

SUBCHAPTER 03B - DRIVER LICENSE SECTION

SECTION .0100 - GENERAL INFORMATION

19A NCAC 03B .0101 PURPOSE

This Section provides information on the following:

- (1) the four tests that may be required of an applicant for a driver's license;
- (2) the medical evaluation program;
- (3) driving records;
- (4) classified driver's license.

History Note: Authority G.S. 20-1; 20-7(a) to (e); 20-9; 20-15; 20-17.1; 20-24; 20-26; 20-27; 20-39; 111-28; Eff. July 1, 1978;
Amended Eff. June 5, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03B .0102 DEFINITIONS

History Note: Authority G.S. 20-4.01; 20-7(c); Eff. July 1, 1978;
Amended Eff. June 5, 1981;
Repealed Eff. July 1, 1982.

19A NCAC 03B .0103 FORMS

History Note: Authority G.S. 20-7; 20-39; Eff. July 1, 1978;
Amended Eff. November 1, 1991; June 5, 1981;
Repealed Eff. November 1, 2021.

19A NCAC 03B .0104	RE-EXAMINATION FOR TRAFFIC VIOLATIONS
19A NCAC 03B .0105	RE-EXAMINATION MAY BE REQUIRED
19A NCAC 03B .0106	SPECIAL OPERATOR'S LICENSE
19A NCAC 03B .0107	TEMPORARY LEARNER'S PERMITS
19A NCAC 03B .0108	DESCRIPTION
19A NCAC 03B .0109	MINORS
19A NCAC 03B .0110	DUPLICATE LICENSE FEE
19A NCAC 03B .0111	EXEMPTIONS FROM LICENSE REQUIREMENTS
19A NCAC 03B .0112	AGE LIMITS
19A NCAC 03B .0113	PERSONS NOT TO BE LICENSED
19A NCAC 03B .0114	ADDRESS CHANGE
19A NCAC 03B .0115	PUBLIC PASSENGER DRIVER'S AGE LIMIT
19A NCAC 03B .0116	CANCELLATION FOR INCORRECT INFORMATION
19A NCAC 03B .0117	SPECIAL IDENTIFICATION CARD
19A NCAC 03B .0118	FORMS ON FILE

History Note: Authority G.S. 20-1; 20-7; 20-7.1; 20-7(f),(l),(n); 20-8(1) to (7); 20-9(a) to (f); 20-10; 20-11(a) to (c); 20-12; 20-15(a),(b); 20-29.1; 20-37.1; 20-37.7(a) to (h); Eff. July 1, 1978;
Repealed Eff. June 30, 1981.

19A NCAC 03B .0119 FEE FOR DRIVER IMPROVEMENT CLINIC

History Note: Authority G.S. 20-1; 20-16(c); 20-16(e); 20-39; Eff. October 1, 1982;

Amended Eff. November 1, 1991;
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0200 - DRIVER'S LICENSE ISSUANCE

19A NCAC 03B .0201 DRIVER'S LICENSE EXAMINATION AND ONLINE RENEWAL

(a) The Division shall issue a driver's license to any person who is eligible under G.S. 20 and completes the following requirements:

