

1 19A NCAC 03B .0201 is readopted as published in 36:03 NCR 112-113 with changes as follows:

2
3 **19A NCAC 03B .0201 DRIVER'S LICENSE EXAMINATION AND ONLINE RENEWAL**

4
5 (a) The Division shall issue a driver's license to any person who ~~passes the tests and meets the requirements listed~~
6 ~~below and is otherwise eligible under G.S. 20 and completes to hold a license.~~ Applicants for a driver's license are
7 subject to the following tests and requirements:

- 8 (1) ~~The Knowledge Examination.~~ The Knowledge Examination. This Examination, which is an automated computer
9 ~~test examination that tests the applicant's on-~~knowledge of rules of the road. An audio component
10 allows applicants with reading comprehension difficulties to listen to the test questions by use of
11 earphones. Eighty percent of the questions shall be answered correctly ~~in order to pass.~~ pass the
12 ~~knowledge examination.~~ For the issuance of a remote renewal, the requirement of a knowledge
13 examination shall be waived.
- 14 (2) ~~The Road Sign Examination.~~ The Road Sign Examination, which tests the applicant's Signs. This is a test on
15 knowledge of highway signs and their meanings. Applicants for a regular Class "C" ~~C~~ license shall
16 correctly identify ~~nine 9 of twelve 12~~ road signs. Applicants for "A" ~~A~~ or "B" ~~B~~ licenses shall
17 correctly identify all road signs. For the issuance of a remote renewal, the requirement of the road
18 signs test shall be waived.
- 19 (3) ~~The Visual Acuity Test.~~ The Test, which examines an applicant's visual ability to identify
20 letters or symbols from a specific distance. The applicant's vision ~~acuity~~ shall be 20/40 or better in
21 ~~at least one either eye or both eyes together~~ to receive an unrestricted license. A license ~~is shall be~~
22 restricted to require corrective lenses if acuity is less than 20/40 in either eye or both eyes together.
- 23 (4) ~~The Road Test.~~ The road test Test, which measures the applicant's ability to operate a motor
24 vehicle safely in actual traffic situations. The required maneuvers are: quick stop, turnabout,
25 backing, approach corner, right turns, left turns, traffic lights, use of vehicle operating equipment,
26 starts, use of lanes, use of brakes, following, and paying attention. ~~Approval or disapproval Pass or~~
27 ~~failure is determined by the driver license examiner~~ based upon the applicant's ability to correctly
28 execute the required maneuvers. The test is scored by the driver license examiner. For the issuance
29 of a remote renewal, the requirement of a road test may shall be waived.
- 30 (5) The Remote Renewal allows drivers to remotely renew Renewal. ~~The renewal of a driver's license~~
31 ~~by mail, telephone, mail or electronic device.~~ Applicants will [shall] find instructions for remote
32 renewal on the Division of Motor Vehicles' Website at <http://www.ncdot.gov/dmv-Eligible>
33 applicants who wish to renew remotely by electronic means, may go to www.ncdot.gov/dmv and
34 submit responses to a series of automated questions that guide applicants through the online renewal
35 process. A driver's license issued by remote renewal expires in accordance with G.S. 20-7(f)(6)c.
- 36 (6) The Attestation [allows an] Attestation. An applicant eligible [applicant] to make [an] supports
37 application for a remote renewal to shall truthfully attest to affirm the following as part of the

1 ~~application for a remote renewal:~~ renewal process:

2 (A) The applicant is a resident of North ~~Carolina; Carolina and currently resides at the address~~
3 ~~listed on the license to be renewed;~~

4 (B) The license holder's name as it appears on the license to be renewed has not changed;

5 (C) All information provided during the application for a remote renewal has been provided
6 truthfully;

7 (D) ~~That the~~ The applicant knows of no change in his or her vision since the last time the
8 applicant passed the visual acuity test in Subparagraph (a)(3) of this Rule that would impair
9 the applicant's ability to safely drive a motor vehicle; and

10 (E) That no change in physical or mental abilities has occurred since the last issuance.

11 (7) ~~The]Photo [Requirement instructs that]Requirement. The requirement of a newly captured photo~~
12 ~~in G.S. 20-7(n)(4) shall be waived for an applicant eligible to make application for a remote renewal,~~
13 ~~providing~~ If the applicant has an existing DMV photo on file, no additional photographs are
14 required and the requirements in G.S. 20-7(n)(4) shall be waived for a remote renewal.

