



H.B. 1423

RE: H.B. 1423

SUBJECT: Agriculture Education

House Bill 1423 becomes effective July 1, 2015. This bill amends the transportation requirements for agriculture education programs.

- Current law requires local school districts to provide transportation services to and from **all** agriculture education programs funded by CareerTech and FFA program duties and activities.
- Section 1(C): Eliminates the words “to and from all,” resulting in flexibility for district transportation policies.
 - Note: While transportation is still required for traditional activities, it will not be required for **all** activities (i.e. out of state functions), as deemed appropriate by the district.

Note: H.B. 1423 and S.B. 50 both amend the same portion of law, 70 O.S. 14-108.2, and as such, should be read together.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 14-108.2

An Act

ENROLLED HOUSE
BILL NO. 1423

By: McPeak of the House

and

Marlatt of the Senate

An Act relating to schools; amending Section 1, Chapter 31, O.S.L. 2014 (70 O.S. Supp. 2014, Section 14-108.2), as amended by Section 1 of Enrolled Senate Bill No. 50 of the 1st Session of the 55th Oklahoma Legislature, which relates to agricultural education programs; modifying certain transportation requirement; providing an effective date; and declaring an emergency.

SUBJECT: Agricultural education programs

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 1, Chapter 31, O.S.L. 2014 (70 O.S. Supp. 2014, Section 14-108.2), as amended by Section 1 of Enrolled Senate Bill No. 50 of the 1st Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 14-108.2 A. Agricultural education programs are designed for junior high and high school grades eight through twelve, and shall be provided by comprehensive school districts. Technology center school districts shall be prohibited from operating agricultural education programs or FFA chapters in any location.

B. Each student enrolled in an agricultural education program shall participate in a supervised agricultural experience project.

C. For each agricultural education program which is funded by the Oklahoma Department of Career and Technology Education, the local school district shall provide transportation services for all

agricultural-education-program- and FFA-program-related duties and
~~to and from all~~ activities.

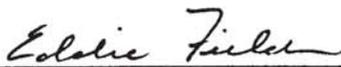
SECTION 2. This act shall become effective July 1, 2015.

SECTION 3. It being immediately necessary for the preservation
of the public peace, health and safety, an emergency is hereby
declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

Passed the House of Representatives the 3rd day of March, 2015.


Presiding Officer of the House
of Representatives

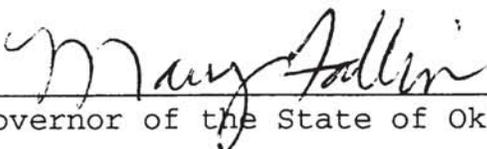
Passed the Senate the 14th day of April, 2015.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th
day of April, 20 15, at 2:00 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 15, at 1:33 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st
day of April, 20 15, at 3:19 o'clock P. M.
By: Chi Benze



S.B. 183

RE: S.B. 183

SUBJECT: Permissible Activity by Operator of Commercial Motor Vehicle

Senate Bill 183 becomes effective November 1, 2015. This bill addresses use of a hand-held mobile telephone while operating a commercial vehicle.

- Current law prohibits use of a cell phone to write, send or read a text message while the vehicle is in motion.
- Section 1(F)(10): Adds “operating a commercial motor vehicle while using a hand-held mobile telephone” to a list of other offenses that would disqualify any person from operating a Class A, B or C commercial vehicle.
 - It does allow for use of such devices when necessary to communicate with law enforcement or other emergency services.
 - “Operate” includes while temporarily stationary because of traffic, a traffic control device or other momentary delays. It does not include when the driver has moved to the side of the road and stopped in a safe location.
- Section 1(G): Changes the disqualification periods from 90 days to 180 days for first time violation of the initial disqualification period and from one year to two years for a second violation of the disqualification period within 10 years.
- Section 2(A): Prohibits use of a hand-held mobile telephone while operating a commercial motor vehicle except when necessary to communicate with law enforcement or emergency services.

