

**Title 595 - Department of Public Safety
Chapter 11 - Commercial Driver Licenses**

Subchapter 5 - Commercial Driver License Third-Party Examiners

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595:11-5-1. Purpose

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

595:11-5-2. Scope and application

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

- (1) Memorandum of Understanding entered into on July 1, 2006, by and between the Department of Public Safety and the State Board of Education.
- (2) Memorandum of Understanding entered into on January 1, 2007, by and between the Department of Public Safety and the Oklahoma Department of Career and Technology Education.

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

595:11-5-3. Definitions

In addition to terms defined in 47 O.S. § 1-101, et seq., the following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise. Use of the singular term includes the plural, and use of the plural term includes the singular.

"Certified school" means a school district or technology center school or any public or private commercial truck driving school that has or maintains a program instructing students for a commercial license in the State of Oklahoma, approved and licensed by the Department of Public Safety to provide, on the premises of the school, the driving skills examinations for Oklahoma commercial driver licenses.

"Commercial driver license" means an Oklahoma Class A, B, or C commercial driver license, as defined in 47 O.S. § 6-101.

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

"Department" means the Department of Public Safety.

"Driver training instructor" means an employee of a certified school who has been approved by the State Board of Education to teach school bus driver training courses, or has been approved by Oklahoma Board of Career and Technology Education to teach truck driver training courses, or who has the appropriate approval to teach both courses; or an employee of any certified public or certified private commercial truck driving school who has been approved by the Department to be a third-party examiner.

"Examination" means the skills portion (one test with three (3) segments to include the pre-trip, bcs, and road test) of the examination for a commercial driver license which shall test the ability of the applicant to operate a commercial motor vehicle and shall be administered on the premises of a certified school by a third-party examiner employed by that school. "Examination" shall also mean:

- (A) an examination to upgrade the current commercial driver license of a driver license applicant, or
- (B) an examination to remove restriction code codes.

"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.

"Commercial truck driving school" means any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B, or C license in the State of Oklahoma that has been approved and certified by the Department of Public Safety.

"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.

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

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

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

(1) Be actively enrolling students and teaching a formal course of instruction for school bus drivers training as approved by the State Board of Education, or truck driver training as approved by the Oklahoma Board of Career and Technology Education, or any public or private commercial truck driving school as approved by the Department of Public Safety.

(2) Obtain and possess written approval to make application for and be, if approved, a certified school from:

(A) the State Board of Education, if the school is a school district, or

(B) the Oklahoma Board of Career and Technology Education, if the school is a technology center.

(C) the Department of Public Safety, if the school is a public or private commercial truck driving school and been in operation for at least two years.

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

(4) Submit required initial fee of One Thousand Dollars (\$1000.00). If an applicant for the third party program is employed by a public school, technology center or state entity, the fee may be waived by the Department.

(4 5) Have its on-site examination route or (4 5) routes examined and approved by the CDL Coordinator or his or her designee. A route:

- (A) shall start and end on the premises or property of the certified school, unless otherwise approved by the Department,
 - (B) shall meet all state and federal requirements,
 - (C) shall not be altered or changed in any manner without first being examined and approved by the Department,
 - (D) shall not be replaced by an alternate route unless the alternate route is first examined and approved by the Department. If, during the course of the examination, it is determined that any of the approved routes could not be followed, the third-party examiner shall notify the Department in writing immediately after completing the test 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, or if a school district or technology center school, may conduct test for public school districts in the surrounding counties of the certified school, and
 - (ii) have a commercial learner permit and driver license issued by Oklahoma. The commercial learner permit must be issued at least fourteen (14) days prior to testing and the date of issuance shall not be included;
 - (G) ensure no person acts as a third-party examiner without current certification from the Department;
 - (H) provide immediate written notification to the Department of any impropriety or misconduct of any third-party examiner employed by the school;

(I) acknowledge that the Department reserves the right to take prompt and appropriate remedial action against the certification of any school or of any third-party examiner in the event that the school or the third-party examiner fails to comply with:

(i) any state law, Department rule, or federal regulation regarding the examination of an applicant for a commercial driver license, or

(ii) any terms of the appropriate memorandum of understanding or of a subsequent contract or agreement entered into pursuant to the memorandum of understanding, any terms of the contract or agreement entered into pursuant to the Department of Public Safety;

