

# **SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES**



## **COMMERCIAL DRIVER'S LICENSE THIRD-PARTY TESTER'S PROGRAM STANDARDS**

Revised September 2025

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# Section 1: Definitions

1. **Applicant** – an individual who applies for a Commercial Driver's License (CDL) class A, B, or C and is required to pass the applicable CDL skills tests
2. **Behind the Wheel (BTW)** – training provided by an instructor where the student is in control of and operating the vehicle during a driving lesson conducted on public roads or on a range
3. **Body-Worn Camera (BWC)** – an electronic device worn on a person's body that records both audio and video data
4. **Commercial Driver's License (CDL)** – a license issued to an individual by a State or other jurisdiction of domicile, in accordance with the standards contained in Title 49 CFR Part 383, which authorizes the individual to operate a class of a commercial motor vehicle
5. **Commercial Motor Vehicle (CMV)** – a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is:
  - a) **Combination Vehicle (Group A)** – any combination of vehicles having a gross combination weight rating (GCWR) of 26,001 pounds or more (11,794 kilograms or more) provided the gross vehicle weight rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds (4,536 kilograms).
  - b) **Heavy Straight Vehicle (Group B)** – any single vehicle with a GVWR of 26,001 pounds or more (11,794 kilograms or more) or any such vehicle towing a vehicle not in excess of 10,000 pounds (4,536 kilograms) GVWR.
  - c) **Small Vehicle (Group C)** – that does not meet group A or B requirements but that either:
    - (1) Is designed to transport 16 or more passengers, including the driver; or
    - (2) Is of any size and is used in the transportation of hazardous material
6. **Commercial Skills Test Information Management System (CSTIMS)** – an internet-based tool that provides a consistent way to track the scheduling and entry of test results for commercial skills tests by jurisdictions and third-party examiners
7. **Company** – any corporation, partnership, joint venture, or sole proprietorship, federal or state agency or department, and any political subdivisions
8. **Department** – the South Carolina Department of Motor Vehicles (SCDMV)
9. **Entry Level Driver Training (ELDT)** – training an entry level driver must receive from a provider listed on the FMCSA's Training Provider Registry prior to:
  - a) Taking the CDL skills test required to receive the Class A or Class B CDL for the first time;

# Section 1: Definitions

- b) Taking the skills test required to upgrade to a Class A or Class B CDL; or
  - c) Taking the CDL skills test required to obtain a passenger and/or school bus endorsement for the first time, or the CDL knowledge test required to obtain a hazardous materials endorsement for the first time
10. **Federal Medical Examiner's Certificate** – a certificate received after a physical examination that meets the definition of 49 CFR Parts 391.41, 391.43, and 391.45
11. **Federal Motor Carrier Safety Administration (FMCSA)** – a division of the United States Department of Transportation
12. **Federal Motor Carrier Safety Regulations (FMCSR)** – the rules and regulations set forth by FMCSA that apply to every person who operates a commercial motor vehicle, as defined by 49 CFR Part 383.5, in interstate or intrastate commerce and to all employers of such persons
13. **Gross Combination Vehicle Weight Rating (GCWR)** – the greater of:
- a) A value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard (FMVSS) certification label required by the National Highway Traffic Safety Administration, or
  - b) The sum of the gross vehicle weight ratings (GVWRs) or the gross vehicle weights (GVWs) of the power unit and the towed unit(s), or any combination thereof, that produces the highest value. Exception: The GCWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle
14. **Gross Vehicle Weight Rating (GVWR)** – the value specified by the manufacturer as the maximum allowable total weight of a road vehicle or trailer when loaded, including the weight of the vehicle itself plus fuel, passengers, cargo, etc.
15. **Lead Third-Party Examiner** – third-party examiner selected by a third-party tester company to update records in CSTIMS
16. **mCDL** – an application used by third-party examiners to administer, capture, and monitor skills tests-
17. **Motor Vehicle Record (MVR)** – the report of the driving status and history of a driver generated from the driver record that is provided to users, such as drivers or employers, and, for drivers licensed by a State, is subject to the provisions of the Driver Privacy Protection Act
18. **Program Administrator** – person selected by a third-party tester company as the liaison between the third-party examiner(s) and SCDMV; may also be known as the designated responsible party