Should you have any questions related to this bill, please contact Mr. Trent Gibson, Director of Transportation Services, at (405) 521-3472 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 47 O.S. 6-205.2, 11-901c

An Act

ENROLLED SENATE
BILL NO. 183

By: Schulz of the Senate

and

Ortega of the House

An Act relating to driving privileges; amending 47 O.S. 2011, Section 6-205.2, as last amended by Section 7, Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2014, Section 6-205.2), which relates to disqualifications from driving privileges; modifying certain restrictions, definitions and penalties; amending 47 O.S. 2011, Section 11-901c, as amended by Section 6, Chapter 207, O.S.L. 2012 (47 O.S. Supp. 2014, Section 11-901c), which relates to unlawful use of cellular telephone; modifying certain restrictions and definitions; and providing an effective date.

SUBJECT: Permissible activity by operator of commercial motor vehicle

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205.2, as last amended by Section 7, Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2014, Section 6-205.2), is amended to read as follows:

Section 6-205.2. A. As used in this section, "conviction" means:

1. A nonvacated adjudication of guilt;

2. A determination that a person has violated or failed to comply with this section in any court or by the Department of Public Safety following an administrative determination;

3. A nonvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;

4. A plea of guilty or nolo contendere accepted by the court;

5. The payment of any fine or court costs; or

6. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

B. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving a record of conviction of any of the following disqualifying offenses, when the conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state

because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly leaving the scene of a collision which occurs while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

6. Operating a commercial motor vehicle while the commercial driving privilege is revoked, suspended, canceled, denied, or disqualified;

7. Manslaughter homicide, or negligent homicide occurring as a direct result of negligent operation of a commercial motor vehicle, or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

8. Fraud related to examination for or issuance of a commercial learner permit or a Class A, B or C driver license; or

9. Failure to submit to skills or knowledge reexamination, or both, for the purpose of issuance of a commercial learner permit or a Class A, B or C driver license within thirty (30) days of receipt of notification from the Department.

C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of conviction of any of the disqualifying offenses described in subsection B of this section, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when the conviction has become final.

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the disqualifying offenses described in subsection B of this section after a former conviction of any of the following disqualifying offenses, when the second conviction has become final.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a period of not less than ten (10) years provided a previous lifetime disqualification has not been reduced.

E. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle, when the conviction has become final.

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of a second conviction of the person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of a third conviction of a person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final; provided, the one-hundred-twenty-day period shall run in addition to and shall not run concurrently with any other period disqualification imposed pursuant to this subsection. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding fifteen (15) miles per hour or more over the limit;

2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle collision resulting in a fatality;
4. Erratic or unsafe lane changes;
5. Following too closely;
6. Failure to obtain a commercial driver license;
7. Failure to have in possession of the person a commercial driver license;
8. Failure to have:
 - a. the proper class of commercial driver license for the class of vehicle being operated,
 - b. the proper endorsement or endorsements for the type of vehicle being operated, including but not limited to, passengers or type of cargo being transported, or
 - c. both proper class and proper endorsement, as provided in subparagraphs a and b of this paragraph; ~~or~~
9. Operating a commercial motor vehicle while using a cellular telephone or electronic communication device to write, send or read a text-based communication ~~while the commercial motor vehicle is in motion;~~ or
10. Operating a commercial motor vehicle while using a hand-held mobile telephone.

For the purposes of paragraphs 9 and 10 of this subsection, operating a commercial motor vehicle and using an electronic communication device or a hand-held mobile telephone is permissible by the operator when necessary to communicate with law enforcement officials or other emergency services. Further, for the purposes of paragraphs 9 and 10 of this subsection, "operate" means operating on a street or highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delays.

Operating does not include when the driver of a commercial motor vehicle has moved the vehicle to the side of or off a street or highway and has halted in a location where the vehicle can safely remain stationary.

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, when the conviction becomes final the Department shall disqualify the driving privilege of the person as follows:

1. For a first conviction for violating an out-of-service order:

- a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for ~~ninety (90)~~ one-hundred eighty (180) days, or
- b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for one (1) year;

2. For a second conviction within ten (10) years for violating an out-of-service order:

- a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for ~~one (1) year~~ two (2) years, or
- b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for three (3) years; and

3. For a third or subsequent conviction within ten (10) years for violating an out-of-service order, the period of disqualification shall be for three (3) years.

