



ADMINISTRATIVE RULES OF MONTANA



23.3.569 AUDITING AUTHORITY BY STATE OR FMCSA REPRESENTATIVES

- (1) Personnel from the division and FMCSA are authorized to conduct scheduled and unscheduled overt and covert audits on third-party CDL skills test programs and CDL skills test examiners as follows:
 - (a) on-site inspections must be conducted at least twice a year with a focus on irregular test results that allow the division to audit CDL skills tests by any of the following three methods:
 - (i) covertly take a test using a state employee as a test applicant;
 - (ii) have a state employee co-score a test to compare test results; or
 - (iii) retest a sample of drivers.
 - (b) if an applicant is found not to possess the required skills to operate a commercial motor vehicle, the division may require the applicant to pass a CDL skills test by a state examiner.
 - (c) review any electronic or hardcopy records relating to certification requirements or CDL skills tests; and
 - (d) inspect CDL skills testing program's operation, facility, basic control skills test site, and road test routes.
 - (e) inspect CDL skills testing program's vehicles and equipment.

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

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

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