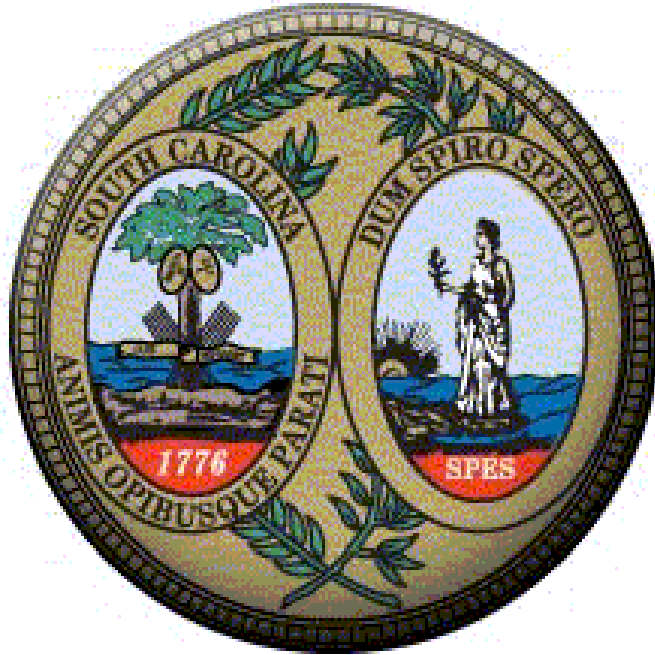


SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES



COMMERCIAL DRIVER LICENSE (CDL) THIRD PARTY TESTER'S SAFETY OFFICER MANUAL

Revised November 2015

Section 1

Definitions

1. Applicant - An individual who intends to apply for a Commercial Driver License (Class A, B, or C) and is required to pass the applicable CDL skills tests.
2. BTW - Behind the Wheel
3. CDL - Commercial Driver's License.
4. Commercial Motor Vehicle (CMV) - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle- (a) Has a gross combination weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit(s) with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or (b) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 pounds or more); or (c) Is designed to transport 16 or more passengers, including the driver; or (d) Is of any size and is used in the transportation of hazardous materials required to be placarded.
5. Company - Any corporation, partnership, joint venture or sole proprietorship, federal or state agency or department, and any political subdivisions.
6. Department - The South Carolina Department of Motor Vehicles (SCDMV).
7. Designated Responsible Person - Person selected by a Company to supervise Safety Officers, to include responsibility of all records and submission of reports.
8. Domicile - The residence where you have your permanent home or principal establishment and to where, whenever you are absent, you intend to return; every person is compelled to have one and only one domicile at a time.
9. DOT Physical - A physical that meets definition of 49 CFR Part 391.41 and 391.43.
10. FMCSA - Federal Motor Carrier Safety Administration.
11. FMCSR - Federal Motor Carrier Safety Regulations.
12. Full Time Employee - Individual employed by a Company a minimum of 30 hours per week and remains working a minimum of 30 hours per week thereafter. Paid vacation or sick leave is counted towards an employee's minimum of 30 hours per week. **The Department reserves the right to verify employee's minimum hours with the Human Resources Officer of the employer. Failure to maintain the minimum of 30 hours per week shall result in suspension of testing privileges and may result in re-testing of any applicant tested by the Safety Officer(s) not in compliance.**
13. Gross Combination Vehicle Weight Rating (GCWR) - The value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. It's the GVWR of the power unit plus the GVWR of the towed unit. The GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load therein.