- (1) The Knowledge Examination, which is an automated computer examination that tests the applicant's knowledge of rules of the road. An audio component allows applicants with reading comprehension difficulties to listen to the test questions by use of earphones. Eighty percent of the questions shall be answered correctly to pass. For the issuance of a remote renewal, the requirement of a knowledge examination shall be waived.
 - (2) The Road Sign Examination, which tests the applicant's knowledge of highway signs and their meanings. Applicants for a regular Class C license shall correctly identify 9 of 12 road signs. Applicants for A or B licenses shall correctly identify all road signs. For the issuance of a remote renewal, the requirement of the road signs test shall be waived.
 - (3) The Visual Acuity Test, which examines an applicant's visual ability to identify letters or symbols from a specific distance. The applicant's vision shall be 20/40 or better in at least one eye to receive an unrestricted license. A license shall be restricted to require corrective lenses if acuity is less than 20/40 in either eye or both eyes together.
 - (4) The Road Test, which measures the applicant's ability to operate a motor vehicle safely in actual traffic situations. The required maneuvers are: quick stop, turnabout, backing, approach corner, right turns, left turns, traffic lights, use of vehicle operating equipment, starts, use of lanes, use of brakes, following, and paying attention. Pass or failure is based upon the applicant's ability to execute the required maneuvers. The test is scored by the driver license examiner. For the issuance of a remote renewal, the requirement of a road test shall be waived.
 - (5) The Remote Renewal allows drivers to remotely renew a driver's license by mail or electronic device. Eligible applicants who wish to renew remotely by electronic means, may go to www.ncdot.gov/dmv and submit responses to a series of automated questions that guide applicants through the online renewal process. A driver's license issued by remote renewal expires in accordance with G.S. 20-7(f)(6)c.
 - (6) The Attestation supports application for a remote renewal to affirm the following as part of the remote renewal process:
 - (A) The applicant is a resident of North Carolina;
 - (B) The license holder's name as it appears on the license to be renewed has not changed;
 - (C) All information provided during the application for a remote renewal has been provided truthfully;
 - (D) The applicant knows of no change in his or her vision since the last time the applicant passed the visual acuity test in Subparagraph (a)(3) of this Rule that would impair the applicant's ability to safely drive a motor vehicle; and
 - (E) That no change in physical or mental abilities has occurred since the last issuance.
 - (7) If the applicant has an existing DMV photo on file, no additional photographs are required and the requirements in G.S. 20-7(n)(4) shall be waived for a remote renewal.
 - (8) Upon completion of the remote renewal process, the license shall be renewed if all criteria in G.S. 20-7 are met. The applicant shall use the current license for all driver license purposes until the license becomes invalid for some other reason, or receipt of the new license card.
- (b) The tests contained in Paragraph (a) of this Rule shall be administered as follows:
- (1) Applicants applying for a driver's license for the first time shall complete the full examination to include the knowledge examination, road signs test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to apply for remote renewal.
 - (2) Applicants seeking to renew a valid, unexpired North Carolina driver's license shall complete the road signs test and visual acuity test, unless the applicant is renewing remotely. Applicants possessing a previously issued North Carolina driver's license, expired less than two years, shall complete the road signs test and visual acuity test. An applicant shall attest during the application

for a remote driver license renewal that the applicant knows of no change in his or her vision as set out in Part (a)(6)(D) of this Rule.

- (3) Applicants possessing a previously issued North Carolina driver's license expired greater than two years shall complete the full examination, to include the knowledge examination, road signs test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to apply for remote renewal.
- (4) Applicants seeking to transfer their current driver's license from another state or applicants possessing a driver's license issued by another state that is expired less than two years shall complete the road signs test and visual acuity test. Applicants in this Subparagraph are not eligible to apply for remote renewal.
- (5) Applicants with a driver's license issued by another state, expired more than two years, shall complete the full examination, to include the knowledge examination, road signs test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to apply for remote renewal.

History Note: Authority G.S. 20-2; 20-7(a),(c),(f); 20-39; s. 34.8(a), 34.8(b);
Eff. July 1, 1978;
Amended Eff. May 4, 2015; May 1, 2014; December 1, 1993; July 1, 1982; June 5, 1981;
Emergency Amendment Eff. July 22, 2020 to expire pursuant to S.L. 2020-97, s. 3.20, expiration extended pursuant to S.L. 2021-13;
Readopted Eff. November 1, 2021.

19A NCAC 03B .0202 MEDICAL CONDITION REFERRAL
19A NCAC 03B .0203 MEDICAL REVIEW BOARD

History Note: Authority G.S. 20-1; 20-9(a) to (h); 20-9(1) to (4); 20-9(4)(a) to (h); 20-15; 20-17.1(a) to (f);
111-28;
Eff. July 1, 1978;
Repealed Eff. June 30, 1981.

SECTION .0300 - MEDICAL EVALUATION

19A NCAC 03B .0301 ACUTE OR CHRONIC ILLNESSES

History Note: Authority G.S. 20-2(b); 20-9; 20-17.1;
Eff. July 1, 1978;
Amended Eff. November 1, 1991; June 5, 1981;
Repealed Eff. November 1, 2021.

- 19A NCAC 03B .0302 NEGLIGENT DRIVERS**
- 19A NCAC 03B .0303 DRIVER IMPROVEMENT CLINIC**
- 19A NCAC 03B .0304 MANDATORY SUSPENSION**
- 19A NCAC 03B .0305 NONCOMPLIANCE**
- 19A NCAC 03B .0306 CHEMICAL TEST REFUSAL**
- 19A NCAC 03B .0307 REVOCATIONS**
- 19A NCAC 03B .0308 DRIVING WHILE LICENSE REVOKED OR SUSPENDED**
- 19A NCAC 03B .0309 PREARRANGED SPEED COMPETITION**
- 19A NCAC 03B .0310 WILLFUL SPEED COMPETITION**
- 19A NCAC 03B .0311 MOTOR VEHICLE CONVICTION IN ANOTHER STATE**
- 19A NCAC 03B .0312 PRIVILEGE TO DRIVE**
- 19A NCAC 03B .0313 LICENSE PICKED UP BY COURT**
- 19A NCAC 03B .0314 APPEAL TO COURT**
- 19A NCAC 03B .0315 RESTORATION FEE**
- 19A NCAC 03B .0316 FORMS ON FILE**
- 19A NCAC 03B .0317 HABITUAL OFFENDERS**

