



ADMINISTRATIVE RULES OF MONTANA

23.3.562 THIRD-PARTY CDL SKILLS TESTING PROGRAM APPLICATION

- (1) Eligible entities must submit an application stating their desire to become a third-party CDL skills testing program.
- (2) The applicant must:
 - (a) be an eligible third-party CDL skills testing program entity;
 - (b) provide the applicant's name, physical, mailing, and e-mail addresses, and phone number;
 - (c) provide a representative's name, physical, mailing, and e-mail addresses, and phone number who will represent the applicant during the application process;
 - (d) provide the location of the CDL skills testing and recordkeeping facilities. The facilities must be located within the state of Montana. The facilities where testing occurs must meet the standards of ARM 23.3.565. The facilities where records are maintained must meet the standards of ARM 23.3.565;
 - (e) give a statement that, at the time of the agreement, the applicant will:
 - (i) cooperate with the division at all times, including inspection of facilities, auditing, and testing;
 - (ii) carry comprehensive commercial general liability insurance with limits of a minimum of \$1 million per occurrence for personal injury or property damage;
 - (iii) carry auto liability insurance if the testing program provides vehicles used in testing. The limits must not be less than \$1 million per occurrence for personal injury and property damage;
 - (iv) post a surety bond of \$10,000 to cover the costs associated with re-testing applicants who may have been improperly tested by a third-party CDL skills test examiner, or if skills test results were fraudulently obtained;
 - (v) comply with federal regulations, Montana state law, the Administrative Rules of Montana, and the division's policy and procedures governing the third-party CDL skills testing program;
 - (vi) pay the initial and renewal certification fees for a third-party CDL skills testing program and its examiners as outlined in 61-5-118, MCA;
 - (vii) only allow third-party CDL skills test examiners who have been trained and certified by the division as outlined in ARM 23.3.566;
 - (viii) comply with all federal and state nondiscrimination statutes, rules, and regulations;

- (ix) provide workers' compensation as required under state law for employees covered under the agreement;
- (x) implement all necessary administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of personally identifiable information in accordance with all applicable federal and state privacy protection requirements;
- (xi) agree to use the CSTIMS to schedule and record CDL skills test results; and
- (xii) use approved road test tablets to conduct and record CDL skills tests.

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

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

History: NEW, 2019 MAR p. 176, Eff. 2/9/19.