



ADMINISTRATIVE RULES OF MONTANA

23.3.570 THIRD-PARTY CDL SKILLS TESTING PROGRAM AND CDL SKILLS TEST EXAMINER'S DECERTIFICATION AND RE-CERTIFICATION

- (1) The division reserves the right to take prompt and appropriate remedial action against a third-party CDL skills testing program or CDL skills test examiner that fails to comply with state or federal standards for the CDL skills testing program, or with any other terms of the third-party agreement.
- (2) The certification of a third-party CDL skills testing program or CDL skills test examiner may be revoked if the examiner:
 - (a) fails to follow 49 CFR 382, 383, 384, or 391; Title 61, chapter 5, MCA, or ARM 23.3.560 through ARM 23.3.570;
 - (b) takes fraudulent actions relating to testing activity or recordkeeping;
 - (c) fails to pay fees;
 - (d) fails to maintain a bond required by this part;
 - (e) fails to maintain minimum liability insurance required by this part; or
 - (f) fails to abide by the third-party CDL skills testing program agreement.
- (3) The certificate of a CDL skills test examiner may be revoked if:
 - (a) the examiner fails to conduct at least ten full skills tests or 30 individual skills test components in a 12-month period beginning on the date the examiner has been certified by the division;
 - (b) the examiner's Montana CDL has been suspended, revoked, canceled, disqualified, or has expired;
 - (c) the examiner fails to maintain a valid CDL or fails to remain medically qualified under 49 CFR 393.41; or
 - (d) the division has become aware either through an audit or investigation that the examiner has failed to properly conduct or record CDL skills tests.
- (4) A third-party CDL skills test examiner may voluntarily surrender their certification and stop conducting skills tests. Any initial or renewal fees will not be refunded.
- (5) A third-party CDL skills testing program or CDL skills test examiner may appeal the decertification in writing with the division within 30 days from being notified of the decertification.

- (6) A third-party CDL skills testing program or CDL skills test examiner may apply for recertification with the division.

Authorizing statute(s): 61-5-118, MCA

Implementing statute(s): 61-5-118, MCA

History: NEW, 2019 MAR p. 338, Eff. 2/9/19.