# Section 1: Definitions

19. **Representative Vehicle** – a motor vehicle which represents the type of motor vehicle that a driver applicant operates or expects to operate
20. **South Carolina Law Enforcement Division (SLED)** – a statewide investigative law enforcement agency in South Carolina
21. **State** – the State of South Carolina
22. **State of Domicile** – that state where a person has his/her true, fixed, and permanent home and principal residence and to which he or she has the intention of returning whenever he/she is absent
23. **Substandard Test** – any part(s) of the CDL test not administered in accordance with standards, guidelines, and/or policies established by the FMCSR, the Department, S.C. Code of Laws § 56-1-2080, this manual, or any act in the determination of the department that jeopardizes the integrity of the CDL test
24. **Third-Party Examiner (TPE)** – a person employed by a third-party tester who is authorized by the State to administer the CDL skills tests specified in subparts G and H of 49 CFR §383-
25. **Third-Party Tester (TPT)** – an entity authorized by the state to administer commercial or non-commercial knowledge or skills testing in accordance with Federal, State, and Department requirements

## Section 2: Company, Program Administrator, Lead Third-Party Examiner, and Third-Party Examiner Qualifications and Requirements

The department reserves the right to change or modify these qualifications at any time without prior notice. Notification of changes will be sent to the program administrator.

Failure to adhere to applicable guidelines established by the FMCSA and the department can result in the retesting of any applicant who was administered a CDL skills test, the third-party examiner's testing privileges being suspended, and the company being removed from the TPT program.

### Company Qualifications

Company qualifications are as follows:

1. Complete and sign a written TPT agreement with the department;
2. Must maintain at least one permanent physical location in South Carolina that is owned or directly controlled by the TPT where all related records are securely maintained and are readily available for inspection by SCDMV or FMCSA. The location must be suitable conducting safety inspections or compliance reviews by SCDMV or FMCSA;
3. Own or lease at least one class A, B, or C (Group) commercial motor vehicle which requires a commercial driver's license, except vehicles placarded for hazardous materials;
4. Employ or contract at least one third-party examiner who meets all department qualifications.

### Company Requirements

1. Allow representatives from the FMCSA and the department to conduct unannounced audits.
2. Maintain all records, documents, reports, and files required under this program in South Carolina at a designated location and make available during normal working hours of the TPT as specified in the TPT Agreement. The department reserves the right to change or modify these requirements at any time. Notification of changes will be sent to the program administrator with 30 calendar days notice prior to implementation.
3. Upon request, provide representatives of the FMCSA and the department with copies of all records required to be maintained in reference to this program; required items include:
  - a. CDL TPT Program Standards Document;
  - b. CDL TPT and Third-Party Examiner(s) certificates;

## Section 2: Company, Program Administrator, Lead Third-Party Examiner, and Third-Party Examiner Qualifications and Requirements