Section 1

Definitions

14. Gross Vehicle Weight Rating (GVWR) - The value specified by the manufacturer as the maximum allowable total weight of a road vehicle or trailer when loaded - i.e. including the weight of the vehicle itself plus fuel, passengers, cargo, etc.
15. MVR - Official Motor Vehicle Record obtained from the Department.
16. Safety Officer - A Full Time Employee of a Company licensed by the Department to administer skills tests to drivers applying for a Class A, B or C driver's license.
17. SLED - South Carolina Law Enforcement Division.
18. SPE - Skills Performance Evaluation
19. State - The State of South Carolina.
20. Substandard Test - Any part or parts of the Commercial Driver's License Test not **administered** in accordance with standards, **guidelines and/or policies established by** the Federal Motor Carrier Safety Regulation, **the Department**, state Law 56-1-2080, or the Safety Officer Manual.
21. Third Party Tester - A company or **agency** licensed by the Department to **administer** CDL skills tests in accordance with 49 CFR 383.75 **and the standards established in the TPT Safety Officer Manual.**
22. Training - **A safety officer who is also an instructor either as a part of a school, training program or otherwise is prohibited from administering a skills test to an applicant who received skills training by that safety officer. In other words, a Safety Officer cannot administer a CDL skills test to any applicant if they spent time training them (hands-on) vehicle pre-trip inspection, basic control skills, and/or BTW requirements. Classroom training is excluded from this requirement.**

Section 2 - Company and Designated Responsible Person Requirements

The Department reserves the right to change or modify these regulations or policies at any time without prior notice. Notification of changes will be sent to the Designated Responsible Person.

Failure to adhere to applicable guidelines established by the FMCSA and the Department can result in your company being removed from the third party tester program, suspended testing privileges, and/or retesting of any applicant administered a CDL skills test.

Company Qualifications and Requirements

1. Complete and sign a written Third Party Tester Agreement with the Department.
2. Maintain at least one permanent, regularly occupied structure in South Carolina with a permanent South Carolina street mailing address.
3. Own or lease at least **one** Class A or B (Group) commercial motor vehicles that require a commercial driver's license.
4. Have been in operation for at least 180 days.
5. Allow representatives from the FMCSA or the Department to conduct unannounced audits without prior notice and upon request, provide copies of any applicable records required to be maintained. All records, documents, reports and files required under this program must be kept in South Carolina at a designated location and available during normal working hours.
6. **Upon request provide representatives of the FMCSA or the Department with copies of all records required to be maintained in reference to this program.**
7. Employee at least one full-time Safety Officer who meets all Department qualifications.
8. Permit the Department to perform **nationwide criminal** background checks on its Safety Officers and require the Company to provide additional checks for cause.
9. Allow representatives from the FMCSA or Department to conduct instant random sampling, random sampling, or retest any applicant administered a CDL skills test by its safety officers.
10. Allow representatives from the FMCSA or the Department to observe any or all portions of an applicant's CDL skills test (**including those portions occurring inside vehicles**) being administered by its safety officers.
11. Conduct all portions of the CDL skills test in South Carolina.
12. Maintain a basic control skills course in South Carolina and road test route

Section 2 - Company and Designated Responsible Person Requirements

that meets requirements outlined in the CDL Third Party Tester's Safety Officer Manual. Skills pads must be in a safe location, clearly painted, free of debris, and other vehicles. A company can share another company's Basic Control Skills pad as long as there is a written agreement between the two companies that is provided to DMV at the time of the inspection.

Note: Basic control skills course(s) and CDL road test route(s) must be approved by the Department before a CDL test can be administered. The Department must approve any changes, or modifications, before the next test is administered. Road test routes must be approved by the department and a copy of the route(s) must be on file at each testing location.

13. Safety Officers and the Designated Responsible Person are required to attend periodic training sessions when notified by the Department.
14. School Districts will permit the Department to verify Date of Hire or work hours of the designated responsible person, safety officers or drivers with their Human Resource Office.

Note: A Signature Form will be kept on file with the Department indicating personnel authorized to sign Date of Hire forms and the Department will be notified within 10 days of changes in signature authority.