History Note: Authority G.S. 20-1; 20-4; 20-4.20; 20-7; 20-7(i)(1); 20-9; 20-16(a)(2); 20-16(a)(4) to (10); 20-16(a)(7); 20-16(a)(10a); 20-16(a)(11); 20-16(c); 20-16(d); 20-16.1; 20-16.2; 20-16.2(a)(1 to 4); 20-16.2(b) to (h); 20-16.3; 20-17.1; 20-17(1) to (4),(6) to (8); 20-19(d) to (f); 20-23; 20-23.1; 20-23.2; 20-24; 20-25; 20-28; 20-28.1; 20-141.3(a),(b),(e); S.L. 1977, c. 243;
Eff. July 1, 1978;
Repealed Eff. June 30, 1981.

SECTION .0400 - RECORDS

19A NCAC 03B .0401 CONVICTIONS REPORTED BY COURT **19A NCAC 03B .0402 OUT OF STATE VIOLATION**

History Note: Authority G.S. 20-1; 20-24(a) to (d); 20-26(a);
Eff. July 1, 1978;
Repealed Eff. June 30, 1981.

19A NCAC 03B .0403 DRIVING RECORDS

History Note: Authority G.S. 20-1; 20-26(b),(c); 20-39;
Eff. July 1, 1978;
Amended Eff. December 1, 1993; November 1, 1991; July 1, 1982;
Repealed Eff. November 1, 2021.

19A NCAC 03B .0404 RECORDS AVAILABLE TO PUBLIC

History Note: Authority G.S. 20-1; 20-27;
Eff. July 1, 1978;
Repealed Eff. June 30, 1981.

SECTION .0500 - FORMS

19A NCAC 03B .0501 FORMS: DRIVER SERVICES SECTION **19A NCAC 03B .0502 FORMS ON FILE**

History Note: Authority G.S. 20-1; 20-3;
Eff. July 1, 1978;
Repealed Eff. June 30, 1981.

SECTION .0600 - CLASSIFIED DRIVERS' LICENSE

19A NCAC 03B .0601 GENERAL INFORMATION

Where provisions of this Section .0600 (Classified Drivers' License) may be in conflict with the provisions of Section .0700 (Commercial Drivers' License) or those of 19A NCAC 03J (Rules and Regulations Governing the Licensing of Commercial Truck Driver Training Schools and Instructors), the provisions of Section .0700 and those of 19A NCAC 03J will prevail.

History Note: Authority G.S. 20-7; 20-39; S.L. 1979, c. 667, s. 40;
Eff. June 5, 1981;
Amended Eff. December 1, 1993; November 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03B .0602 GROSS VEHICLE WEIGHT

(a) Gross vehicle weight shall be the actual weight of a vehicle as may be determined by weighing the vehicle at a permanent weigh station or by use of portable scales provided, however, that for the purposes of Article 2 of G.S. 20 the registered weight of the vehicle shall be considered the gross weight.

- (b) Gross vehicle weight of motor vehicles bearing permanent registration plates or other plates for which no weight is required to be shown on the registration card shall be the actual scale weight of the vehicle provided, however, for the purposes of Article 2 of G.S. 20 the gross vehicle weight of any single motor vehicle so registered having three axles or more and designed as a property hauling vehicle shall be deemed to be over 30,000 pounds.
- (c) The gross vehicle weight of a towed vehicle shall be the actual scale weight of the vehicle.

History Note: Authority 20-39; S.L. 1979, c. 667, s. 40;
Eff. June 5, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03B .0603 COMPANY ADMINISTERED ROAD TEST AND CERTIFICATION

History Note: Authority G.S. 20-7(c); 20-39;
Eff. June 5, 1981;
Amended Eff. December 1, 1993; July 1, 1981;
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

19A NCAC 03B .0604 DEFINITIONS

History Note: Authority G.S. 20-4.01; 20-7(c); 20-321;
Eff. July 1, 1982;
Amended Eff. December 1, 1993;
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

19A NCAC 03B .0605 REQUEST FOR PROGRAM APPROVAL
19A NCAC 03B .0606 COMPANY CERTIFICATION CRITERIA
19A NCAC 03B .0607 COMPANY CERTIFICATION

History Note: Authority G.S. 20-7(c);
Eff. July 1, 1982;
Repealed Eff. December 1, 1993.