15 (8) Upon completion of the remote renewal process, the license shall be renewed if all criteria in G.S.
16 20-7 are met. The applicant ~~may~~ shall use the current license for all ~~legitimate~~ driver license
17 purposes until the license becomes invalid for some other reason, or receipt of the new license card.

18 (b) The tests contained in Paragraph (a) of this Rule shall be administered as follows:

19 (1) ~~First time applicants.~~ Applicants applying for a driver's license for the first time shall complete the
20 full ~~examination,~~ examination to include the knowledge examination, road signs test, visual acuity
21 test, and road test. Applicants in this Subparagraph are not eligible to apply for remote renewal.

22 (2) ~~Renewals and licenses expired less than two years.~~ Applicants seeking to renew a valid, unexpired
23 North Carolina driver's license shall complete the road signs test and visual acuity test, unless the
24 applicant is renewing remotely. Applicants possessing a previously issued North Carolina driver's
25 license, expired less than two years, shall complete the road signs test and visual acuity test. An
26 applicant shall attest during the application for a remote driver license renewal that the applicant
27 knows of no change in his or her vision as set out in ~~Part-Subparagraph~~ (a)(6)(D) of this Rule.

28 (3) Applicants possessing a previously issued North Carolina driver's license expired greater than two
29 ~~years.~~ Applicants years shall complete the full examination, to include the knowledge examination,
30 road signs test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to
31 apply for remote renewal.

32 (4) ~~Applicants with a driver's license issued by another State, which is valid and current, or expired~~
33 ~~less than two years.~~ Applicants seeking to transfer their current driver's license from another state
34 or applicants possessing a driver's license issued by another state that is expired less than two years
35 shall complete the road signs test and visual acuity test. Applicants in this Subparagraph are not
36 eligible to apply for remote renewal.

37 (5) Applicants with a driver's license issued by another state, expired more than two years, [years] years.

1 Applicants shall complete the full examination, to include the knowledge examination, road signs
2 test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to apply for
3 remote renewal.
4

5 *History Note:* Authority G.S. 20-2; 20-7(a),(c),(f); 20-39; ~~S.L. 2014 100~~, s. 34.8(a), 34.8(b);
6 Eff. July 1, 1978;
7 Amended Eff. May 4, 2015; May 1, 2014; December 1, 1993; July 1, 1982; June 5, 1981;
8 Emergency Amendment Eff. July 22, 2020 to expire pursuant to S.L. 2020-97, ~~s. 3.20~~ s. 3.20;
9 Readopted Eff. November 1, 2021.

1 19A NCAC 03B .0301 is readopted as published in 35:18 NCR 2049-2050 and is now being repealed as follows:

2

3 **19A NCAC 03B .0301 ACUTE OR CHRONIC ILLNESSES**

4

5 *History Note: Authority G.S. ~~20-1~~; 20-2(b); 20-9; 20-17.1;*

6 *Eff. July 1, 1978;*

7 *Amended Eff. November 1, 1991; June 5, ~~1981-1981~~;*

8 *Repealed Eff. November 1, 2021.*

1 19A NCAC 03B .0403 is readopted as published in 35:18 NCR 2049-2050 and is now being repealed as follows:

2

3 **19A NCAC 03B .0403 DRIVING RECORDS**

4

5 *History Note: Authority G.S. 20-1; 20-26(b),(c); 20-39;*

6 *Eff. July 1, 1978;*

7 *Amended Eff. December 1, 1993; November 1, 1991; July 1, ~~1982, 1982~~;*

8 *Repealed Eff. November 1, 2021.*

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10

1 19A NCAC 03B .0702 is readopted as published in 35:18 NCR 2049-2050 with changes as follows:

2
3 **19A NCAC 03B .0702 DEFINITIONS**

4
5 The following words and terms, when used in these requirements, definitions shall apply for purposes of the Rules of
6 this Section; have the following meaning:

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

26
27 *History Note: Authority G.S. 20-37.22;*
28 *Eff. September 1, 1990-1990;*
29 *Readopted Eff. November 1, 2021.*

1 19A NCAC 03B .0703 is readopted as published in 35:18 NCR 2049-2050 with changes as follows:

2
3 **19A NCAC 03B .0703 REQUIREMENTS FOR THIRD PARTY TESTERS**
4

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

6 (1) ~~Make application to apply~~ in accordance with Rule .0706 of this Section and enter into an agreement
7 with the Division in accordance with 49 CFR 383.75; as provided in Rule .0706 of this
8 Section. ~~[Section;]~~

