license or identification card exactly as stated on the marriage certificate, court order or decree.

e) Titles or ecclesiastical names. Titles or ecclesiastical names shall not be placed on a commercial driver license.

(f) Retention of information. The former name shall be entered by the driver examiner into the "Alias" field in the driver license database to provide historical information to the Department.

SUBCHAPTER 3. EXAMINATION

595:11-3-6. Written examination
(a) General. A written examination shall be administered by a driver examiner to each applicant for a commercial driver license to determine the applicant’s ability to read and understand highway signs and the applicant’s knowledge of the traffic laws of this state; provided, the written examination may be waived as provided in OAC 595:11-1-13(a). The written examination, if not waived, and the vision screening shall be successfully passed by the applicant before the skills test is administered. The written examination includes, when applicable, any separate endorsement/restriction examinations as described in this Section. An applicant determined by an examiner to be cheating on any portion of an examination shall:
   (1) immediately forfeit the examination,
   (2) be given a failing score by the examiner, and
   (3) be disqualified from retaking the examination for one week.
(b) Examination content.
   (1) Written examination. The written examination administered for a commercial driver license shall consist of a minimum of fifty (50) multiple-choice questions. In addition, the combination vehicle test administered for a Class A commercial driver license shall consist of a minimum of twenty (20) multiple-choice questions. The minimum passing score for each written examination shall be eighty percent (80%).
   (2) Endorsement or restriction examination. The minimum number of multiple-choice questions and the minimum passing score for each endorsement or restriction examination shall be as follows:
      (A) "P" passenger endorsement - 20 questions - 80% score
(B) "H" hazardous materials endorsement - 30 questions - 80% score
(C) "N" tank vehicle endorsement - 20 questions - 80% score
(D) "M" motorcycle endorsement - 20 questions - 75% score
(E) "S" school bus endorsement - 20 questions - 80% score
(F) "T" double or triple trailers endorsement - 20 questions - 80% score
(G) Air brakes - 25 questions - 80% score. Failure to pass at least 80% of the 25 questions regarding air brakes will result in a restriction code "L" (Vehicle Without Air Brakes) being placed on the applicant's license upon issuance. The applicant shall be prohibited from taking the skills examination in a vehicle with air brakes.

(c) Alternate method of examination. The Department may provide an alternate method for the written examination for an applicant who cannot read or has a language barrier.
(d) Retesting. An applicant failing the written examination may be granted the opportunity to retest on the next regular business day.
(e) Discretionary examination. Any examination, as deemed necessary by the Department, may be administered by the Department as required for the establishment and authorization of a special endorsement or to permit the operation of commercial motor vehicles.
(f) Commercial learner permit. Any person eighteen (18) years of age or older may apply for a restricted Class A, B, or C commercial driver license learner permit, as provided in 47 O.S. § 6-101(F), solely for the purpose of behind-the-wheel training in a commercial motor vehicle while accompanied by a licensed driver who is twenty-one (21) years of age or older and who holds a valid commercial driver license, including any and all required endorsements, for the class and type of commercial motor vehicle being driven.
   (1) The restricted commercial driver license learner permit shall be issued as provided for 47 O.S. § 6-101(F)(2). Any person may reapply for another restricted commercial driver license by complying with all requirements for the class of restricted commercial driver license desired.
   (2) The Department shall not place a hazardous materials (H) endorsement on a restricted commercial driver license.
   (3) A "No Passengers" restriction (restriction code "WP") shall be placed on any commercial learner permit issued with a "P" or "S" endorsement. The permit holder shall not operate a commercial motor vehicle which carries any passengers [49 C.F.R § 383.25].
   (4) An "Empty/Purge Tank" restriction (restriction code "WX") shall be placed on any commercial learner permit issued with an "N" endorsement. The tank vehicle shall be empty and shall be purged if the tank vehicle contained hazardous materials, and the permit holder shall not operate a commercial motor vehicle with a tank vehicle which is not empty or which has not been purged if the tank vehicle contained hazardous materials. A current and valid purge certificate shall be carried in the vehicle at all times when operated by a driver with a permit [49 C.F.R. § 383.25].

595:11-3-7. Pre-trip inspection examination of commercial motor vehicles
(a) Condition of vehicle. It is the responsibility of the applicant to furnish for the skills examination a commercial motor vehicle in good working order which meets all state laws and federal requirements regarding operability and equipment.
(b) In general. An applicant for a commercial driver license shall pass a vehicle pre-trip inspection examination at the designated inspection location. The pre-trip inspection test:
   (1) shall be performed in a vehicle representative of the vehicle class for the type of commercial driver license for which the applicant is applying,
   (2) shall not be performed using a vehicle transporting hazardous materials or a vehicle which is required to be placarded for hazardous materials under the rules of the Department of Public Safety or federal law or regulation,
(3) shall not be performed using a vehicle which requires an oversize permit under state law or Department of Public Safety rules,
(4) shall not be performed using a vehicle that was not designed and constructed by the manufacturer with a seating capacity for one or more persons in addition to the driver, and
(5) shall not be performed with the aid or assistance of notes or prompting. An applicant determined by an examiner to be cheating on any portion of an examination shall:
   (A) immediately forfeit the examination,
   (B) be given a failing score by the examiner, and
   (C) be disqualified from retaking the examination for one week.
(6) shall not be filmed or recorded, unless by the Department of Public Safety.