- c. Copy of third-party examiners' current CDL and medical certificate (if medical certificate is applicable), or an acceptable substitute medical certificate as determined by the department;
  - d. Copy of current road test route(s);
  - e. Copy of each completed CDL skills test scoring sheet for the current year and the prior two calendar years; and
  - f. Copy of each third-party examiner's training record.
4. Allow the department to perform federal background checks on its third-party examiners as defined in 49 CFR 384.228;
5. Allow representatives from the FMCSA and the department to conduct instant random sampling, random recall, or retest any applicant administered a CDL skills test by its third-party examiners;
6. Notify the Department, via email to [cdlcompliance@scdmv.net](mailto:cdlcompliance@scdmv.net), prior to, or no later than 24 hours following the termination, separation from employment, or withdrawal from the program by a third-party examiner, program administrator, or third-party tester company;
7. Conduct all portions of the CDL skills test in South Carolina;
8. Maintain a basic control skills test course in South Carolina and road test route that meets requirements outlined in the CDL Examiner Manual; skills pads must be in a safe location, clearly painted, and free of debris and other vehicles; a company can share another company's basic control skills pad as long as there is a written agreement between the two companies that is provided to the SCDMV at the time of the inspection;  
**Note:** Basic control skills course(s) and CDL road test route(s) must be approved by the department before a CDL test can be administered. The company must promptly notify the department when any change or modifications are made to the skills pad and when there are any issues with the road test route. The department must approve any changes or modifications before the next test is administered. Road test routes must also be approved by the department and a copy of the route(s) must be on file for each testing location as well as available for reference within CSTIMS.
9. Must have a program administrator; however, not required to have a lead third-party examiner;
10. Must follow all Personal Data Confidentiality and Non-Disclosure Agreement requirements contained within the SCDMV Third-Party Tester Agreement (DL-404A);
11. Secure a signed written Privacy Policy & Consent Agreement from each applicant as outlined in the SCDMV Third-Party Tester Agreement (DL-404A);

## Section 2: Company, Program Administrator, Lead Third-Party Examiner, and Third-Party Examiner Qualifications and Requirements

12. Must adhere to required security measures outlined in the SCDMV Third-Party Tester Agreement (DL-404A);
13. Must take full responsibility for SCDMV property as outlined in the SCDMV Third-Party Tester Agreement (DL-404A):
  - a) TPT is required to promptly report any issues with any SCDMV equipment to the department within 24 hours of occurrence. Failure to do so will result in the TPT being liable for any further damages incurred due to the delay in reporting;
  - b) Upon withdrawal or removal from the program the TPT agrees to return all equipment to the department in the same condition as it was received barring normal wear and tear. Any discrepancies identified upon return will be the sole responsibility of the TPT to rectify as outlined in the SCDMV Third-Party Tester Agreement (DL-404A).

### Title VI Non-Discrimination Program Requirements

The company is required as a third-party provider of an SCDMV service to adhere to the following Title VI requirements:

1. **Title VI Program Notice:** Third-party tester must post the SCDMV Title VI Program Notice (English and Spanish versions) informing customers of how to file a Title VI complaint with SCDMV in a conspicuous place at the each location;
2. **Title VI Customer Complaint Form:** Third-party tester must refer customers requesting services covered by Title VI to SCDMV. Third-party tester must make the SCDMV Title VI Customer Complaint Form (AD-809E English and AD-809S Spanish versions) available to all customers that wish to file a Title VI complaint.

### Program Administrator Qualifications

Program administrator qualifications are as follows:

1. May or may not be a third-party examiner;
2. May or may not be the lead third-party examiner;
3. Must be employed by or contracted by the company

### Program Administrator Requirements

1. Ensure company agreements, third-party examiner applications, and company updates are sent to the department, as required;



## Section 2: Company, Program Administrator, Lead Third-Party Examiner, and Third-Party Examiner Qualifications and Requirements

2. Ensure the CDL and Federal Medical Examiner's Certificate, if applicable, of all third-party examiners remain current;
3. Ensure that all training remains current;
4. Be accountable for the maintenance of all TPT examiner files;
5. Notify the department in writing within 24 hours if a third-party examiner is convicted of a crime or has any cancellation, suspension, or revocation of their driving privileges;
6. Ensure only third-party examiners certified by the department are permitted to administer CDL skills tests;
7. Inform third-party examiners of any changes regarding CDL test administration and/or paperwork requirements as directed by the department;
8. Notify the department in writing within 10 days of any changes with a third-party examiner, program administrator, or company information (examples below);
  - a) email address changes
  - b) Relocations
  - c) Physical or mailing address changes; and
9. Ensure testing dates, times, and scores are entered correctly and in a timely manner into CSTIMS for organizations when there is no lead third-party examiner

### Lead Third-Party Examiner Qualifications

Lead Third-Party Examiner qualifications are as follows:

1. Must meet all requirements of a third-party examiner;
2. Must be employed by or contracted by the company before submitting an application to become a lead examiner and remain employed or contracted while serving as the lead third-party examiner; allow the department up to 30 calendar days to review and approve the application.

