

19A NCAC 03B .0716 DENIAL/TERMINATION OF THIRD PARTY TESTING PROGRAM/CERTIFICATION

- (a) The Division may deny any application for a Third-Party Tester or Examiner's Certificate, if the applicant does not qualify for the certificate under provisions of these Rules. Misstatements or misrepresentation may be grounds for denying a certificate.
- (b) Any Third-Party Tester or Examiner may relinquish certification upon 30 days notice to the Division.
- (c) The Division may revoke the certificate of a Third-Party Tester or Examiner upon the following grounds:
- (1) Failure to comply with or satisfy any of the provisions of these Rules, the Division instructions or the Third-Party Tester Agreement;
 - (2) Falsification of any record or information relating to the Third-Party Testing program;
 - (3) Commission of any act which compromises the integrity of the Third-Party Testing program;
 - (4) For Third Party Examiner: driver license suspension, revocation, cancellation, or disqualifications; and
 - (5) For Third Party Examiner: conviction of driving while impaired (DWI);
 - (6) Possessing more than one license;
 - (7) Having a physical impairment that in the judgment of the Division would impair his ability to safely operate a motor vehicle of the class required to certify others.
- (d) If the Division determines that grounds for cancellation exist for failure to comply with these Rules or the Third-Party Tester Agreement, the Division may postpone cancellation and allow the Third Party Tester or Examiner 30 days to correct the deficiency.
- (e) If Third Party Examiner or Tester is alleged to be in violation of any provisions of these Rules, the Examiner or Tester:
- (1) Shall be notified by registered or certified mail;
 - (2) May request a hearing. The request must be within ten days of receipt of the registered or certified letter; and
 - (3) May be represented by counsel.
- (f) Upon completion of the hearing, the Division shall notify the Third-Party Tester or Examiner within ten days of its decision which may be appealed.
- (g) Recertification will be required if any Third-Party Tester or Examiner, or Third-Party Tester's or Examiner's certification is revoked or cancelled.

*History Note: Authority G.S. 20-37.22;
Eff. September 1, 1990;
Amended Eff. December 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*