

1 19A NCAC 03B .0703 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 03B .0703 REQUIREMENTS FOR THIRD PARTY TESTERS**
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5 (a) To be certified as a Third Party Tester a person must:

- 6 (1) ~~Make application to apply~~ and enter into an agreement with the Division as provided in Rule .0706
7 of this ~~Section~~.Section;
- 8 (2) ~~Maintain~~maintain a place of business with at least one permanent regularly occupied structure
9 within the state of North ~~Carolina~~.Carolina;
- 10 (3) ~~Ensure~~ensure its place of business meets all requirements of state law and local
11 ~~ordinances~~.ordinances;
- 12 (4) ~~Have~~have at least one qualified and approved Third Party Examiner in its ~~employ~~.employ;
- 13 (5) ~~Allow~~allow FHWA, its ~~representative(s)~~,representatives and the Division to conduct random
14 examinations, ~~inspections~~.inspections, and audits without prior ~~notice~~.notice;
- 15 (6) ~~Allow~~allow the Division to conduct periodic, but at least annual on-site ~~inspections~~.inspections;
- 16 (7) Maintain at each third party testing location, for a minimum of two years, a record of each
17 driver for whom the Third Party Tester conducts a skills test, whether or not the driver passes or
18 fails the test. Each such record shall include:
- 19 (A) ~~The~~the complete name and address of the driver;
- 20 (B) ~~The~~the driver's social security number, driver's license ~~number~~.number, and the name of
21 the state or jurisdiction that issued the license held by the driver at the time of the test;
- 22 (C) ~~The~~the date the driver took the skills test;
- 23 (D) ~~The~~the test score ~~sheet(s)~~.sheets showing the results of the test;
- 24 (E) ~~The~~the name and identification number of the Third Party Examiner conducting the skills
25 test;
- 26 (F) ~~The~~the record of all receipts and disbursements;
- 27 (G) ~~The~~the make, ~~model~~.model, and registration number of the commercial motor ~~vehicle(s)~~
28 vehicles used to conduct the testing; and
- 29 (H) ~~The~~the written contract (~~copy~~),or copy if applicable, with any person or group of persons
30 being tested.
- 31 (8) Maintain at each approved testing location, a record of each Third Party Examiner in the
32 employ of the Third Party Tester at that location. Each record shall include:
- 33 (A) ~~A~~a valid Examiner Certificate indicating the Examiner at that location;
- 34 (B) ~~A~~a copy of the Third Party Examiner's current driving record, ~~which must~~that shall be
35 updated annually; and
- 36 (C) ~~Evidence~~.evidence that the Third Party Examiner is a payroll employee of the Third Party
37 Tester.

- 1 (9) ~~Retain~~retain all Third Party Examiner records for at least two years after the Third Party Examiner
2 leaves the employ of the Third Party ~~Tester~~Tester;
- 3 (10) ~~Ensure~~ensure that the skills tests are conducted in accordance with the requirements of this
4 ~~Section~~Section;
- 5 (11) ~~Provide~~provide documented proof through electronic means provided through a portal by the
6 American Association of Motor Vehicle Administrators (using a form provided by the Division) to
7 for each driver applicant who has takes taken and passes passed the required skills tests. The driver
8 applicant in turn will then present the form themselves to the Division and skills test scores will be
9 verified through electronic means provided through a portal by AAMVA as evidence that they
10 successfully passed the driving tests administered by the Third Party and;
- 11 (12) ~~To~~to maintain certification the Third Party Tester must administer skills tests to a minimum of ~~five~~
12 10 different driver applicants annually in accordance with the requirements of this Section.

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

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

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29 *History Note:* Authority G.S. 20-37.13; 20-37.22;
30 Eff. September 1, 1990;
31 Amended Eff. August 1, 1994; December 1, ~~1993~~1993;
32 Readopted Eff. _____, 2021.