Designated Responsible Person Qualifications and Requirements

1. May or may not be a Safety Officer.
2. Be employed by Company ~~at least 60 days~~ on a full-time basis before submitting an application and remain employed as a full-time-employee while serving as the Designated Responsible Person. Allow the Department up to 60 calendar days to review and approve application.
3. Ensure company agreements, safety officer applications, and company updates are sent to the Department, as required. The Department will place all companies on a 4 year cycle for these requirements.
4. Ensure the following reports are faxed 803-896-8002 or emailed CDLCompliance@scdmv.net to the Department as indicated below:
 - a) Notification of Scheduled CDL Test (provide by the Department) sent no later than 7 days before the administration of a CDL test.
 - b) Monthly CDL Test Activity Report (provided by the Department) sent by the 10th of each month indicating CDL test administered. For example, report for January 2016 is due to the Department no later than February 10, 2016. Negative reports are required even if no tests were administered.

Section 2 - Company and Designated Responsible Person Requirements

5. Accountable for the maintenance of all driver files.
6. Notify the Department in writing within 24 hours if a Safety Officer is convicted of a crime or has any cancellation, suspension, or revocation of their driving privileges.
7. Ensure only Safety Officers certified by the Department are permitted to administer CDL skills test tests, and those tests are administered in accordance with FMCSA and Department guidelines.
8. Inform Safety Officers of any changes regarding CDL test administration and/or paperwork requirements as directed by the Department.
9. Notify the Department in writing (within 10 days) of any changes with a Safety Officer, Designated Responsible Person or Company status (examples below):
 - a) Terminations.
 - b) Withdrawals from the program.
 - c) Email address changes.
 - d) Relocations.
 - e) Mailing address changes.
10. Required reports, score sheets, safety officer cards, etc. can be obtained by email CDLCompliance@scdmv.net, fax 803-896-8002 or written request to:

The Department of Motor Vehicles
CDL Compliance Office
10311 Wilson Blvd. PO Box 1498
Blythewood, South Carolina 29016-0015

Note: Request forms 30 days in advance before you run out.

Section 3 - Safety Officer Qualifications and CDL Test Administration

Safety Officer Qualifications / Requirements

1. Must be domiciled in South Carolina.
Exceptions are permitted for current and active duty military personnel and their immediate family members seeking CDL Safety Officer Instructor status, provided they can prove their required permanent change of station documents. These applicants will have out-of-state driver's licenses and must provide DMV with a certified driver's record from their "state of record". The Department reserves the right to require additional record checks should the Department determine it has probable cause or deems it necessary during their participation in the program.
2. Cannot have any criminal conviction. A **nationwide criminal** background check must be performed as required in FMCSR 49CFR 384.228(g). Criteria for not passing the criminal background check is not limited to but includes the following:
 - (i) Any felony conviction within the last 10 years; or
 - (ii) Any conviction involving fraudulent activities.
3. Cannot have any cancellation, suspension, or revocation of driving privileges connected to a moving violation for three years prior to applying to become a Safety Officer and must not have any thereafter.
4. Be employed by Company ~~at least 60 days~~ on a full-time basis before submitting an application and remain a full-time-employee while serving as a Safety Officer.
5. Submit a completed Safety Officer Application to the Department. **Allow the Department up to 60 calendar days to review and approve application. A completed renewal application is required every two years thereafter.**
6. Be certified and licensed by The Department within 12 months after completing the Departments CDL third party training class. Failure to meet requirement will require you to re-apply to be licensed.
7. Cannot hold a "Dual Certification". Meaning: A safety officer may only be licensed for one company for which they are a full-time-employee.
8. Successfully complete Skills Performance Evaluations (SPE) conducted by the Department.
9. Maintain a copy of their valid DOT Physical (if applicable) and CDL in the third party files.