### Lead Third-Party Examiner Requirements

1. Ensure testing dates, times, and scores are entered correctly and in a timely manner in to CSTIMS.

### Third-Party Examiner Qualifications

Third-party examiner qualifications are as follows:

## Section 2: Company, Program Administrator, Lead Third-Party Examiner, and Third-Party Examiner Qualifications and Requirements

1. **Must be domiciled in South Carolina;** exceptions are permitted for current and active duty military personnel and their immediate family members seeking third-party examiners status, provided they can provide their required permanent change of station documents; these applicants will have out-of-state driver's licenses and must provide the SCDMV with a certified driver's record from their "state of record"; the department reserves the right to require additional record checks should the department determine it has probable cause or deems it necessary during an applicant's participation in the program;
2. Cannot have any criminal convictions; a federal background check must be performed as required by FMCSR 49 CFR 384.228(g); criteria for not passing the criminal background check includes but is not limited to the following:
  - a) Any felony conviction within the last 10 years
  - b) Any conviction involving fraudulent activities;
3. Cannot have been declared as a habitual offender in the past ten (10) years;
4. Cannot have any cancellation, suspension, or revocation of driving privileges resulting from a moving violation for three years prior to applying to become a third-party examiner and must not have any thereafter;
5. Must be employed or contracted by company before applying to become an examiner and remain employed or contracted while serving as a third-party examiner;
6. Must submit a completed third-party examiner application to the Department. This includes form DL-304F Third-Party Examiner Application, a national criminal report from an SCDMV approved vendor no older than 90 days old, and certified driving record no older than 30 days old of the current (and previous state if the applicant has not held a South Carolina driver's license for the past three years); a completed renewal application is required every four years thereafter; the department will send one renewal reminder to the preferred email address on file in CSTIMS of the TPT;
7. Cannot hold a "Dual Certification"; a third-party examiner may only be licensed for one commercial company at a time in which they are an employee or contractor;
8. Must attend and successfully complete a formal third-party examiner training course and examination before being certified to administer CDL tests;
9. Must hold the appropriate class CDL with applicable endorsements/restrictions and only administer skills tests for a class of license that is equal to or below that held by the third-party examiner;

## Section 2: Company, Program Administrator, Lead Third-Party Examiner, and Third-Party Examiner Qualifications and Requirements

10. A third-party examiner who leaves the employment of a licensed TPT company and wishes to transfer his/her testing privileges to another licensed TPT company must:
- a) Be a full-time employee or contractor with the new third-party testing company before applying for a transfer;
  - b) Submit a new third-party examiner application and complete all department requirements within 30 days of leaving previous company;
  - c) Have met the 10 skills test requirement in 383.75(c) the previous calendar year;
  - d) Be current with all training requirements in 49 CFR 384.228