19A NCAC 03B .0608 COMPANY ROAD TEST CERTIFICATE
19A NCAC 03B .0609 COMPANY OR EXAMINER CHANGE IN STATUS

History Note: Authority G.S. 20-7(c); 20-39;
Eff. July 1, 1982;
Amended Eff. December 1, 1993;
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

19A NCAC 03B .0610 REPORTS BY COMPANY OR ITS EMPLOYEES
19A NCAC 03B .0611 COMPANY EXAMINER REQUIREMENTS AND DUTIES

History Note: Authority G.S. 20-7(c);
Eff. July 1, 1982;
Repealed Eff. December 1, 1993.

19A NCAC 03B .0612 ROAD TESTING OF COMPANY EMPLOYEES FOR CLASSIFIED LICENSE
19A NCAC 03B .0613 REVOCATION OR SUSPENSION OF A COMPANY OR COMPANY EXAMINERS
19A NCAC 03B .0614 APPLICATION FOR COMMERCIAL SCHOOL OR COMMUNITY COLLEGE
19A NCAC 03B .0615 CRITERIA: COMMERCIAL SCHOOL OR COMMUNITY COLLEGE APPROVAL
19A NCAC 03B .0616 APPROVAL: COMMERCIAL SCHOOL: COMMUNITY COLLEGE INSTRUCTORS

- 19A NCAC 03B .0617 COMMERCIAL SCHOOL: EMPLOYEE RECERTIFICATION REQUIREMENTS**
- 19A NCAC 03B .0618 ADVERTISING BY SCHOOLS**
- 19A NCAC 03B .0619 INSPECTION OF SCHOOLS**
- 19A NCAC 03B .0620 GROUNDS FOR REVOCATION OR DENIAL/CERT. OF A CO./LICENSING OF A SCHOOL**
- 19A NCAC 03B .0621 DENIAL/REVOCATION: COMPANY EXAMINER: SCHOOL INSTRUCTOR**

History Note: Authority G.S. 20-7; 20-7(c); 20-39; 20-321; 20-322; 20-323; 20-324; S.L. 1979, Ch. 667, s. 40; Eff. July 1, 1982; Amended Eff. January 1, 1994; December 1, 1993; Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0700 - COMMERCIAL DRIVERS' LICENSE

19A NCAC 03B .0701 GENERAL INFORMATION

- (a) The purpose of the rules in this Section is to establish policies and procedures to permit persons other than employees of the North Carolina Division of Motor Vehicles to conduct the skills test required of commercial driver license applicants.
- (b) Authority to administer skills tests will be granted only to Third Party Testers under agreement with the North Carolina Division of Motor Vehicles and utilizing Third Party Examiners recognized and deemed qualified by the North Carolina Division of Motor Vehicles.

History Note: Authority G.S. 20-37.22; Eff. September 1, 1990; Amended Eff. December 1, 1993; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03B .0702 DEFINITIONS

The following definitions shall apply for purposes of the rules of this Section:

- (1) "Division" means the North Carolina Division of Motor Vehicles.
- (2) "Commissioner" means the North Carolina Commissioner of Motor Vehicles.
- (3) "CDL" means Commercial Drivers License.
- (4) "FHWA" means the Federal Highway Administration.
- (5) "FMCSR" means the Federal Motor Carrier Safety Regulations promulgated by the U.S. Department of Transportation as set forth in 49 CFR Part 383, Subparts F, G, and H, which are hereby incorporated by reference, including subsequent amendments and editions, and can be found at no cost at www.fmcsa.dot.gov/regulations.
- (6) "Approved Testing Program" means the skills tests as required by FMCSR that is administered by a Third Party Tester.
- (7) "Tester Certificate" means the document issued to a Third Party Tester authorizing him or her to administer the approved testing program on behalf of the Division.
- (8) "Third Party Tester" means a government entity, association, educational institution, or business entity engaged in the use of commercial motor vehicles, licensed by the Division to administer the approved testing program for CDL applicants in accordance with these Rules.
- (9) "Third Party Examiner" means an individual who is a payroll employee of a Third Party Tester and who has been issued an examiner certificate to conduct the skills tests required for a CDL.

History Note: Authority G.S. 20-37.22; Eff. September 1, 1990; Redopted Eff. November 1, 2021.