Section 3 - Safety Officer Qualifications and CDL Test Administration

CDL Test Administration

1. Cannot administer a CDL test until trained and certified by the Department.
2. Administer the same CDL test State Examiners administer in accordance with guidelines established by FMCSA, the Department, and the CDL Examiner Manual.
3. **Hold the appropriate Class CDL** with applicable endorsements and can only administer skills test for a Class of license that is equal to or below what was certified for by the Department.
4. Administer skills tests in the appropriate group/class or “representative vehicle” the driver intends to operate.
5. Cannot **charge or** receive any compensation (other than normal salary or overtime pay) from a Company or applicant for the administration of a skills test. Example: money, gifts, lunches, favors, goods or services, trades, etc.
6. Cannot administer skills tests for family members **or** relatives. **Safety Officers must never perform transactions for themselves or for their families. Additionally a Safety Officer must never perform a transaction for someone who resides in his home.** Upon request, the Department will determine whether testing a specific applicant violates this requirement.
7. During the skills test, there cannot be any one else in or around the vehicle other than one (test) applicant, the safety officer, Federal and/or Department auditors or inspectors.
8. A safety officer who is also an instructor either as a part of a school, training program or otherwise is prohibited from administering a skills test to an applicant who received skills training by that safety officer. In other words, a Safety Officer cannot administer a CDL skills test to any applicant if they spent time training them (hands-on) vehicle pre-trip inspection, basic control skills, and/or BTW requirements. Classroom training is excluded from this requirement.
9. Examine each applicant’s MVR and refuse to test any driver whose license is currently or subject to, being suspended, revoked or cancelled. MVR cannot be more than 30 days old on the day skills test is administered.

Note: An official MVR may be obtained from any DMV Branch Office or by submitting a request with six dollars to the address below. An unofficial copy can be printed online at www.scdmvonline.com and attached to the official MVR once it’s received.

Driver Record Check
Department of Motor Vehicles
Post Office Box 1498
Blythewood, South Carolina 29016-0027

Section 3 - Safety Officer Qualifications and CDL Test Administration

10. An applicant's initial commercial learner's permit (CLP), **for that class license**, must be 15 or more days old before they can be administered a CDL skills test.
11. Explain and ensure applicant's sign a completed Certification of Conditions form before administering a skills test.
12. Cannot assist applicant in a manner that provides an unfair advantage in passing the skills tests. I.e. giving hints or excessive probing during the vehicle pre-trip inspection, stopping the vehicle before it hits a boundary during the basic control skills, or training on the approved road test route, etc.
13. No translator or other intermediary will be permitted to interpret portions of the test that are scored on the basis of an applicant's verbal or written response. Nothing prohibits the use of a translator during training to present questions or receive answers from an applicant in any language on matters that do not require a scored response.
14. CDL test must start on time, in accordance with the Notification of Scheduled CDL Test. The Department must be notified immediately if a test is canceled, delayed (more than 30 minutes) or rescheduled.
15. Complete entire skills test without interruption. A brief (10-15 minute) break is permitted after the vehicle pre-trip inspection. Delaying the test to take care of personal matters, business, breakfast, lunch, etc. is prohibited.
16. **Banking Scores** – Effective November 23, 2015 going forward, Safety Officers are permitted to carry-over or bank scores for applicants who successfully complete the vehicle pre-trip inspection and/or basic control skills portion of the CDL skills test if the following conditions are met:
 - a) **Complete Worksheet for Banking Scores Form DL-404B** – Safety Officers must complete the Worksheet for Banking Scores Form DL-404B before administering any portion of a skills test.
 - b) Maintain on file a copy (or original) of all 447-RT score sheets AND DL-404B Worksheet for Banking Scores from previous tests administered during the current 180-day learner's permit period.
 - c) All portions of the CDL test must be administered if the Safety Officer is not in possession of the driver's file to verify previous test scores or if a different type of vehicle was used.
 - d) Previous test scores from CDL skills tests administered at a DMV or Third Party Company are not transferable. For example, an applicant is not permitted to carry-over or bank any previous scores if they go from the DMV to your company or vice-versa.