### Third-Party Examiner Requirements

1. Must successfully complete a formal third-party examiners course and examination offered by the department before administering a CDL skills test.
  - a) Third-party examiners who fail to respond to the SCDMV when scheduling a training course after three attempts in writing via the third-party examiner's preferred email address will be moved to the back of the third-party skills test training wait list.
  - b) If a third-party examiner fails to attend a scheduled third-party skills test training course without notifying the SCDMV at least 3 business days prior to the first day of the course, he or she will be moved to the back of the third-party examiner training course wait list.
2. Complete refresher training every four years. Examiners will be granted a 30 day grace period after expiration to register for refresher training, however, the examiner may not administer any tests during this period and the training must be complete within 45 days of the initial expiration. If the examiner does not successfully complete the refresher training, the full course must be taken to reinstate their certification.
3. Third-party examiners must meet the ten skills test minimum defined in 383.75(c). Third-party examiners unable to meet the requirement will be afforded a one-time opportunity to successfully complete a refresher course or co-score. If a third-party examiner has not completed at least six tests within the first six months of the certification period and does not reasonably believe he or she will be able to meet the required ten-test minimum by the end of the 12 month period, the third-party examiner or the third-party tester company must notify the department via email to [cdlcompliance@scdmv.net](mailto:cdlcompliance@scdmv.net).
  - a) The one-time refresher course or co-score will be scheduled by the department prior to the certification expiration with input from the third-party examiner;

## Section 2: Company, Program Administrator, Lead Third-Party Examiner, and Third-Party Examiner Qualifications and Requirements

- b) The third-party examiner must make good-faith attempts to be available at the department's convenience for the refresher course or co-score;
- c) If the third-party examiner does not attend the scheduled refresher training or co-score, or if the TPT examiner does not notify the department regarding their belief that they will not meet the ten-test minimum by the end of the seventh month, the TPT will be moved to the end of the wait list, at which point the department will not be able to ensure an opportunity for refresher training or co-scoring prior to expiration;
- d) Upon signing the DL-404A (Third-Party Tester Agreement), the third-party tester company and the third-party examiners understand that new and compliant third-party tester companies and third-party examiners are given preference for co-scoring and refresher opportunities over the wait list of third-party examiners who did not complete the ten-test minimum;
- e) This one-time offering does not apply if at the end of the 12-month period, ten or more tests were given. If third-party examiners meet the ten-test minimum despite being co-scored or attending the refresher course, they will continue to be provided the opportunity for future refresher training or co-scores;
- f) If a third-party examiner does not meet his or her ten-test minimum after receiving a co-score or refresher course, that one co-score or course suffices for the one-time offering;
- g) Third-party examiners unable to meet the ten-test requirement in the subsequent 12 months will be removed from the third-party tester program.

## Section 3:

# CDL Test Administration Guidelines

### CDL Test Administration Guidelines

1. CDL skills tests must be administered during daylight hours;
2. Third-party examiners must administer the same CDL test as those given by state examiners. The skills test must be the same test version, same instructions, and same score sheets;
3. Third-party examiners must administer skills tests in a “representative vehicle” for the class license applied for and which the applicant intends to operate;
4. Third-party examiners must administer the CDL skills test in accordance with all applicable FMCSA regulations, all traffic laws, and the CDL examiner manual;
5. Third-party examiners must never perform transactions for themselves, their family members, or someone that resides in their domicile; family members include a spouse, grandparent, parent, sibling, child, grandchild, aunt, uncle, cousin, niece, or nephew of either the third-party examiner or their spouse. This also includes the spouse of a grandparent, parent, sibling, child, grandchild, aunt, uncle, cousin, niece, or nephew of the third-party examiner or their spouse; the department will determine whether testing a specific applicant violates these requirements;
6. After being certified and licensed by the department, the third-party examiner will be given access to CSTIMS and all required procedures and skills test documents;
7. Third-party examiners must schedule all skills test in CSTIMS no later than two business days prior to each skills test;
8. A third-party examiner who is also a skills instructor, either as a part of a school, training program, or otherwise, is prohibited from administering a skills test to an applicant who received skills training by that same third-party examiner;
9. Third-party examiners must verify that each applicant has held their initial Commercial Learner’s Permit (CLP) for a minimum of 14 days and is not administered the skills test before the 15<sup>th</sup> day;
10. Third-party examiners must verify in CSTIMS that any applicant requiring ELDT has completed the required ELDT course before administering the skills test to the applicant. This course does not apply to applicants applying for a removal of a restriction in accordance with 383.135(b)(7), applicants who held a previous CDL, and applicants exempt from the requirements in 383.3;
11. Third-party examiners must ensure the Certification of Conditions form is reviewed and signed by the applicant before administering a skills test;