(J) maintain records of all third-party examiners employed by the school and copies of all documents relating to examinations administered for a period of not less than three (3) years; provided, if a school discontinues doing business, the school shall send to the Department a roster of all students who were administered examinations by the school during the immediately preceding three (3) years;

(K) immediately notify the Department by telephone, followed by written notification within five (5) days, of the termination of employment of any third-party examiner. The official seal of the Department, the CDL examiner's manual, the score sheet pads and/or testing tablet, and the certificate and identification card issued by the Department to the third-party examiner shall be returned to the Department with the written notification;

(L) immediately notify the CDL Coordinator of the Department, electronically, by telephone, or first-class mail of every fraudulent application made to obtain a commercial driver license; and

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

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

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

(1) Have evidence on file with the Department of a satisfactory on-site inspection conducted by an employee of the Department prior to renewal.

(2) Employ at least one third-party examiner.

(3) Submit an application for renewal on a form prescribed by the Department no later than December 1 of the year of expiration [OAC 595:11-5-13].

(4) Submit required renewal fee of Five Hundred Dollars (\$500.00) . If an applicant for the third party program is employed by a public school, technology center or state entity, the fee maybe waived by the Department.

595:11-5-5. Requirements for certification as a third-party examiner, display of certificate, certification renewal

(a) Requirements and application for certification. A driver training instructor, refer to instructor qualifications in 595:11-7-4, may apply for certification as a third-party examiner. The applicant shall meet the following requirements:

- (1) Meet all the requirements for a Driver License Examiner of the Department [47 O.S., §2-106(c) and (d)].
- (2) Complete an application provided by the Department [see 595:11-5-13] and submit a nationwide criminal background check as required in FMCSR 49 CFR 384.228 (g), certified within the immediately preceding thirty (30) days and, if the applicant has not lived in Oklahoma for the immediately preceding five (5) years, a criminal background check from the agency responsible for keeping criminal history in the state or states of previous residence.
- (3) Be employed by a certified school.
- (4) Have and maintain throughout the time period to be covered by the certification:
 - (A) a valid Oklahoma commercial driver license for the class or classes of vehicle, including any endorsement or endorsements, for which the instructor desires to administer examinations; provided, the applicant shall not be required to have a hazardous materials endorsement (endorsement H),
 - (B) in order to administer school bus examinations, a valid School Bus Workshop Instructor Certificate issued by the State Board of Education with three years of instructor experience, and
 - (C) in order to administer truck examinations, a valid certificate issued by the Oklahoma Board of Career and Technology Education or the Department of Public Safety showing the applicant has met the current requirements with three years of instructor experience.
- (5) Successfully complete a course of instruction prescribed by the Department [see 595:11-5-6].
- (6) Have full use of both upper and lower extremities.
- (7) Agree to submit examination reports to the Department by electronic means immediately upon completion of each examination.
- (8) be required to meet at DPS Headquarters with the CDL Coordinator and/or his or her designee to discuss the program requirements and expectations.

(b) Ineligibility based upon driving record or criminal record. A driver training instructor shall be deemed to be ineligible for certification as a third-party examiner upon evidence of a record of any of the following convictions:

- (1) Two (2) or more convictions for a moving traffic offense within the twelve (12) months immediately preceding the application, or

(2) Any alcohol- or drug-related conviction requiring the Department to revoke, suspend, or disqualify the instructor's driving privilege within the five (5) years immediately preceding the application.

(3) Any conviction for any offense which required or will require the Department to take any type of action against the instructor within the three (3) years immediately preceding the application, including, but not limited to:

(A) a warning letter, or

(B) a revocation, suspension, cancellation, denial or disqualification of the instructor's driving privileges.

(4) Any misdemeanor conviction, except for a misdemeanor conviction for a traffic offense, within the five (5) years immediately preceding the application.

(5) Any felony conviction in this state or any other state or country. Criteria for not passing the criminal background check is not limited to but includes the following :

(i) Any felony conviction with the last 10 years; or

(ii) Any conviction involving fraudulent activities.