Section 3 - Safety Officer Qualifications and CDL Test Administration

- e) Utilizing a different vehicle is permitted if the Safety Officer compares and verifies that the new vehicle is representative of the previous vehicle. The vehicles must match when it comes to these items:
 - i. Class
 - ii. Air Brakes
 - iii. Auto or Manual Transmission
 - iv. Same articulation for combination vehicles. 5th wheel, pintle hook, etc.
 - v. Bus/Truck/Truck Tractor
 - f) Safety Officers are required to administer all portions of the skills test failed.
 - i. A driver who fails the pre-trip inspection due to low score or does not perform the air brake check correctly is required to start over from the beginning during their next test, no scores or items inspected are carried-over.
 - ii. A driver who fails the parallel parking maneuver is required to retake and successfully pass all the basic control maneuvers (straight line backing, off-set backing to the left, and parallel parking) before going on the road test.
 - iii. A driver who fails the road test is required to retake the entire road test.
 - j) Once a driver obtains their initial CLP they have 180 days, or until their CLP expires or is renewed to pass the skills test. Afterwards, previous scores will be void and the entire CDL skills test will have to be retaken (pre-trip inspection, basic control skills, and road test).
17. Skills test must be administered at an approved site in South Carolina and passed in sequence 1) pre-trip inspection, 2) basic control skills, and 3) road test. Skills test is finished if an applicant fails any portion – they **cannot** advance to the next step.
- Note:** Other BTW requirements are to be done separately and not mixed in with any portion of the CDL test, such as a School District Bus Test.
18. Truck driver training schools licensed to operate in South Carolina and employing a full time Safety Officer may administer CDL tests to students who complete a “Truck Driver Training Course of Instruction” as outlined in section 90-108 of the South Carolina Department of Motor Vehicles Truck Driver Training School Regulations.
- a) Can only administer skills tests for applicants and/or graduates for their school for which the applicant is employed by or student graduates from.

Section 3 - Safety Officer Qualifications and CDL Test Administration

- b) May administer skills tests to a student/graduate after the student has completed or graduated the truck driver training school, provided the school maintains the student in its random drug and alcohol testing program. Evidence of inclusion that is not available when requested by the Department will require mandatory re-test of **each affected student** by the Department.
19. After being licensed by the Department the Safety Officer or Company will be issued a series of controlled Forms (447-RT, CDL Skill Test Score Sheets and 447-SO, Safety Officer Cards) that must be completed in black ink and utilized in numerical order.
- a) Complete all applicable areas of the 447-RT regardless if a test was passed or failed.
 - b) If CDL test was passed the following (original) documents are completed in full, placed in an envelope provided by the Department and hand carried to a DMV by the applicant.
 - i. Form 447-RT, CDL Skills Test Score Sheet(s). Legible copy(s) maintained in the drivers file.
 - ii. One road test waiver Form 447-SO (Safety Officer Card) signed by the Safety Officer who administered the test. Legible copy maintained in the drivers file.
 - iii. Original Certification of Conditions. Legible copy maintained in the drivers file.

Note: All 447-RT and 447-SO Cards must be accounted for and may not be discarded or destroyed, if a mistake was made write "Void" across the front. Voided Forms will be accounted for by the Department and destroyed after three years.
 - c) Test will be considered invalid if:
 - i. Envelope was altered or opened before it's delivered to the DMV.
 - ii. Envelope is delivered to the DMV 31 days after the CDL test was administered.
 - iii. The 447-RT, 447-SO, or Certification of Conditions have been altered.
20. Standardized waiting times must be followed if an applicant fails a CDL test and cannot be superseded. For example, an applicant who fails a CDL test today cannot retest at the DMV tomorrow. Standardized waiting times between CDL tests are as follows:

Section 3 - Safety Officer Qualifications and CDL Test Administration

- a) **7 days:** Applicants with previous driving experience (held a driver's license previously) who fail any portion of their 1st CDL test must wait 7 days before being administered their 2nd and/or 3rd CDL test – regardless of age.