## Section 3:

# CDL Test Administration Guidelines

12. Third-party examiners must wear a Body Worn Camera (BWC) for the entirety of every exam;
- a) Third-party examiners must have the BWC activated immediately before the first communication with the applicant at the time of the test and it must be turned on throughout the entire CDL skills test until the third-party examiner has completed all interactions with the applicant;
    - (1) Third-party examiners should ensure proper BWC orientation prior to making initial contact with the applicant;
  - b) Third-party examiners will wear a BWC during the pre-trip, basic skills test, and road test;
    - (1) Every interaction with an applicant during the test must be recorded. The BWC should be stopped or deactivated after the skills test once the applicant has been debriefed. Third-party examiners may stop the recording when taking a break between sections of the skills test;
      - (a) A verbal disclosure statement should be provided to each individual being recorded upon the first interaction with that individual for testing;
      - (b) Before stopping a recording, the third-party examiner must verbally state the reason for ending the recording while it is still active;
  - c) The BWC must be worn on the left side securely attached to the hat mount or low-rider headband provided to the third-party examiner. The field of view for the BWC should be approximately 180 degrees from the applicant's dashboard to the windshield in front of the third-party examiner. Third-party examiners must verify the orientation via the camera app on their tablet;
  - d) All videos must be labeled at completion by the third-party examiner using the app on their tablets. Videos must be labeled for the following categories in this format:
    - (1) ID = Customer's Driver's License Number;
    - (2) Title = Customer's Last Name, First Name/Third-party examiner's Last Name, First Initial;
    - (3) Category = "CDL Test" from drop-down box;
  - e) When labeling two videos for the same applicant, include the number of videos in the title (e.g. 1 of 2, 2 of 2, etc.);
  - f) Prior to administering any tests, each third-party examiner will be responsible for ensuring that their assigned BWC is functional. If the BWC is not functional or if the third-party examiner experiences any type

## Section 3:

# CDL Test Administration Guidelines

of malfunction with the BWC, the third-party examiner should notify a member of the SCDMV Body Camera Team or their assigned auditor immediately;

- g) At the end of each workday, the third-party examiner is to place all BWC equipment on the docking station and visually confirm that the yellow blinking light is present indicating that the videos are in the process of uploading. If the indicator light is not flashing or another color is present, the third-party examiner is to notify a member of the SCDMV Body Camera Team immediately.
- 13. During the skills test, only the applicant and the third-party examiner are allowed on the skills pad. The only exception is federal and/or state auditors/inspectors;
- 14. Third-party examiners are prohibited from assisting applicants during the CDL exam. Examples include but are not limited to: giving hints, excessive probing during the vehicle inspection, stopping the vehicle before it hits a boundary during the basic control skills, using cones to mark location on the basic skills pad to assist the applicant during the basic skills exercises, or training on the approved road test route(s);
- 15. Interpreters are prohibited during the administration of the skills test. Applicants must be able to understand and respond to verbal commands and instructions in English when given by the third-party examiner. Neither the applicant nor the third-party examiner may communicate in a language other than English during the skills test;
- 16. Third-party examiners must start all CDL skills test on time, in accordance with the time scheduled in CSTIMS. To begin a skills test 30 minutes or more before, or after, the scheduled time, third-party examiners must obtain approval from their compliance auditor or another member of the department's CDL Compliance Unit prior to administering the exam. This approval can be verbal or written and should be noted in mCDL or CSTIMS;
- 17. If a skills test is interrupted and resumed due to severe weather, contact the department at the conclusion of the skills test. Make a notation in mCDL or the 447-RT-MOD and notate the interruption in CSTIMS;
- 18. Skills tests cancelled on the same day as scheduled must have adequate notation in CSTIMS explaining why they were cancelled;
- 19. Skills tests cancelled due to vehicle problems must be marked in mCDL or on the 447-RT-MOD as XF-50 (vehicle failure) and notated in CSTIMS;
- 20. The entire skills test must be completed without interruption; a brief (10-15 minute) break is permitted after the vehicle inspection;
- 21. Skills test must be administered and successfully completed in the following order: vehicle inspection, basic control skills test, and on-road skills. If an

