

4501-47-03

Requirements for third-party examiners.

[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) No person shall conduct or administer a "skills test" for CDL applicants unless such person first obtains a third-party examiner certification from the director. Each person applying for or maintaining certification as a third-party examiner must meet all of the following requirements:

- (1) Be at least twenty-one years of age, with a minimum of five years experience as a holder of any type of driver's license and at least three years experience as a holder of a commercial driver's license (unless waived by the department).
- (2) Successfully complete a third-party examiner training program approved by the department of public safety in accordance with 49 C.F.R. 383.75 (~~October 1, 2001~~).
- (3) Demonstrate a comprehensive understanding of all information in the commercial driver's license manual and the commercial driver's license examiner's manual. Applicants must also demonstrate the ability to correctly administer and score each of the CDL skills tests. Examiners maintaining certification must correctly administer and score each of the CDL skills tests.
- (4) Demonstrate a criminal conviction history free of any felony as defined in the Revised Code or under the laws of any other state or jurisdiction, or a misdemeanor I or II as defined in the Revised Code ~~which~~ that is reasonably related to a person's ability to serve safely and honestly as a third-party examiner or equivalent conviction from another jurisdiction. The director shall have the discretion to revoke the certification of a person as a third-party examiner upon notice of an offense, determined by the director to be of a nature or severity inconsistent with the standards expected of third-party examiners.
- (5) Be physically and mentally qualified to carry out the duties of a third-party examiner as certified by a licensed physician legally qualified to practice medicine.
- (6) Have a driving record free of any of the following:
 - (a) Two or more chargeable accidents within the three years preceding the date of application;
 - (b) Three or more moving violations, or an accumulation of six points or

more under Chapter 4510. of the Revised Code, or equivalent action from another jurisdiction, within the preceding three years;

(c) A twelve-point administrative suspension under Chapter 4510. of the Revised Code, or equivalent action from another jurisdiction within the preceding ten years.

(d) Any conviction for an offense described in section 4506.15 of the Revised Code within the past three years.

(e) Conviction of two or more serious violations as defined in section 4506.01 of the Revised Code within the three years preceding the application.

(7) Maintain the proper CDL class and endorsements for the type of testing to be conducted.

(B) ~~The application~~ Applications for certification as a commercial driver's license third-party examiner shall contain the following:

(1) A completed ~~application form supplied by the director,~~ "Application for Certification of Commercial Driver License Third Party Examiner" signed by the third-party examiner and the third party testing facility manager;

(2) A photocopy of the certificate issued to the examiner in accordance with completion of a third-party examiner training program approved by the department of public safety in accordance with 49 C.F.R. 383.75 (~~October 1, 2001~~).

(3) A criminal abstract provided by the bureau of criminal identification and investigation and dated by the bureau of criminal identification and investigation not more than sixty days prior to the date of the application. After initial certification as a third-party examiner, each examiner shall submit a new criminal abstract every four years thereafter.

(4) A driving record abstract provided by the bureau of motor vehicles and dated not more than sixty days prior to the date of the application. After initial certification as a third-party examiner, each examiner shall submit a new driving record abstract every two years thereafter.

(5) A photocopy of the applicant's commercial driver's license. After initial certification as a third-party examiner, each examiner shall submit a new photocopy of his/her commercial driver's license each time the commercial

driver's license must be renewed.

- (6) A photocopy of the current United States department of transportation physical examination form indicating that the applicant is medically and physically qualified to operate commercial motor vehicles. After initial certification as a third-party examiner, each examiner shall submit a new photocopy of the current United States department of transportation physical examination form every two years thereafter.
- (C) The third-party examiner certification shall be displayed in the third-party location where the examiner is authorized to test. If the examiner gives skills tests in more than one location, a photocopy of the certificate shall be displayed.
- (D) Authorized third-party examiners shall attend any advanced training courses, workshops or seminars conducted or required by the department.
- (E) No third-party examiner shall be eligible to administer CDL testing unless employed by a third-party tester facility approved by the department.
- (F) No third-party examiner shall conduct testing at a site or facility that has not been approved by the department.
- (G) Each licensed third-party examiner may only administer testing at a single third-party test facility, unless prior written authorization to administer testing at more than one location is obtained from the department.
- (H) An examiner shall notify the facility manager within ten days if any of the following occur:
- (1) The examiner receives a moving traffic violation conviction;
 - (2) The examiner is involved in a chargeable crash;
 - (3) The examiner is convicted of a charge that assesses points against the applicant's license;
 - (4) The examiner receives any driver license suspension, cancellation, disqualification, or revocation;
 - (5) The examiner is charged or convicted of any criminal charge listed in this rule.

- (I) The facility manager shall notify the director in writing within ten days of the manager's receipt of notice that an examiner's criminal or traffic conviction, crash, or driver license suspension, revocation or cancellation may disqualify the examiner's certification to administer CDL testing.
- (J) The facility manager shall notify the director in writing within ten days of the termination of employment of any examiner assigned to the facility and shall return the examiner's license to the department. If the actual license is unavailable to return to the department, a photocopy of the license may be returned in lieu of the original.
- (K) The director may refuse to issue, or may suspend, revoke, or place on probation the certification of any examiner upon notice of that person's conviction for any offense for which that person may be disqualified under this rule.
- (L) The director may refuse to issue, or may suspend, revoke, or place on probation a certification upon notice of an offense determined by the director to be of a nature or severity inconsistent with the standards expected of an examiner which is committed beyond the periods provided herein.
- (M) No person shall submit an ~~application~~ "Application for Certification of Commercial Driver License Third Party Examiner" that is incomplete or incorrect or ~~which that~~ contains false or misleading information. An incomplete or incorrect application may be rejected or returned to the applicant. An application containing false or misleading information may be denied.
- ~~(N) The director may amend the application form at any time.~~

Effective:

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Certification

Date

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