

*****DRAFT - NOT FOR FILING*****

4501-47-04 Qualifications for third-party testers.

[\[Comment: For dates and availability of material incorporated by reference in this rule, see paragraph \(A\) of rule 4501-47-01 of the Administrative Code.\]](#)

- (A) Each entity that applies for authorization as a third-party tester shall submit ~~the~~a completed ~~application form designated "Application for Commercial Driver's License Third Party Tester" which may be obtained from the department~~"Application for Certification of Commercial Driver License Third Party Tester". The third-party tester shall also submit an ~~application~~"Application for Certification of Commercial Driver License Third Party Examiner" for each examiner who will conduct skills tests.

No person or entity shall act as a third-party tester unless approved by the department.

- (B) Upon the award of a third-party tester contract, the third-party tester shall receive a certificate of authorization as an "official Ohio commercial driver's license third-party tester" and a certificate of authorization and examiner identification card for each third-party examiner ~~that~~who is approved to administer skills tests by meeting the requirements in this rule.

- (C) An ~~application for third-party tester authorization which~~"Application for Certification of Commercial Driver License Third Party Tester" ~~that~~ does not contain applications for examiners is ineligible to receive a contract as a third-party tester.

- (D) Each entity authorized as a third-party tester shall meet the following criteria:

- (1) The organization or person shall maintain an established place of business in Ohio, with at least one permanent, regularly occupied structure, in Ohio.
- (2) The established place of business shall have a permanent mailing address ~~which~~that must include a street address.
- (3) The organization or person shall designate a safety officer or other individual as a manager who will be responsible for their third-party testing operation.
- (4) No third-party tester may administer commercial driver's license skills tests to its employees.
- (5) ~~Shall~~The organization or person shall maintain a department of transportation safety rating of satisfactory if subject to the federal motor carrier safety regulations.
- (6) The third-party tester shall maintain accurate records in accordance with the requirements of rule 4501-47-08 of the Administrative Code pertaining to the skills test program.
- (7) ~~Driver training schools as defined in section 4508.01 of the Revised Code may become third-party testers but may not administer skills tests to students enrolled in their school or who have previously completed training at the school~~A skills test examiner who is also a skills instructor 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.
- (8) The organization or person shall sign a written agreement with the department ~~which~~that outlines the

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contractual duties and responsibilities of a third-party tester and ~~which~~ that is subject to termination by the department upon breach of any of its terms by the third-party tester.

- (9) The third-party tester shall permit representatives of the department, state of Ohio, and the federal motor carrier safety administration to conduct random examinations, inspections and audits without prior notice.
- (10) The third-party tester shall give the same skills test as the ~~state department~~ and ~~agree to permit~~ shall acknowledge that the ~~state department~~ ~~to may~~ take prompt action against it in the event the tester fails to comply with state of Ohio or federal standards for the commercial driver testing program or with any other terms of the third-party agreement.
- (11) The department shall deny any proposal for third-party tester or examiner authorization, if the proposer does not meet all the requirements of this chapter or the proposed examiners identified in the tester's proposal do not meet the requirements of this chapter.
- (12) Any misrepresentations or omissions in the ~~application for certification~~ "Application for Certification of Commercial Driver License Third Party Tester" shall be grounds for denying certification.
- (13) The organization or person shall ensure ~~Ensure~~ that the skills tests are conducted in accordance with the requirements of this chapter and the instructions provided by the department.