Note: A beginner's permit does not count as driving experience.

- b) **60 days:** Any applicant (regardless of driving experience) must wait 60 days if you fail on the 3rd or subsequent attempts 4th, 5th, 6th, etc. before being retested.

21. Safety Officers are permitted to have their CDL test administered by a State Examiner or another Safety Officer within the same Company.

22. A Safety Officer who leaves the employment of a licensed Third Party Tester Company and wishes to transfer their privileges to another licensed Third Party Tester Company must:

- a) Be a full-time-employee ~~for 60 days~~ with the new Company before applying. **Allow the Department up to 60 calendar days to review and approve application.**
- b) Submit a new Safety Officer Application and complete all Department requirements within 365 days of leaving the previous company.
- c) Successfully complete a Skills Performance Evaluation.

23. Truck schools must provide and explain the residency affidavit to their students prior to administering a CDL test pursuant to FMCSR 49 CFR Part 385.

24. CDL tests that are postponed due to severe weather or emergencies must be noted the on 447-RT and reported to the CDL Compliance Office as soon as possible.

25. Safety Officers and the Designated Responsible Person must attend periodic training sessions conducted by the Department when scheduled.

Section 4

Documents Required in Driver Files

Companies must maintain a separate driver file for each individual administered a CDL test. Driver files will be kept for three years from the date the test was administered; three years after the driver leaves employment; or three years after the Company is withdrawn from the Third Party Tester Program – whichever is greater. At a minimum driver files will include the following documents for each applicant (copies must be legible):

1. Copy of Driver's License **reflecting the applicants current address.**
2. Copy of Commercial Learner's Permit (CLP).
3. 3-year MVR (cannot be more than 30 days old on the day skills test is administered).
4. All original Form 447-RT, CDL Score Sheet(s) if an applicant did not pass their skills test or failed to return.
5. Copy of all Form 447-RT, CDL Score Sheet(s) if an applicant passed their skills test.
6. Copy of the road test waiver Form 447-SO (Safety Officer Card) completed and signed by the Safety Officer who administered the test, after applicant passes the skills test.
7. Copy of the Certification of Conditions.
8. **Proof of residency – Truck Schools only.**
9. SCDOE and SCDOT Mechanics – Form CL-15, Date of Hire or memorandum from Human Resources indicating date of hire was 30 days before test.

Note: School Districts and SCDOE drivers are exempt from the 30 day employment requirement provided the following documents are completed and kept in the driver's file:

- a) Employment application. (copy)
- b) Form S-4C, School Bus Driver Training. (copy)
- c) Form S-6, BTW Verification Training Report. (copy)
- d) Form S-7, School Bus BTW Score Sheet. (copy)

Note: If a School District administers a skills test to a volunteer, part-time coach, or School Resource Officer, the following documents must be in the driver's file:

- a) Proof of a pre-employment drug test.
- b) Letter from Human Resources verifying employee is fully covered under schools workman's compensation coverage policies.
- c) If a Resource Officer, their file must also contain an approval letter from their Chief or Sherriff granting permission and assignment to the school as a Resource agent.

Copy applicant's commercial driver's license (if or when CDL test is passed).

Section 5

Applicant Requirements

1. Meet all applicable FMCSA and Department requirements.
2. Qualify under the provisions of FMCSR 383 and 391 to operate a CMV.
3. Be 18 years of age or older to move (intrastate) cargo originating and delivered within the boundaries of South Carolina or 21 years of age or older to move (interstate) cargo over state lines governed by State Transportation Police (STP) regulations.
4. Have good vision as determined by visual screening 49 CFR part 391.41(b)(10)
5. Successfully pass applicable knowledge test.
6. Maintain a valid driver's license.
7. Maintain a valid commercial learner's permit (15 or more days old **on the** day test is administered)
8. Be employed by Company for 30 days prior to CDL test.
9. Complete and sign a Certification of Conditions form. (copy in driver's file)
10. Be domiciled in South Carolina.