(c) Certification. Upon acceptance and approval by the Department of the application for certification from a driver training instructor, or upon acceptance and approval by the Department of the application for renewal of certification from a third-party examiner, and upon completion to the satisfaction of the Department by the instructor or third-party examiner of all other requirements for certification, the Department shall provide the third-party examiner with:

(1) a certificate evidencing approval by the Department as a third-party examiner, which shall be posted at the examination location at the certified school and in full view of the public. The certification will be valid for four (4) years.

(2) an identification card to be carried by the third-party examiner whenever the examiner is administering an examination.

(3) an official seal to be used by the third-party examiner to be used as provided in 595:11-5-14.

(4) If the initial application for approval is denied, a school or applicant may re-apply no more than two times per calendar year.

(d) Renewal of certification.

(1) A certified third-party examiner shall be eligible for renewal of certification if the examiner:

(A) submits an application for certification renewal upon a form provided by the Department no later than December 1 of each year [see 595:11-5-13],

(B) submits a nationwide criminal background check certified within the immediately preceding thirty (30) days,

(C) submits a current copy of the State Department of Education instructor certificate, or a valid certificate issued by the a Oklahoma Board of Career and Technology Education confirming instructor certification or a valid certificate issued by the Department of Public Safety confirming instructor certification.

(D) is currently employed by a certified school,

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

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

(2) Any driver training instructor who was previously certified as a third-party examiner and whose previous certification has been expired for not more than one (1) year may make application for renewal of certification as provided in paragraph (1) of this section.

(3) Any third-party examiner who does not qualify for renewal of certification may apply, after a period of at least one (1) year from the date the examiner was notified he or she was not qualified for renewal of certification, for certification as a third-party examiner and shall meet all requirements as for an initial application for certification as a third- party examiner.

(4) Any third-party examiner who does not meet the fifteen (15) or more full examinations within the twelve (12) months immediately preceding the application for renewal of certification two times shall be removed from the third-party program for a minimum of one year before reapplying.

595:11-5-6. Course of instruction for driver training instructors apply for certification as a third-party examiner

(a) A driver training instructor who desires to apply for certification as a third-party examiner shall enroll in and successfully complete a course of instruction as determined by the Department before the instructor will be considered for approval and certification as a third-party examiner.

(b) The Department shall, from time to time, conduct a course of instruction for driver training instructors applying for certification as a third-party examiner. The Department shall determine the standards and requirements for the curriculum and successful completion of the course of instruction. The curriculum shall include, but not be limited to, the following subjects:

(1) Examination standards and scoring.

(2) Forms and reports.

(3) Oklahoma statutes.

(4) Department rules.

(5) Federal regulations.

(6) Hands-on pre-tripping [see 595:11-3-8 relating to pre-trip inspections].

(7) Behind-the-wheel driving.

(8) Records and recordkeeping.

(c) The dates and locations of courses of instruction shall be determined by the Department.

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

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

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

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

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

(b) Application. Before an examination may be given to an applicant by a third-party examiner, the applicant must submit to the examiner completed Oklahoma eCommercial driver license application (DPS Form DL-18-CT) [OAC 595:11-5-13(e)].

(c) Physical Qualifications. Prior to any examination, the examiner will view the medical questions on the DL-18-CT to insure they conform to the physical qualifications for commercial motor vehicle drivers from the Federal Motor Carrier Safety Regulations and that they are not administering an examination to any commercial driver license applicant with any physical handicap. [49 C.F.R. § 391.41].

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

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

(1) include all specified school bus maneuvers as required by the Department, and

(2) meet or exceed all requirements of the Department and of the Federal Motor Carrier Safety Act [49 C.F.R. §391] for the class or classes of vehicle for which the applicant desires to be licensed.

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

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

(2) meet or exceed all requirements of the Department and of the Federal Motor Carrier Safety Act [49 C.F.R. § 383].

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

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

(i) Limitation on number of examinations. Not more than six (6) examinations, or the equivalent of such, which equates to 18 slots 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 and any failed examinations sent via email immediately upon the completion of each examination to the CDL Coordinator or his or her designee.

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

595:11-5-8. Examination for emergency certification for bus drivers

If the commercial driver license applicant needs an emergency certificate as a bus driver, the third-party examiner shall refer the applicant to the Department for examination.

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 shall wait the required amount of time before reexamining the applicant.