(c) Physical pre-trip inspection examination. The physical pre-trip inspection examination administered for a commercial driver license shall consist of the content and methods provided in the most recent release of the 2005 American Association of Motor Vehicle Administrators CDL test model. The content is available to the public as provided for in OAC 595:11-3-2.
(d) Scoring procedure. The scoring procedure for the vehicle pre-trip inspection examination shall be based on the applicant’s ability to identify and fully explain what is being inspected for each item the function or purpose of each item required to be inspected. Applicants must successfully identify and explain at least 70% of the inspection items, which will be based upon the type and axle configuration of the vehicle. The Pre-trip shall be timed, giving the applicant forty (40) minutes to complete. The Pre-trip will be considered a fail if not completed within the time allowed. For air brake vehicles, the following actions will constitute an automatic failure:
   (1) an air brakes leakage test while the engine is running,
   (2) failure to turn the ignition key to the "on" or "accessory" position for air brake bleed down test, or
   (3) failure to release the parking brake for air leakage and bleed down test.

SUBCHAPTER 5. COMMERCIAL DRIVER LICENSE THIRD-PARTY EXAMINERS

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 course of instruction, as submitted to and approved by the Department, by the institution where the examination will be administered.
(b) Application. Before an examination may be given to an applicant by a third-party examiner, the applicant must completely fill out and submit to the examiner an Oklahoma commercial driver license application (DPS Form DL-18-CT) [see OAC 595:11-5-13(e)].
(c) Physical Qualifications. Prior to any examination, an applicant shall be provided with a copy of the physical qualifications for commercial motor vehicle drivers from the Federal Motor Carrier Safety Regulations [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 by the Department.
(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 [see OAC 595:11-3-9 relating to skills examination] 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. At least twenty-four (24) hours prior to any examination to be administered by a third-party examiner, a notice of the examination schedule shall be sent to the CDL Program Administration. A notice of the examination schedule shall be submitted electronically through CSTIMS to the CDL Coordinator or his or her designee no later than three (3) business days prior to the initial examination and twenty-four (24) hours 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 per day shall be administered by a third-party examiner without prior written consent of the CDL Program Administration.

(j) Examination reports. Reports of examination activity by third-party examiners shall be submitted electronically through CSTIMS immediately upon the completion of each examination to the CDL Program Administration Coordinator or his or her designee not later than the tenth calendar day of the month following the date of examination activity.

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 [see OAC 595:11-3-7 and OAC 595:11-3-9]. If the applicant fails 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 application form DL-18-CT [see OAC 595:11-5-13(c)]; and

(2) within twelve (12) hours, notify the Driver License Examining Division, CDL Help Desk, of the Department at (405) 425-2020 to report each failed examination. Each failed exam must be reported to the Department:

(A) during normal business hours:

(i) by calling the CDL Help Desk at 405.425.2020, or

(ii) by emailing the CDL Coordinator or his or her designee, and (iii) electronically through CSTIMS immediately upon completion of each exam.

(B) after normal business hours:

(i) by emailing the CDL Coordinator or his or her designee, and

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

(3) not administer a reexamination the same student that has failed any part of the examination 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.

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 administering a skills examination,
(2) require or permit the administration of an examination to any commercial driver license applicant with any physical handicap. The third-party examiner shall direct these individuals to a Department 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 school, as submitted to and approved by the Department, at the school. The 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 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,

(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 certification.

(b) Third-party examiner - prohibited acts. A third-party examiner shall not:

(1) 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 administering a skills examination,

(2) administer an examination to any commercial driver license applicant with any physical handicap,

(3) 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, as submitted to and approved by the Department, at the certified school employing the third-party examiner,

(4) administer an examination to any person who has not been issued and does not possess an Oklahoma restricted commercial driver license learner permit (issued at least fourteen days prior to the date of the examination) for the class of vehicle in which the examination is to be given,

(5) administer an examination in a vehicle required to be placarded for hazardous materials,

(6) 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) accept any present 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) use the third-party examiner position for any personal advantage, or

(9) 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.

(10) administer the skills test to applicants he or she has instructed in the classroom and/or in behind the wheel training.

(11) 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.

(c) Third-party examiner - conduct. A 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, creed, position, or influence, according 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, 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.

SUBCHAPTER 7. TRUCK DRIVER TRAINING

595:11-7-3. School licenses and instructor permits
(a) In general. A school license shall be required for schools who offer instruction to entry-level truck driver trainees who do not possess a valid commercial driver license. An instructor permit shall be required for instructors who teach truck driver training. [47 O.S. § 6-105.2 and 47 O.S. § 801]
(1) Schools - original application.
   (A) All applications for an original school license shall be made on a form provided by the Department. The term of each original school license shall be for a period of three 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,
      (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,
      (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) 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 world wide web at www.dps.state.ok.us/forms
   (G) All schools shall meet the requirements of OAC 595:11-7-13.
(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 three 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,
      (iv) a current list of commercial motor vehicles used for training purposes, and 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 of the expiration every year. Each school desiring to renew shall submit an application to the Department no later than November 15 of the each year of expiration. 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 of the year of expiration, the commercial school shall cease operation on January 1 of the year following year of expiration 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 three (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 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.

(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 three (3) 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 employed.

(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 (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.

(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) being currently employed by a school 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 an Oklahoma State Bureau of Investigation criminal background check conducted within the immediately preceding thirty (30) days or, 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 residence for the immediately preceding five (5) years a national 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 general education diploma; and

(10) having three (3) years verifiable driving experience in the type of vehicle or vehicles used by the school for instructional purposes.

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 at the time.

(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 rate cost of the course of study, or the rate cost per lesson, as applicable to the fee structure of the school;
   (D) the rate cost to lease a for use of commercial motor vehicle leased from the school for the purpose of taking the skills examination, if extra charge is made;
   (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 including 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 file 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) **Completion certificates.** 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.**