Truck Driver Training Schools - Domicile can be determined by one of the following:

- a. Mortgage or Rental Agreement. (must be verified and noted by the school)
- b. Electric, Water, Natural Gas, or Phone Bill (not cellular).
- c. Cable Bill (not DSS).
- d. Property Tax on Home (not car or land).
- e. W-2 for prior tax year.
- f. Bank statements that are at least six months old.
- g. Trash Collection bill that is to residence.
- h. Insurance binder on the home which is at least six months old.

Note: These requirements may be waived if applicant has had a valid South Carolina Driver's License for over six months immediately prior to enrolling in school.

- i. **Completed copy of Form S-4C, School Bus Driver Training Record in drivers file.**
- j. **Completed copy of Form S-6, Behind the Wheel Training Verification Report in drivers file.**
- k. **Completed copy of Form S-7, School Bus BTW Score Sheet drivers file. School Districts give the Department the right to verify work hours of drivers with their Human Resource Office.**

Section 6

Penalties and Appeals

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 Company, Designated Responsible Person, or Safety Officer will result in the permanent revocation of their certification and at a minimum the suspension of their Third Party Testing privileges and may result in the Company's expulsion from the program. Such falsification may also result in criminal prosecution pursuant to §56-1-510.
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 or revocation of your Company, Designated Responsible Person and/or your Safety Officers testing privileges.
4. 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:** 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 pre-trip 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
 - d. **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

Note: The Department will have sole discretion to determine the level of noncompliance and substandard testing is a **permanent** removal from the program.

Section 6 Penalties and Appeals

5. Prior to the imposition of any penalties, the Department will afford the affected parties the opportunity for a hearing in accordance with the Administrative Procedures Act §23-1-10, et seq., if the request for the hearing is received by the Department within ten days from the date of the Department's notification to the affected parties.
6. Appeals from decisions of the Department shall be handled in accordance with the Administrative Procedures Act.
7. The Office of Motor Vehicle Hearings (OMVH) was created in 2005 and is an office within the South Carolina Administrative Law Court. There are five Hearing Officers, one of whom will be assigned to hear your case. The hearing officers conduct hearings in accordance with Chapter 23 of Title 1, the Administrative Procedures Act, and the rules of procedure for the Administrative Law Court.
8. The OMVH provides a neutral forum for fair, prompt and objective hearings for persons affected by an action or proposed action of the South Carolina Department of Motor Vehicles NEW FILING FEE FOR OMVH \$200.
9. Please be advised that Act No. 212 of the 2012 General Assembly changed the filing fee from \$150 to \$200, effective June 7, 2012. Beginning September 10, 2012, the Office of Motor Vehicle Hearings will begin enforcing the filing fee increase and cases will not be processed until the \$200 fee is received.

South Carolina Administrative Law Court
Office of Motor Vehicle Hearings
Edgar A. Brown Building
1205 Pendleton Street, Suite 325
Columbia, S.C. 29201
Voice: (803) 734-3201
Fax: (803)734-3200

Section 7

Forms, Documents, FMCSA Regulations

1. CDL TPT Certification of Conditions (formerly CDL-2, Est 3/08)
2. Date of Hire Letter (Form CL-15, rev 6/04)
3. Third Party Tester Reorder Form
4. Examiner/ TPT Monthly CDL Test Activity Report
5. TPT Notification of Scheduled CDL Test
6. **Form DL-404B Worksheet for Banking Scores**

Section 7

Forms, Documents, FMCSA Regulations

FMCSA Regulations Part 383 § 383.75: Third party testing.