(b) The third-party examiner shall:

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

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

(A) during normal business hours:

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

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

(B) after normal business hours:

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

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

(3) not administer a re-examination to the same student that has failed any part of the examination for a minimum of two business days.

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

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

- (a) Any commercial driver license applicant who requests an examination from a third-party examiner shall:
- (1) have enrolled in and successfully completed the school bus driver course or truck driver course, as approved by the Department, and
 - (2) take the skills examination on a route approved by the Department for the certified school employing the third-party examiner.
- (b) Any commercial driver license applicant who does not pass the skills examination administered by a third-party examiner:
- (1) shall wait the required amount of time [see 595:11-5-7 and 595:11-5-9] before being reexamined, and
- (c) Enrollment in or successful completion of a school bus driver course or a truck driver course, or successful passage of a skills examination administered by a third-party examiner shall not grant to the driver license applicant the privilege to operate any vehicle.

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

- (a) Certified schools. A certified school shall be responsible for maintaining all records pertaining to:
- (1) the certification of the school,
 - (2) third-party examiners currently employed by the school,
 - (3) the certification of each third-party examiner,
 - (4) third-party examiners employed by the school, along with all records, for the immediately preceding three (3) years to include previously certified third-party examiners,
 - (5) examination score sheets for each examination administered,
 - (6) class rosters for classes conducted or certificate of completion for online training and completion letter for SDE instructor for five (5) hours behind-the-wheel training,
 - (7) commercial learner permits and base license,
 - (8) commercial driver license application Form DL-18-CT in which an examination was administered by a third-party examiner employed by the school,
 - (9) all correspondence between the school and the Department
 - (10) receipts of all money collected when the applicant is charged for administered test.
- (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.

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

(a) School records. The following records shall be maintained by the Department-for each certified school, for each previously certified school, and for each school district, technology center school, and any public or private commercial truck driving school which submitted an application for certification, whether the application was approved or denied by the Department within the last three (3) years:

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

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

- (1) The original application and all subsequent renewal applications, including investigative reports.
- (2) Evidence of approval or denial of the application by the Department.
- (3) The name of the certified school employing the examiner or instructor.
- (4) The name of any certified school which employed the examiner within the last three (3) years.
- (5) Annual co-score and audit reports.
- (6) Complaints received.

- (7) Commendations received.
 - (8) Evidence of violation of any standard, requirement, state statute, Department rule, or federal law or regulation relating to driver license examination.
 - (9) Correspondence.
 - (10) Expired certifications.
 - (11) Canceled, suspended or revoked certifications.
 - (12) Student Rosters.
 - (13) Examination Monthly Reports.
- (c) In addition to the records specified in paragraphs (a) and (b) of this Section, the Department shall make available to the public upon request a list of all current third-party examiners and certified schools.

595:11-5-13. Prescribed forms

- (a) Certified school application. A school district, ~~or~~ technology center school, or any public or private commercial truck driving school shall request an application from the Department to apply for an original or renewal of a certification as a certified school. The application shall require the applying school to provide the following information:
- (1) Date of application.
 - (2) Whether the application is an original or renewal application.
 - (3) Name of the Oklahoma school.
 - (4) Name and number of the school district or commercial truck driving school.
 - (5) Complete physical address and mailing address.
 - (6) County name and number.
 - (7) Name of administrator or superintendent.
 - (8) Telephone number of administrator or superintendent of the school district or commercial truck driving school.
 - (9) Name of transportation director of the school district or administrator/operator of the commercial truck driving school.
 - (10) Name of each third-party examiner employed by the certified school, if the application is for renewal of certification.

(11) Statement of agreement to comply with rules of the Department and with the provisions of the appropriate memorandum of understanding and any subsequent contracts and memorandums.

(12) Any other information the Department deems necessary to process the application.

(13) Signature of the administrator or superintendent.

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

(1) Date of application.

(2) Whether the application is an original or renewal application.

(3) Full name of the applicant.

(4) Complete Oklahoma residential and mailing address of the applicant.

(5) Telephone numbers (residence and business) of the applicant.

(6) Name of the employing school.

(7) Name and number of the school district in which the employing school is located.

(8) Date of birth of the applicant.

(9) Social security number of the applicant.