9 (2) ~~Maintain~~ maintain a place of business with at least one ~~permanent~~ regularly occupied structure
10 within the state of North ~~Carolina~~ Carolina;

11 ~~(3)~~ Ensure ~~[ensure]~~ its place of business meets all requirements of state law and local
12 ordinances. ~~[ordinances;]~~

13 ~~(4)~~ (3) ~~Have~~ have at least one qualified and approved certified Third Party Examiner in its ~~employ~~ employ;

14 ~~(5)~~ (4) ~~Allow~~ allow FHWA, its representative(s), ~~[representatives]~~ representatives, and the Division to
15 conduct random examinations, ~~inspections~~ inspections, and audits without prior ~~notice~~ notice;

16 ~~(6)~~ (5) ~~Allow~~ allow the Division to conduct periodic, but at least annual on-site ~~inspections~~ inspections;

17 ~~(7)~~ (6) ~~Maintain~~ maintain at each third party testing location, for a minimum of two years, a record of each
18 driver for whom the Third Party Tester conducts a skills test, whether ~~or not~~ the driver passes or
19 fails the test. Each such record shall include:

20 (A) ~~The~~ the complete name and address of the driver;

21 (B) ~~The~~ the driver's social security number, driver's license ~~number~~ number, and the name of
22 the state or jurisdiction that issued the license held by the driver at the time of the test;

23 (C) ~~The~~ the date the driver took the skills test;

24 (D) ~~The~~ the test score ~~sheet(s)~~ sheets showing the results of the test;

25 (E) ~~The~~ the name and identification number of the Third Party Examiner conducting the skills
26 test;

27 (F) ~~The~~ the record of all receipts and disbursements;

28 (G) ~~The~~ the make, ~~model~~ model, and registration number of the commercial motor ~~vehicle(s)~~
29 vehicles used to conduct the testing; and

30 (H) ~~The~~ the written contract ~~(copy), or~~ [copy] copy, if applicable, with any person or group of
31 persons being tested.

32 ~~(8)~~ (7) ~~Maintain~~ maintain at each approved testing location, a record of each Third Party Examiner in the
33 employ of the Third Party Tester at that location. Each record shall include:

34 (A) ~~A~~ a valid Examiner Certificate indicating the Examiner at that location;

35 (B) ~~A~~ a copy of the Third Party Examiner's current driving record, ~~which must that shall be~~
36 updated annually; and

37 (C) ~~Evidence~~ evidence that the Third Party Examiner is a payroll employee of the Third Party

1 Tester.

2 ~~(9)(8)~~ ~~Retain-retain~~ all Third Party Examiner records for at least two years after the Third Party Examiner
3 leaves the employ of the Third Party ~~Tester.~~ ~~Tester~~;

4 ~~(10)(9)~~ ~~Ensure-ensure~~ that the skills tests are conducted in accordance with the requirements of this
5 ~~Section.~~ ~~Section~~;

6 ~~(11)(10)~~ ~~Provide-provide~~ documented proof through electronic means provided through a portal by the
7 American Association of Motor Vehicle Administrators (using a form provided by the Division) to
8 for each driver applicant who has taken-taken and passes-passed the required skills tests as set forth
9 in G.S. 20-37.13(a)(3), tests. The driver applicant ~~in turn~~ will then present ~~the form~~ themselves to the
10 Division and skills test scores will be verified through electronic means provided through a portal
11 by AAMVA as evidence that they successfully passed the driving tests administered by the Third
12 Party ~~and~~;

13 ~~(12)(11)~~ ~~To-to~~ maintain certification the Third Party Tester must administer skills tests to a minimum of ~~five~~
14 10 different driver applicants annually in accordance with the requirements of this Section.49 CFR
15 383.75(c), which is hereby incorporated by reference including subsequent amendments and
16 editions and can be found at no cost at www.fmcsa.dot.gov/regulations.

17 (b) In addition to the requirements listed in Paragraph (a) of this Rule, all Third Party Testers who are not governmental
18 entities or associations must:

19 (1) Truck and Bus Companies:

20 (A) ~~Employ-employ~~ at least 25 full-time, part-time, or seasonal North Carolina commercial
21 motor vehicle licensed drivers; drivers (full time, part time, or seasonal) of commercial
22 motor vehicles.