- (a) **Third party tests.** A State may authorize a third party tester to administer the skills tests as specified in subparts G and H of this part, if the following conditions are met:
- (1) The skills tests given by the third party are the same as those that would otherwise be given by the State using the same version of the skills tests, the same written instructions for test applicants, and the same scoring sheets as those prescribed in subparts G and H of this part;
 - (2) The State must conduct an on-site inspection of each third party tester at least once every 2 years, with a focus on examiners with irregular results such as unusually high or low pass/fail rates;
 - (3) The State must issue the third party tester a CDL skills testing certificate upon the execution of a third party skills testing agreement.
 - (4) The State must issue each third party CDL skills test examiner a skills testing certificate upon successful completion of a formal skills test examiner training course prescribed in § 384.228.
 - (5) The State must, [at least](#) once every 2 years, do one of the following for each third party examiner:
 - (i) Have State employees covertly take the tests administered by the third party as if the State employee were a test applicant;
 - (ii) Have State employees co-score along with the third party examiner during CDL skills tests to compare pass/fail results; or
 - (iii) Re-test a sample of drivers who were examined by the third party to compare pass/fail results;
 - (6) The State must 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;
 - (7) A skills test examiner who is also a skills instructor either as a part of a school, training program or otherwise is prohibited from administering a skills test to an applicant who received skills training by that skills test examiner; and
 - (8) The State has an agreement with the third party containing, at a minimum, provisions that:
 - (ii) Allow the FMCSA, or its representative, and the State to conduct random examinations, inspections, and audits of its records, facilities, and operations without prior notice;
 - (iii) Require that all third party skills test examiners meet the qualification and training standards of § 384.228;
 - (iv) Allow the State to do [any](#) of the following:
 - (A) Have State employees covertly take the tests administered by the third party as if the State employee were a test applicant;
 - (B) Have State employees co-score along with the third party examiner during CDL skills tests to compare pass/fail results; or
 - (C) Have the State re-test a sample of drivers who were examined by the third party;

Section 7

Forms, Documents, FMCSA Regulations

- (v) Reserve unto the State 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;
 - (vi) Require the third party tester to initiate and maintain a bond in an amount determined by the State to be sufficient to pay for re-testing drivers in the event that the third party or one or more of its examiners is involved in fraudulent activities related to conducting skills testing of applicants for a CDL. **Exception:** A third party tester that is a government entity is not required to maintain a bond.
 - (vii) Require the third party tester to use only CDL skills examiners who have successfully completed a formal CDL skills test examiner training course as prescribed by the State and have been certified by the State as a CDL skills examiner qualified to administer CDL skills tests;
 - (viii) Require the third party tester to use designated road test routes [that have been approved by the State](#);
 - (ix) Require the third party tester to submit a schedule of CDL skills testing appointments to the State [no later than two business days](#) prior to each test; and
 - (x) Require the third party tester to maintain copies of the following records at its principal place of business:
 - (A) A copy of the State certificate authorizing the third party tester to administer a CDL skills testing program for the classes and types of commercial motor vehicles listed;
 - (B) A copy of each third party examiner's State certificate authorizing the third party examiner to administer CDL skills tests for the classes and types of commercial motor vehicles listed;
 - (C) [A copy of the current third party agreement](#);
 - (D) A copy of each completed CDL skills test scoring sheet for the current year and the past two calendar years;
 - (E) A copy of the third party tester's [State-approved road test route\(s\)](#); and
 - (F) A copy of each third party examiner's training record.
- (b) **Proof of testing by a third party.** The third party tester [must notify the State driver licensing agency through secure electronic means when a driver applicant passes skills tests administered by the third party tester](#).
- (c) **Minimum number of tests conducted.**
The State must revoke the skills testing certification of any examiner who does not conduct skills test examinations of at least 10 different applicants per calendar year. **Exception:** Examiners who do not meet the 10-test minimum must either take the refresher training specified in § 384.228 of this chapter or have a State examiner ride along to observe the third party examiner successfully administer at least one skills test.

Citation: [76 FR 26886, May 9, 2011, as amended at 78 FR 17881, Mar. 25, 2013]