(10) Oklahoma commercial driver license number of the applicant.

(11) Any other information the Department deems necessary to process the application.

(12) Signature of the applicant.

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

(1) Official name and seal of the Department.

(2) Official name of the school.

(3) School district name and number or technology center or commercial truck driving school name.

(4) City (when applicable) and county where the school is located.

(5) Type of certification.

(6) Date of certification.

(7) Expiration date of certification.

- (8) A unique certification number.
- (9) Name and signature of the Commissioner of Public Safety.
- (d) Third-party examiner certificate. The certificate for a third-party examiner shall include, but not limited to, the following information:
 - (1) Official name and seal of the Department.
 - (2) Full name of the third-party examiner.
 - (3) Name, school district name and number or technology center or commercial truck driving school name, city (when applicable), county, and certification number of the certified school employing the third-party examiner.
 - (4) Type of certification.
 - (5) Date of certification.
 - (6) Expiration date of certification.
 - (7) A unique certification number.
 - (8) Name and signature of the Commissioner of Public Safety.
- (e) Oklahoma commercial driver license(DPS Form DL-18-CT) application. The third-party examiner shall document on the application form the gross vehicle weight rating (GVWR); and the license plate number, as well as any other specific identifier pertinent to the commercial motor vehicle used in the skills examination. The third-party examiner shall also document on the form the results of the each skills examination, whether passed or failed, that are administered to the applicant; and the required endorsements and restrictions. Then verify all the information on the application; and approve the application with a signature, school seal, and examiner stamp, if the applicant successfully passes the skills examination administered for the class of commercial motor vehicle and any endorsements or restrictions. Upon approval by the third-party examiner and completion of all information required of the examiner, the examiner shall return the application form to the applicant. The applicant shall surrender the approved application to a Driver License Examiner of the Department to complete any required licensing procedures, including, but not limited to, the administration of written examinations.
- (f) Where to obtain forms. Necessary forms are provided by the Department and can be obtained by a certified school or a third-party examiner by written or electronic request to: Department of Public Safety, Driver License Services, P.O. Box 11415, Oklahoma City, Ok 73136-1415.

595:11-5-14. Official seal, Map and CDL Examiners Manual

- (a) The Department will provide its official seal to each third-party examiner. The certified school shall provide its official seal to each third-party examiner it employs. The seals shall be imprinted upon each approved Oklahoma Commercial Driver License Application (DPS Form DL-18-CT) signed by the third-party examiner as a part of the examiner's verification of each skills examination administered to the applicant whose name appears on the application form.
- (b) If the third-party examiner does not renew certification as a third-party examiner, or leaves the employment of or is terminated from employment by the certified school, the official seal of the Department, map and CDL

Examiners Manual shall be surrendered by the examiner to the school. The school shall ensure the official seal of the Department is surrendered to it by the third-party examiner. The school shall immediately notify the Department by telephone of the status of the third-party examiner along with written notification of the status of the examiner.

(c) All documentation required by the Department, including the official seal, score sheets, map and examiners manual, shall be locked up in a secure area on the school premises.

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

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

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

(2) require or permit the administration of an examination to any commercial driver license applicant with any physical handicap. 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 certified school employing the third-party examiner, another school district that is recognized by the State Department of Education, another technology center school that is recognized by the Oklahoma Board of Career and Technology Education, as or any public or private commercial truck driving school approved by the Department. 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 or any other vehicle referred to in 595:11-3-8, or

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

(7) Failure to comply with Third Party Tester Program requirements, the Third Party Testing Agreement, applicable Federal or State statutes and regulations may result in the suspension or revocation of your Company, Designated Responsible Person, Third Party Program and /or your CDL Skills Test Examiner's testing privileges.

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

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

(i) First Occurrence: Warning letter

(ii) Repeated Occurrence: Thirty (30) day suspension of testing authority.

B. Discrepancy in Test Procedure (substandard testing): Failure to properly administer a required portion of an otherwise complete test procedure, such as omission of a required maneuver. Or failure to include all required parts of a test procedure, such as omission of the vehicle inspection, failure to use an approved test route, use of an unsafe vehicle, or other action determined to significantly compromise the integrity of the test process or public safety.