23 (B) ~~Employ-employ~~ an individual who ~~would be~~ is responsible for the organization's third party
24 testing ~~operation.~~ operation; and

25 (C) ~~Have-have~~ been in operation in North Carolina a minimum of six months. ~~(If-If the truck~~
26 ~~for~~ for bus company has been in operation less than six months under the current company
27 name, the company shall identify previous company name(s)-names to cover the six
28 monthperiod.) six-month period.

29 (2) Educational Institutions:

30 (A) ~~Have-have~~ an established-a commercial motor vehicle training program.program in
31 operation in North Carolina for a minimum of six months.[and]

32 (B) ~~Have~~ [have]been in operation in North Carolina a minimum of six months.

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

35 *Eff. September 1, 1990;*

36 *Amended Eff. August 1, 1994; December 1, 1993.1993;*

37 *Readopted Eff. November 1, 2021.*

1 19A NCAC 03B .0704 is readopted as published in 35:18 NCR 2049-2050 with changes as follows:

2
3 **19A NCAC 03B .0704 REQUIREMENTS FOR THIRD PARTY EXAMINERS**
4

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

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

9 (1) ~~Make application apply~~ on a form provided and sent to the applicant via email by the Division as
10 set forth in Rule .0707 of this Section; Division;

11 (2) ~~Be~~ be a payroll employee of the Third Party Tester;

12 (3) ~~Possess~~ possess a valid North Carolina Driver's License with classification and endorsements
13 required for operation of the class and type of commercial motor vehicle used in the skills tests
14 conducted by the Examiner; ~~and~~

15 (4) ~~Have~~ have successfully completed the CDL Third Party Examiner CDL Training Course conducted
16 by the Division. At a minimum upon completion of the training the Third Party Examiner shall have
17 acquired and demonstrated the following knowledge and skills:

18 (A) ~~A [a]comprehensive~~ understanding of ~~North Carolina G.S., Chapter G.S. 20~~ Article 2C
19 and the rules adopted pursuant thereto;

20 (B) ~~A [a]working~~ knowledge of the CDL testing procedures and forms;

21 (C) ~~Ability~~ ability to administer and ~~score correctly~~ [correctly score] complete all forms without
22 errors for each of the CDL skills test; and

23 (D) ~~Knowledge~~ knowledge of testing site and route requirements.

24 (5) ~~Take~~ take part in all Division required advanced training courses, workshops and seminars;

25 (6) ~~Within ten~~ within 10 years prior to application have had no convictions for Driving While Impaired
26 (DWI);

27 (7) ~~Within~~ within five years prior to application have had no driver's license suspensions, revocations,
28 ~~cancellations~~ cancellations, or disqualifications;

29 (8) ~~Be~~ be at least 21 years of age; and

30 (9) ~~Conduct~~ conduct skills tests on behalf of the Third Party Tester, in accordance with these Rules and
31 in accordance with current instructions provided by the Division.

32
33 *History Note: Authority G.S. 20-37.13; 20-37.22;*

34 *Eff. September 1, 1990;*

35 *Amended Eff. August 1, 1994; December 1, ~~1993~~ 1993;*

36 *Readopted Eff. November 1, 2021.*

1 19A NCAC 03B .0705 is readopted as published in 35:18 NCR 2049-2050 with changes as follows:

2

3 **19A NCAC 03B .0705 CERTIFICATES**

4

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

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

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

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

16 ~~(e) The Examiner's certificate will [shall] be effective on the date of issuance and remain in effect unless the Examiner~~
17 ~~must surrender [surrenders] the certificate to the Division when that Examiner becomes inactive or, [or] until the~~
18 ~~certificate has been revoked or cancelled by the Division.~~

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

20

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

22 *Eff. September 1, ~~1990~~ 1990;*

23 *Readopted Eff. November 1, 2021.*

1 19A NCAC 03B .0706 is readopted as published in 35:18 NCR 2049-2050 with changes as follows:

3 **19A NCAC 03B .0706 APPLICATION FOR THIRD PARTY TESTER CERTIFICATION**

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

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

26 ~~(b) (9)~~ ~~The the~~ address of each North Carolina location where the applicant intends to conduct the skills
27 tests as well as a description of the off-road facilities including a map, ~~drawing.~~ drawing, or written
28 description of the road test route that will be used for the on-road portion of the skills ~~test.~~ [test; and]

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

32 ~~(e)(d)~~ An applicant for a certificate for a Third Party Tester shall also execute an agreement form provided via email
33 by the Division in which the applicant agrees, at a minimum, to comply with applicable CFRs, G.S. 20-37.13, and the
34 Rules of this Section ~~the requirements and instructions of the Division~~ for Third Party Tester, including audit
35 procedures. ~~procedures,~~ and agrees to hold the Division harmless from liability resulting from the Third Party Tester's
36 administration of its CDL Skills Test Program.