H. Upon determination by the Department that fraudulent information was used to apply for or obtain a Class A, B or C driver license, the Department shall disqualify the driving privilege of the applicant or licensee for a period of sixty (60) days.

I. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when the person has been disqualified or when the privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

J. Upon the receipt of the record of a conviction of a person of a railroad highway grade crossing offense in a commercial motor vehicle, pursuant to Sections 11-701 or 11-702 of this title or Section 11-1115 of this title, or upon receipt of an equivalent conviction from any state, when the conviction becomes final, the Department shall disqualify the driving privileges of the person convicted as follows:

1. The first conviction shall result in disqualification for sixty (60) days;

2. The second conviction within three (3) years shall result in disqualification for one hundred twenty (120) days; and

3. The third or subsequent conviction within three (3) years shall result in disqualification for one (1) year.

K. The Department, upon receipt of a written notice of immediate disqualification issued by the Federal Motor Carrier Safety Administration under 49 CFR 383.52, shall immediately disqualify the person's commercial driving privilege for the period of time specified on the written notice.

L. The periods of disqualification as defined by this section shall not be modified. A person may not be granted driving

privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

M. When any record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, or if the nonresident operator is the holder of a commercial driver license, a record of the conviction pertaining to the nonresident operator of any vehicle, the Department shall not disqualify the person and shall report the conviction to the licensing jurisdiction in which the license of the nonresident to operate the commercial vehicle was issued.

N. Any person who is disqualified from driving under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

SECTION 2. AMENDATORY 47 O.S. 2011, Section 11-901c, as amended by Section 6, Chapter 207, O.S.L. 2012 (47 O.S. Supp. 2014, Section 11-901c), is amended to read as follows:

Section 11-901c. A. It shall be unlawful for any person to operate a commercial motor vehicle or for a public transit driver to operate a motor vehicle on any street or highway within this state while ~~using~~:

1. Using a cellular telephone or electronic communication device to write, send, or read a text-based communication while the motor vehicle is in motion; or

2. Using a hand-held mobile telephone while operating a commercial motor vehicle.

For the purposes of paragraphs 1 and 2 of this subsection, using a hand-held mobile telephone is permissible by drivers of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Five Hundred Dollars (\$500.00).

C. As used in this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a voice-activated global positioning or navigation system that is affixed to a motor vehicle;

3. "Operate" means operating on a street or highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delays. Operating does not include when the driver of a commercial motor vehicle has moved the vehicle to the side of or off a street or highway and has halted in a location where the vehicle can safely remain stationary;

4. "Public transit driver" means:

- a. any operator of a public transit vehicle owned and operated by the State of Oklahoma, any public trust authority, county, municipality, town or city within this state,
- b. any operator of a school bus or multi-passenger motor vehicle owned and approved to operate by the State Department of Education or any school district within this state, or
- c. any operator, conductor or driver of a locomotive engine, railway car or train of cars; and

~~4-~~ 5. "Write, send, or read a text-based communication", also known as texting, means manually entering alphanumeric text into, sending text, or reading text from, an electronic device, and includes, but is not limited to, short message service (SMS), e-mailing, instant messaging (IM), a command or request to access a World Wide Web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. As used in this paragraph, texting does not include:

- a. using voice commands to select or enter a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a phone call,
- b. inputting, selecting, or reading information on a global positioning system or navigation system, or
- c. using a device capable of performing multiple functions for a purpose that is not otherwise prohibited in this part, including, but not limited to, fleet management systems, dispatching devices, smart phones, citizens band radios, and music players.

D. This act shall not apply to railroads and railroad operating employees regulated by the Federal Railroad Administration.

SECTION 3. This act shall become effective November 1, 2015.

Passed the Senate the 11th day of March, 2015.

Nathan Dahm
Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2015.

John D. Thompson
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 28th
day of April, 20 15, at 3:35 o'clock P M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 1st
day of May, 20 15, at 11:49 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 1st
day of May, 20 15, at 2:25 o'clock P M.

By: Joe Ann McLaughlin-Hayes



S.B. 411

RE: S.B. 411

SUBJECT: Department of Public Safety Examiners

Senate Bill 411 becomes effective November 1, 2015. This bill allows the Department of Public Safety to implement a pilot program for using third-party examiners.