19A NCAC 03B .0703 REQUIREMENTS FOR THIRD PARTY TESTERS

- (a) To be certified as a Third Party Tester a person must:

- (1) apply in accordance with Rule .0706 of this Section and enter into an agreement with the Division in accordance with 49 CFR 383.75;
 - (2) maintain a place of business with at least one occupied structure within the state of North Carolina;
 - (3) have at least one certified Third Party Examiner in its employ;
 - (4) allow FHWA, its representatives, and the Division to conduct random examinations, inspections, and audits without prior notice;
 - (5) allow the Division to conduct periodic, but at least annual on-site inspections;
 - (6) maintain at each third party testing location, for a minimum of two years, a record of each driver for whom the Third Party Tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:
 - (A) the complete name and address of the driver;
 - (B) the driver's social security number, driver's license number, and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;
 - (C) the date the driver took the skills test;
 - (D) the test score sheets showing the results of the test;
 - (E) the name and identification number of the Third Party Examiner conducting the skills test;
 - (F) the record of all receipts and disbursements;
 - (G) the make, model, and registration number of the commercial motor vehicles used to conduct the testing; and
 - (H) the written contract or copy, if applicable, with any person or group of persons being tested.
 - (7) maintain at each approved testing location, a record of each Third Party Examiner in the employ of the Third Party Tester at that location. Each record shall include:
 - (A) a valid Examiner Certificate indicating the Examiner at that location;
 - (B) a copy of the Third Party Examiner's current driving record, that shall be updated annually; and
 - (C) evidence that the Third Party Examiner is a payroll employee of the Third Party Tester.
 - (8) retain all Third Party Examiner records for at least two years after the Third Party Examiner leaves the employ of the Third Party Tester;
 - (9) ensure that the skills tests are conducted in accordance with the requirements of this Section;
 - (10) provide documented proof through electronic means provided through a portal by the American Association of Motor Vehicle Administrators for each driver applicant who has taken and passed the required skills tests as set forth in G.S. 20-37.13(a)(3). The driver applicant will then present themselves to the Division and skills test scores will be verified through electronic means provided through a portal by AAMVA as evidence that they successfully passed the driving tests administered by the Third and;
 - (11) to maintain certification the Third Party Tester must administer skills tests to a minimum of 10 different driver annually in accordance with the requirements of 49 CFR383.75(c), which is hereby incorporated by reference including subsequent amendments and editions and can be found at no cost at www.fmcsa.dot.gov/regulations.
- (b) In addition to the requirements listed in Paragraph (a) of this Rule, all Third Party Testers who are not governmental entities or associations must:
- (1) Truck and Bus Companies:
 - (A) employ at least 25 full-time, part-time, or seasonal North Carolina commercial motor vehicle licensed drivers;
 - (B) employ an individual who is responsible for the organization's third party testing operation; and
 - (C) have been in operation in North Carolina a minimum of six months. If the truck or bus company has been in operation less than six months under the current company name, the company shall identify previous company names to cover the six-month period.
 - (2) Educational Institutions have a commercial motor vehicle training program in operation in North Carolina for a minimum of six months.

History Note: Authority G.S. 20-37.13; 20-37.22;

Eff. September 1, 1990;
Amended Eff. August 1, 1994; December 1, 1993;
Readopted Eff. November 1, 2021.

19A NCAC 03B .0704 REQUIREMENTS FOR THIRD PARTY EXAMINERS

(a) Third Party Examiners may conduct skills tests on behalf of only one Third Party Tester at any given time. If a Third Party Examiner leaves the employ of a Third Party Tester he or she must reapply to conduct tests on behalf of a new Third Party Tester.

(b) To qualify as a Third Party Examiner, an individual must:

- (1) apply on a form provided and sent to the applicant via email by the Division as set forth in Rule .0707 of this Section;
- (2) be a payroll employee of the Third Party Tester;
- (3) possess a valid North Carolina Driver's License with classification and endorsements required for operation of the class and type of commercial motor vehicle used in the skills tests conducted by the Examiner;
- (4) have completed the Third Party Examiner CDL Training Course conducted by the Division. At a minimum upon completion of the training the Third Party Examiner shall have acquired and demonstrated the following knowledge and skills:
 - (A) understanding of G.S. 20 Article 2C and the rules adopted pursuant thereto;
 - (B) knowledge of the CDL testing procedures and forms;
 - (C) ability to administer and complete all forms without errors for the CDL skills test; and
 - (D) knowledge of testing site and route requirements.
- (5) take part in all Division required advanced training courses, workshops and seminars;
- (6) within 10 years prior to application have had no convictions for Driving While Impaired (DWI);
- (7) within five years prior to application have had no driver's license suspensions, revocations, cancellations, or disqualifications;
- (8) be at least 21 years of age; and
- (9) conduct skills tests on behalf of the Third Party Tester, in accordance with these Rules and in accordance with current instructions provided by the Division.

