

Utah State Office of Education

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Commercial Driver Third Party Testing Requirements & Best Practices

The Utah State Office of Education (USOE) recognizes the Commercial Driver Third Party Testing Requirements for Utah School Districts; we hope this will answer questions you may have pertaining to changes in the law, which takes effect January 1, 2015.

A Third party tester is one who has successfully completed the Formal Commercial Driver License Skills Examiner Training Course prescribed by the State of Utah (49 CFR 383.75), and has been certified by the Utah State Department of Motor Vehicles (DMV) /Driver License Division (DLD) as a Commercial Driver License Skills Examiner qualified to administer Commercial Driver License (CDL) skills tests.

A Third party tester that is representing a government entity is not required to maintain a bond. (School districts, colleges and government entities are not required to carry the Surety Bond.)

A third party tester need only be certified for the Commercial Motor Vehicle (CMV) pertaining to their entity.

A third party tester at a school district may not train the potential CDL participant in Behind the Wheel Instruction. (However, they may continue with classroom instruction.)

A Third party tester must use designated road test routes which have been approved by the Utah State Driver License Division (DLD).

A Third party tester must submit schedule of testing appointments to the DLD no later than 2 business days prior to each test.

A Third party tester must maintain copies of the following documentation at the primary place of business:

- The DLD certificate authorizing the third party to administer CDL skills tests for the classes and types of commercial vehicles listed
- The third party agreement
- Each completed CDL score sheet for the current year and the past two calendar years
- The third party examiner's State approved route
- Each third party examiner's training record
- Proof of testing by a third party

The third party tester must notify the Utah State driver licensing agent, through secure electronic means, when a driver applicant passes skills tests administered by the third party.

The State must, and will, revoke the skills testing certification of any examiner who does not conduct skills test examinations of at least 10 different applicants per calendar year.

Examiners who do not meet the 10-test minimum must either take a refresher training specified in §384.228 or have a State examiner ride along to observe the third party examiner successful administer at least one skills test.

Third Party Testing Best Practices for School Districts:

1. A delegated district third party tester may not preform the behind the wheel training of any driver which he/she will be issuing the CDL Skills test. (They may participate in the classroom portion of instruction.) *Exception: When the nearest alternative third party tester or testing facility is over 50 miles from the training facility.*
2. Neighboring districts may work together by contracting the other district's tester, which will enable them the complete use of all their Instructors to meet the requirements of the law and ensure the coverage of Risk Management.
3. Districts are responsible to check with Risk Management to ensure the testers are correctly bonded when using a private or independent third party tester.
4. Liability issue – Districts need to be aware of risk and liability issues when using a private or independent third party tester. When neither the tester nor driver being tested are in the employ of the district, having them operate a district owned school bus will be outside State Risk coverage.
5. Legal issue – The private or independent company being paid by the trainee, but using a districts resources (bus, equipment, fuel etc.), which would constitute public education funds and resources being used to fund a private entity, is illegal.
6. Revenue Neutral definition – To avoid the above situation the district would have to charge the company for miles traveled. This allows the **revenue** that they receive to remain **unchanged** or **neutral**.
7. If the Third Party Tester in a district is unable to complete or maintain the 10-test minimum, they can contact the Department of Public Safety and the Driver License Division to schedule a "Refresher Course" specified in §384.228, or schedule a ride along to observe as the third party examiner successfully administers at least one third party test.