- Section 1: Directs the Department of Public Safety (DPS) to develop and implement a pilot program to evaluate the potential use of certified commercial truck driver training instructors employed by businesses involved in interstate or intrastate commerce to be certified third-party examiners. The pilot program will be limited to 10 businesses, begin no later than July 1, 2016, and last for two years.
 - No business can be established for such purpose and no person can act as an instructor or third-party tester unless they apply for and obtain a license from the Commissioner of Public Safety.
 - DPS is directed to adopt a curriculum to offer to those who qualify as a third-party tester.
 - Each business that is licensed as a third-party tester is required to pay an initial fee and renewal fee of \$5,000. Each person is required to pay \$2,500.
 - An annual complete nationwide criminal history background check is required.
 - DPS is to promulgate rules.
 - Note: Could provide additional testing opportunities for school bus drivers, which is a challenge for many school districts.

Should you have any questions related to this bill, please contact Mr. Trent Gibson, Director of Transportation Services, at (405) 521-3472 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

New Law at: 47 O.S. 6-110.4

An Act

ENROLLED SENATE
BILL NO. 411

By: Crain, Pittman and Sharp of
the Senate

and

Echols, Johnson, Walker and
Russ of the House

An Act relating to commercial driver licenses; directing the Department of Public Safety to develop certain pilot program; providing eligibility requirements; directing the Department to adopt a curriculum of courses; providing for certification and renewal fees; directing the deposit of fees into certain revolving fund; requiring annual background checks; providing for the promulgation of rules; providing for codification; and providing an effective date.

SUBJECT: Department of Public Safety examiners

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-110.4 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Department of Public Safety is directed to develop and implement a pilot program to evaluate the potential use of certified commercial truck driver training instructors employed by businesses engaged in interstate or intrastate commerce licensed in the state of Oklahoma to be certified third-party examiners for the Department of Public Safety. The pilot program shall have a maximum of ten

businesses and shall begin no later than July 1, 2016, for a period of two (2) years.

B. Any certified commercial truck driver training instructor who is currently an operator or an employee of a business engaged in interstate or intrastate commerce licensed in this state shall be eligible to apply to be a third-party tester of the Department of Public Safety for the purpose of administering the Class A, B or C driving skills portion of the Oklahoma driving examination to any person who has not previously been a student of the instructor.

C. No business shall be established for the education and training of persons, and no person shall act as an instructor or third-party tester unless such business or person applies for and obtains from the Commissioner of Public Safety a license in the manner and form prescribed by the Commissioner.

D. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a third-party tester. The courses and training for certification shall meet the same standards as required for commercial driver examiners of the Department of Public Safety.

E. Each business engaged in interstate or intrastate commerce licensed in this state with an employee or person applying to be an instructor or third-party tester shall be required to pay an initial fee of Five Thousand Dollars (\$5,000.00) and an annual renewal fee of Five Thousand Dollars (\$5,000.00). Each person applying to be an instructor or third-party tester shall be required to pay an initial certification fee of Two Thousand Five Hundred Dollars (\$2,500.00). Upon successful completion of training prescribed by subsection D of this section, the person shall be required to pay an annual third-party tester certification fee of Two Thousand Five Hundred Dollars (\$2,500.00). The third-party tester certification fees collected by the Department pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this section. The Department shall not be required to operate this program unless adequate funds are provided. No third-party tester certification fee shall be refunded to the business or person in the event that certification is denied, suspended or revoked.

F. The Department shall conduct on an annual basis a complete nationwide criminal history background check on each third-party tester and a complete nationwide criminal history background check on each third-party tester applicant. The fees for the background check shall be borne by the third-party tester or third-party tester applicant.

G. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 47 of the Code of Federal Regulations.

SECTION 2. This act shall become effective November 1, 2015.

Passed the Senate the 15th day of April, 2015.

Eddie Filer
Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2015.

Cash [Signature]
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16th
day of April, 20 15, at 3:25 o'clock P M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 15, at 2:13 o'clock P M.

Mary Fallon
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st
day of April, 20 15, at 3:19 o'clock P. M.

By: Ch. Benge