History Note: Authority G.S. 20-37.13; 20-37.22;
Eff. September 1, 1990;
Amended Eff. August 1, 1994; December 1, 1993;
Readopted Eff. November 1, 2021.

19A NCAC 03B .0705 CERTIFICATES

(a) A certificate shall be issued allowing the Third Party Tester to operate an approved testing program to give skills tests to applicants for a CDL as provided in Rule .0703 of this Section.

(b) An examiner certificate shall be issued to Third Party Examiners of the Third Party Tester as provided in Rule .0704 of this Section.

(c) A copy of the Examiner's Certificate shall be displayed in the office of the Third Party Tester. The Examiner's certificate shall be effective on the date of issuance and remain in effect unless the Examiner surrenders the certificate to the Division or until the certificate has been revoked or cancelled by the Division as provided in Rule .0716 of this Section.

(d) The certificate issued by the Division to operate a Third Party Testing Program shall be effective on the date of issuance and shall be displayed in the place of business of the Third Party Tester until cancelled or revoked as provided in Rule .0716 of this Section.

(e) A certificate to operate a Third Party Testing program shall be non-transferable.

History Note: Authority G.S. 20-37.13; 20-37.22;
Eff. September 1, 1990;
Readopted Eff. November 1, 2021.

19A NCAC 03B .0706 APPLICATION FOR THIRD PARTY TESTER CERTIFICATION

(a) Before any certificate is issued to a Third Party Tester, an application shall be made in writing to the Division on a form prepared and emailed to the applicant by the Division. The application shall include the information of the Third Party Tester applicant:

- (1) the official name, address, and telephone number of the principal office or headquarters;
- (2) name, title, address, and telephone number of the individual who has been designated the applicant's contact person;
- (3) description of the type of organization that is applying that can include a governmental entity, association, motor carrier, or educational institution, as well as the length of time the organization has been in business in North Carolina, if applicable;
- (4) a description of the vehicle fleet owned or leased by the applicant, including a complete equipment roster as listed for insurance purposes;
- (5) the class of testing for which the applicant is applying;
- (6) the total number of North Carolina licensed drivers employed to operate commercial motor vehicles, and the number of such drivers who are full-time, part-time, and seasonal;
- (7) the name, driver's license number, social security number, and home address of those payroll employees who wish to be approved as Third Party Examiners; and
- (8) proof of the Third Party Tester meets the insurance requirements as stated in Rule .0714(a) – (d) and set forth in G.S. 20-37.22.

(b) The address of each North Carolina location where the applicant intends to conduct the skills tests as well as a description of the off-road facilities including a map, drawing, or written description of the road test route that will be used for the on-road portion of the skills test.

(c) Educational institutions shall submit with their application a description of their facilities, equipment, and training curriculum. The number of applications for the previous year and the percent graduated must also be included.

(d) An applicant for a certificate for a Third Party Tester shall also execute an agreement form provided via email by the Division in which the applicant agrees, at a minimum, to comply with applicable CFRs, G.S. 20-37.13, and the rules of this Section for Third Party Tester, including audit procedures.

History Note: Authority G.S. 20-37.13; 20-37.22;
Eff. September 1, 1990;
Amended Eff. December 1, 1993;
Readopted Eff. November 1, 2021.

19A NCAC 03B .0707 APPLICATION FOR THIRD PARTY EXAMINER CERTIFICATION

Application for an Examiner Certificate shall be made on a form emailed by the Division. The form shall contain the following information of the Third Party Examiner applicant:

- (1) the full name, home and business address, and telephone numbers;
- (2) the driving history, including class of current license and any endorsements, and restrictions;
- (3) the name, address, and telephone number of the applicant's employer who has applied for or received a certificate as a Third Party Tester; and
- (4) the employer's recommendation of the applicant for and examiner certificate, as well as proof that the applicant is a payroll employee.

History Note: Authority G.S. 20-37.13; 20-37.22;
Eff. September 1, 1990;
Readopted Eff. November 1, 2021.

19A NCAC 03B .0708 ADVERTISING

(a) No advertising shall indicate in any way that a program can issue or guarantee the issuance of a commercial driver's license or imply that the program can in any way influence the Division in the issuance of a commercial driver's license or imply that preferential or advantageous treatment from the Division can be obtained.