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

1 19A NCAC 03B .0707 is readopted as published in 35:18 NCR 2049-2050 with changes as follows:

2

3 **19A NCAC 03B .0707 APPLICATION FOR THIRD PARTY EXAMINER CERTIFICATION**

4

5 Application for an Examiner Certificate shall be made on a form ~~supplied~~emailed by the Division. The form shall
6 ~~require at least contain~~ the following information of the Third Party Examiner applicant:~~information:~~

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

13

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

15 *Eff. September 1, ~~1990~~1990;*

16 *Readopted Eff. November 1, 2021.*

17

1 19A NCAC 03B .0709 is readopted as published in 35:18 NCR 2049-2050 with changes as follows:

2
3 **19A NCAC 03B .0709 ON-SITE INSPECTIONS AND AUDITS**

4
5 (a) All applicants for a Third Party Tester Certificate shall permit the FHWA or the Division to inspect and audit its
6 operations, ~~facilities~~ facilities, and records as they relate to its Third Party Testing program, for the purpose of
7 determining whether the applicant is qualified to be certified.

8 (b) Third Party Testers who have been certified shall permit the Division or FHWA to periodically inspect and audit
9 its Third Party Testing program to determine whether it remains in compliance with the certification
10 ~~requirements~~ requirements as provided in Rule .0706 of this Section;

11 (c) The Division and FHWA ~~will~~ shall perform inspections and audits with or without prior notice to the Third Party
12 Tester.

13 (d) Inspections and audits ~~will~~ shall ~~include~~ include, at a minimum, an examination of:

- 14 (1) ~~Records~~ records relating to Third Party Testing program;
- 15 (2) ~~Evidence~~ evidence of compliance with the ~~FMCSRs~~ FMCSR's;
- 16 (3) ~~Skills~~ skills testing procedures practices and operations;
- 17 (4) ~~Vehicles~~ vehicles used for testing;
- 18 (5) ~~Qualifications~~ qualifications of Third Party Examiners;
- 19 (6) ~~Effectiveness~~ effectiveness of the skills test program by either testing a sample of drivers who have
20 been issued skills test certificates by the Third Party Tester or having Division employees take the
21 skills tests from a Third Party Examiner; and
- 22 (7) Any ~~other aspect of the~~ Third Party Tester's operation that the Division determines is necessary to
23 verify that the Third Party Tester meets the requirements for the ~~certification~~ certification as set
24 forth in Rule .0703 of this Section.

25 (e) The Division ~~will~~ shall prepare a written report of each inspection and audit report of the results of each inspection
26 and audit. A copy of the report ~~will~~ shall be provided to the Third Party Tester.

27
28 *History Note: Authority G.S. 20-37.13; 20-37.22;*
29 *Eff. September 1, 1990;*
30 *Amended Eff. December 1, ~~1993~~ 1993;*
31 *Readopted Eff. November 1, 2021.*
32

1 19A NCAC 03B .0711 is readopted as published in 35:18 NCR 2049-2050 with changes as follows:

2

3 **19A NCAC 03B .0711 EVALUATION OF APPLICANTS BY THE DIVISION**

4

5 (a) ~~The~~ In order to determine whether a Third Party Tester applicant meets the certification requirements set forth in
6 Rule .0703 of this Section, the Division ~~will~~ shall ~~evaluate~~ review the materials submitted in accordance with Rule
7 .0706 of this Section and ~~by the Third Party Tester applicant, and if the application materials are satisfactory, the~~
8 ~~Division shall may~~ schedule an on-site inspection and audit of the applicant's program ~~Third Party Testing Program~~
9 to complete the evaluation.

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

14

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

16 *Eff. September 1, ~~1990~~1990;*

17 *Readopted Eff. November 1, 2021.*

18

1 19A NCAC 03B .0801 is readopted as published in 35:18 NCR 2049-2050 and is now being repealed as follows:

2

3 **19A NCAC 03B .0801 DEFINITION**

4

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

6 *Eff. July 1, ~~1992~~, 1992;*

7 *Repealed Eff. November 1, 2021.*

8