(i) First Occurrence: termination of testing 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 passed a complete skills test, falsification of records or information, refusal to allow access to all documents, papers, letters and material subject to the provisions of the Third Party Tester Program or commits an act that, in the opinion of the Department, compromises the integrity of the Program.

(i) First Occurrence: Termination of testing authority

(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 training or 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, another school district that is recognized by the State Department of Education, another technology center school that is recognized by the Oklahoma Board of Career and Technology Education, or any public or private commercial truck driving school-approved by the Department,

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

(5) administer an examination in a vehicle required to be placarded for hazardous materials or any other vehicle referred to in 595:11-3-8.

(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.

(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. Example: money, cannot charge or receive any compensation (other than normal salary), gifts, lunches, favors, goods or services, trades, etc.

(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. The Department reserves the right to take prompt and appropriate remedial action against a third party examiner that fails to comply with State or Federal standards for the CDL testing program, or any other terms of the third party contract.

(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.

(12) take part in, or be aware of any others taking part in, any fraudulent activity that may threaten the certification of Oklahoma's CDL Program. This shall constitute immediate release and automatic ban from the third-party program and may result in criminal charges.

(13) The falsification of any required records, applications, or forms by a Tester permanent revocation of their certification; and at a minimum, the suspension of their Third Party Testing privilege; and may result in the Tester's expulsion from the program. Such falsification may also result in criminal prosecution.

(14) while conducting the skills test, not allow anyone else in or around the vehicle other than one (test) applicant, the CDL Skills Test Examiner, Federal and /or Department auditors or inspectors.

(15) Cannot assist applicant in a manner that provides an unfair advantage in passing the skills test. I.e. giving hints or excessive probing during the vehicle inspection, stopping the vehicle before it hits a boundary during the basic control skills.

(16) No translator or other intermediary will be permitted to interpret any portion of the CDL Skills Test. Additionally, federal regulations prohibit any CDL Skills Test Examiner from conversing with an applicant in any language other than English.

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

(18) All three segments of the CDL Skills Test are to be completed in the following order: vehicle inspection, basic control skills test and road test.

(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 depend,

(2) Impartially administer all official duties without regard to race, gender, creed, position, or influence, affording no applicant more favorable treatment than any other,

(3) Conduct each examination in a manner which reflects:

(A) its importance to society,

(B) its seriousness to the individual, and

- (C) the unquestioned competence of the examiner,
- (4) Exercise only the legal authority as has been duly vested in the position of a third- party examiner, and
- (5) Fully appreciate and fulfill the responsibilities of his or her certification in order to strengthen public confidence in the training and examination of commercial driver license applicants.
- (6) Know that taking part in, or being aware of any others taking part in, any fraudulent activity that may threaten the certification of Oklahoma's CDL Program shall constitute immediate release and automatic ban from the third-party program and may result in criminal charges.

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

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

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

- (1) The Department reserves the right to take prompt and appropriate remedial action against a third party tester that fails to comply with State or Federal standards for the CDL testing program, or with any other terms of the third party contract.
- (2) The falsification of any required records, applications, or forms by a Tester permanent revocation of their certification; and at a minimum, the suspension of their Third Party Testing privilege; and may result in the Tester's expulsion from the program. Such falsification may also result in criminal prosecution pursuant to Title 47
- (3) Failure to comply with Third Party Tester Program requirements, the Third Party Testing Agreement, applicable Federal or State statutes and regulations may result in the suspension, revocation of school district, # technology center or any public or private truck driving school, Designated Responsible Person and /or your CDL Skills Test Examiner's testing privileges.
- (4) deny certification to any school district, technology center or any public or private truck school or driver training instructor applying for certification as a third-party examiner or for failure to meet the requirements prescribed by this Subchapter.
- (4) Should the Department deny any school or examiner, they shall notify in writing within forty-five (45) days from the denial.
- (b) Where it is determined that a minor disqualification exists which may readily be rectified by the school or third-party examiner, the Department may informally notify the party by mail or telephone of the minor disqualification or violation, with a request for compliance within a specified period of time. If the party fails to rectify the disqualification or violation, the Department may proceed to deny, suspend, revoke or cancel certification.

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

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

595:11-5-18. Hearings

Any party aggrieved under this Subchapter may request a hearing with the Department pursuant to OAC 595:1-3.