(b) No advertising shall show a telephone number unless it also shows a valid address for the principal place of business for the Third-Party Tester.

(c) Third Party Tester may state in advertising that it has been approved and certified by the Division.

History Note: Authority G.S. 20-37.22;

Eff. September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03B .0709 ON-SITE INSPECTIONS AND AUDITS

- (a) All applicants for a Third Party Tester Certificate shall permit the FHWA or the Division to inspect and audit its operations, facilities, and records as they relate to its Third Party Testing program, for the purpose of determining whether the applicant is qualified to be certified.
- (b) Third Party Testers who have been certified shall permit the Division or FHWA to periodically inspect and audit its Third Party Testing program to determine whether it remains in compliance with the certification requirements as provided in Rule .0706 of this Section;
- (c) The Division and FHWA shall perform inspections and audits with or without prior notice to the Third Party Tester.
- (d) Inspections and audits shall include an examination of:
- (1) records relating to Third Party Testing program;
 - (2) evidence of compliance with the FMCSRs;
 - (3) skills testing procedures practices and operations;
 - (4) vehicles used for testing;
 - (5) qualifications of Third Party Examiners;
 - (6) effectiveness of the skills test program by either testing a sample of drivers who have been issued skills test certificates by the Third Party Tester or having Division employees take the skills tests from a Third Party Examiner; and
 - (7) Any Third Party Tester's operation that the Division determines is necessary to verify that the Third Party Tester meets the requirements for the certification as set forth in Rule .0703 of this Section.
- (e) The Division shall prepare a written report of each inspection and audit report of the results of each inspection and audit. A copy of the report shall be provided to the Third Party Tester.

History Note: Authority G.S. 20-37.13; 20-37.22;
Eff. September 1, 1990;
Amended Eff. December 1, 1993;
Readopted Eff. November 1, 2021.

19A NCAC 03B .0710 NOTIFICATION REQUIREMENTS

- (a) Third Party Tester must:
- (1) Notify the Division in writing 30 days prior to any change in the Third-Party Tester's name or address.
 - (2) Notify the Division in writing within ten days of any change in:
 - (A) The Third-Party Examiners who are employed by the Third-Party Tester; and
 - (B) The driving status of any Third-Party Examiner.
 - (3) Notify the Division in writing within ten days of any of the following occurrences:
 - (A) The Third-Party Tester ceases business operations in North Carolina.
 - (B) The Third-Party Tester fails to comply with any of these Division requirements.
 - (C) Any Third-Party Examiner receives notice from the Division of their license suspension, revocation, disqualification, or cancellations or DWI conviction.
 - (D) Any Third-Party Examiner fails to comply with any of these Division requirements.
 - (4) Be recertified if a Third-Party Tester ceases operation and reopens for business.
 - (5) Be reinspected prior to administering road tests if a Third-Party Tester's business address changes.
 - (6) Request and obtain approval from the Division of any proposed changes in the skills test route, test content, or examiner/administrative procedures.
- (b) Third Party Examiners shall notify the Division within ten days of leaving the employ of the Third-Party Tester and must be recertified by the Division before testing elsewhere.

History Note: Authority G.S. 20-37.22;
Eff. September 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

19A NCAC 03B .0711 EVALUATION OF APPLICANTS BY THE DIVISION

(a) In order to determine whether a Third Party Tester applicant meets the certification requirements set forth in Rule .0703 of this Section, the Division shall review the materials submitted in accordance with Rule .0706 of this Section and shall schedule an on-site inspection and audit of the applicant's program.

(b) In order to determine whether a Third Party Examiner applicant meets the certification requirements as set forth in Rule .0704 of this Section, the Division shall review the materials submitted in accordance with Rule .0707 of this Section to include the applicant's driving record, qualification questionnaire, and certificate of training.

*History Note: Authority G.S. 20-37.13; 20-37.22;
Eff. September 1, 1990;
Readopted Eff. November 1, 2021.*

19A NCAC 03B .0712 CERTIFICATION BY THE DIVISION

(a) Upon successful application and evaluation, a Third-Party Tester will be issued a certificate which must be prominently displayed at the approved testing facility giving them the authority to administer a Third-Party Testing program for the classes and types of vehicles listed.

(b) Upon successful application, evaluation and training, a Third-Party Examiner will be issued a certificate which must be prominently displayed at the approved testing facility giving him/her the authority to conduct skills tests for the classes and types of commercial motor vehicles listed.

(c) Certificates will remain valid until canceled by the Division or voluntarily relinquished by the Third-Party Tester or Examiner.

