

19A NCAC 03B .0703 REQUIREMENTS FOR THIRD PARTY TESTERS

(a) To be certified as a Third Party Tester a person must:

- (1) apply in accordance with Rule .0706 of this Section and enter into an agreement with the Division in accordance with 49 CFR 383.75;
- (2) maintain a place of business with at least one occupied structure within the state of North Carolina;
- (3) have at least one certified Third Party Examiner in its employ;
- (4) allow FHWA, its representatives, and the Division to conduct random examinations, inspections, and audits without prior notice;
- (5) allow the Division to conduct periodic, but at least annual on-site inspections;
- (6) maintain at each third party testing location, for a minimum of two years, a record of each driver for whom the Third Party Tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:
 - (A) the complete name and address of the driver;
 - (B) the driver's social security number, driver's license number, and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;
 - (C) the date the driver took the skills test;
 - (D) the test score sheets showing the results of the test;
 - (E) the name and identification number of the Third Party Examiner conducting the skills test;
 - (F) the record of all receipts and disbursements;
 - (G) the make, model, and registration number of the commercial motor vehicles used to conduct the testing; and
 - (H) the written contract or copy, if applicable, with any person or group of persons being tested.
- (7) maintain at each approved testing location, a record of each Third Party Examiner in the employ of the Third Party Tester at that location. Each record shall include:
 - (A) a valid Examiner Certificate indicating the Examiner at that location;
 - (B) a copy of the Third Party Examiner's current driving record, that shall be updated annually; and
 - (C) evidence that the Third Party Examiner is a payroll employee of the Third Party Tester.
- (8) retain all Third Party Examiner records for at least two years after the Third Party Examiner leaves the employ of the Third Party Tester;
- (9) ensure that the skills tests are conducted in accordance with the requirements of this Section;
- (10) provide documented proof through electronic means provided through a portal by the American Association of Motor Vehicle Administrators for each driver applicant who has taken and passed the required skills tests as set forth in G.S. 20-37.13(a)(3). The driver applicant will then present themselves to the Division and skills test scores will be verified through electronic means provided through a portal by AAMVA as evidence that they successfully passed the driving tests administered by the Third and;
- (11) to maintain certification the Third Party Tester must administer skills tests to a minimum of 10 different driver annually in accordance with the requirements of 49 CFR383.75(c), which is hereby incorporated by reference including subsequent amendments and editions and can be found at no cost at www.fmcsa.dot.gov/regulations.

(b) In addition to the requirements listed in Paragraph (a) of this Rule, all Third Party Testers who are not governmental entities or associations must:

- (1) Truck and Bus Companies:
 - (A) employ at least 25 full-time, part-time, or seasonal North Carolina commercial motor vehicle licensed drivers;
 - (B) employ an individual who is responsible for the organization's third party testing operation; and
 - (C) have been in operation in North Carolina a minimum of six months. If the truck or bus company has been in operation less than six months under the current company name, the company shall identify previous company names to cover the six-month period.
- (2) Educational Institutions have a commercial motor vehicle training program in operation in North Carolina for a minimum of six months.

History Note: Authority G.S. 20-37.13; 20-37.22;
Eff. September 1, 1990;
Amended Eff. August 1, 1994; December 1, 1993;
Readopted Eff. November 1, 2021.