*History Note: Authority G.S. 20-37.22;
Eff. September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03B .0713 PROFESSIONAL CONDUCT

(a) No examiner, employee, or agent of the Third-Party Tester will be permitted to accompany any Commercial Driver License applicant into any examining office rented, leased, or owned by the Division for the purpose of taking a written or skills test driver examination given by the Division.

(b) No examiner, employee, or agent of the Third-Party Tester will be permitted to personally solicit any individual on the premises rented, leased, or owned by the Division for the purpose of enrolling that individual in any Third Party Testing program.

*History Note: Authority G.S. 20-37.22;
Eff. September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03B .0714 INSURANCE REQUIREMENTS

(a) All Third-Party Testers shall maintain bodily injury and property damage liability insurance on motor vehicles used in driving tests, insuring the liability of the testing program, the Examiner and any person taking tests in the amount required by state law.

(b) Evidence of such insurance coverage, in the form of a certificate from the insurance carrier, shall be filed by the Tester with the Division. The certificate shall stipulate that the insurance contract carried by the Tester provides for cancellation only upon 30 days prior written notice to the Division. The certificate shall include the make, model, year and motor or serial number of every vehicle covered by the policy.

(c) When a vehicle is added to, exchanged or deleted from coverage under a fleet insurance plan, the Third-Party Tester shall provide the Division a copy of a policy rider issued by the insurance carrier showing the addition or exchange, with complete descriptions of the vehicles involved.

(d) If the Third-Party Tester is self-insured, an appropriate certificate shall be filed with the Division.

*History Note: Authority G.S. 20-37.22;
Eff. September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03B .0715 TEST ADMINISTRATION

- (a) Skills tests shall be conducted strictly in accordance with the provisions of these requirements and with current test instructions provided by the Division. Such instructions may include information on skills test content, route selection/revision, test forms, examiner procedures, and administrative procedures and/or changes.
- (b) Skills test shall be conducted:
 - (1) On test routes approved by the Division.
 - (2) In a vehicle that is representative of the class and type of vehicle for which the CDL applicant seeks to be licensed and for which the Third Party Examiner is qualified to test.
 - (3) Using Division approved content, forms, and scoring procedures.

*History Note: Authority G.S. 20-37.22;
Eff. September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

19A NCAC 03B .0716 DENIAL/TERMINATION OF THIRD PARTY TESTING PROGRAM/CERTIFICATION

- (a) The Division may deny any application for a Third-Party Tester or Examiner's Certificate, if the applicant does not qualify for the certificate under provisions of these Rules. Misstatements or misrepresentation may be grounds for denying a certificate.
- (b) Any Third-Party Tester or Examiner may relinquish certification upon 30 days notice to the Division.
- (c) The Division may revoke the certificate of a Third-Party Tester or Examiner upon the following grounds:
 - (1) Failure to comply with or satisfy any of the provisions of these Rules, the Division instructions or the Third-Party Tester Agreement;
 - (2) Falsification of any record or information relating to the Third-Party Testing program;
 - (3) Commission of any act which compromises the integrity of the Third-Party Testing program;
 - (4) For Third Party Examiner: driver license suspension, revocation, cancellation, or disqualifications; and
 - (5) For Third Party Examiner: conviction of driving while impaired (DWI);
 - (6) Possessing more than one license;
 - (7) Having a physical impairment that in the judgment of the Division would impair his ability to safely operate a motor vehicle of the class required to certify others.
- (d) If the Division determines that grounds for cancellation exist for failure to comply with these Rules or the Third-Party Tester Agreement, the Division may postpone cancellation and allow the Third Party Tester or Examiner 30 days to correct the deficiency.
- (e) If Third Party Examiner or Tester is alleged to be in violation of any provisions of these Rules, the Examiner or Tester:
 - (1) Shall be notified by registered or certified mail;
 - (2) May request a hearing. The request must be within ten days of receipt of the registered or certified letter; and
 - (3) May be represented by counsel.
- (f) Upon completion of the hearing, the Division shall notify the Third-Party Tester or Examiner within ten days of its decision which may be appealed.
- (g) Recertification will be required if any Third-Party Tester or Examiner, or Third-Party Tester's or Examiner's certification is revoked or cancelled.

*History Note: Authority G.S. 20-37.22;
Eff. September 1, 1990;
Amended Eff. December 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

SECTION .0800 - GROSS VEHICLE WEIGHT RATING (GVWR)

19A NCAC 03B .0801 DEFINITION

History Note: Authority G.S. 20-37.22;
Eff. July 1, 1992;
Repealed Eff. November 1, 2021.