## Section 3: CDL Test Administration Guidelines

applicant fails one segment of the skills test the applicant cannot continue to the next segment of the test;

22. Scores for passed segments of the skills test can be banked but are only valid until the expiration of the CLP. The retest must be taken at the same third-party tester as the initial test;
23. When using banked results from previously passed portions of the CDL skills test the third-party examiner must:
- a) Verify the portions of the exam the applicant previously passed in mCDL or CSTIMS;
  - b) Verify the CLP has not been renewed since previously passing portions of the exam. If the CLP was renewed or expired, passed segments must be retaken;
  - c) Ensure the vehicle used for the previous exam is the same or equivalent vehicle;
  - d) Complete the Worksheet for Banking Scores (Form DL-404B) prior to administration of any portion of the second or subsequent exam. The worksheet must be kept in the applicant's file for a period of at least three years.
24. If a third-party examiner must utilize a paper form 447-RT-MOD skills test score sheet, he/she must enter the results and scan the form 447-RT-MOD into CSTIMS within 48 hours of administering each skills test;
25. Standardized waiting times must be followed if an applicant fails a CDL test. These wait times cannot be bypassed. For example, an applicant who fails a CDL test today cannot retest with the TPT or at the SCDMV tomorrow; standardized wait times between CDL tests are as follows:

|                                 |                         |
|---------------------------------|-------------------------|
| First Attempt                   | 2 <b>business</b> days  |
| Second Attempt                  | 7 <b>calendar</b> days  |
| Third and Subsequent Attempt(s) | 30 <b>calendar</b> days |



## Section 4: Documents Required in Driver Files

### Driver File Requirements

Third-party tester companies must maintain a separate driver file for each individual administered a CDL test. Driver files will be kept for three years from the date the test was administered. In the event that the company withdraws from the TPT program, driver files must be retained for three years from the date of withdrawal. Files for each applicant will include, at a minimum, the following documents and any additional documents determined by the department (copies must be legible):

1. Copy of driver's license reflecting the applicant's address at the time of CDL testing
2. Copy of CLP and renewal (if applicable)
3. 447-RT-MOD (if applicable)
4. Copy of DL-404D if the applicant passed the CDL Skills test and copy of DL-404B (Worksheet for Banking Scores), (if applicable)
5. Original Certification of Conditions

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## Section 5: Penalties and Appeals

1. The department reserves the right to take prompt and appropriate remedial action against a TPT that fails to comply with state or federal standards for the CDL testing program or with any other terms of the third-party contract.
2. The falsification of any required records, applications, or forms by a company, program administrator, lead third-party examiner, or third-party examiner may result in the permanent revocation of certification, but at a minimum, the suspension of third-party testing privileges. This act may result in criminal prosecution pursuant to §56-1-510.
3. Failure to comply with TPT Program Standards, the South Carolina Department of Motor Vehicles CDL Third-Party Tester Agreement, and applicable federal or state statutes and regulations may result in the suspension or revocation of a company, program administrator, and/or third-party examiners' testing privileges.
4. Penalties for non-compliance violations with this program are defined and applied as follows:
  - a) Administrative Non-Compliance: failure to meet requirements for reporting, notifications, record keeping, or similar acts that do not compromise test integrity or public safety
    - (1) First Occurrence: Warning letter
    - (2) Repeated Occurrence: Thirty (30) day suspension of testing authority
  - b) Discrepancy in Test Procedure: failure to properly administer a required portion of an otherwise complete test procedure, such as omission of a required maneuver; failure to include all required parts of a test procedure, such as omission of the vehicle inspection; failure to use an approved test route or skills pad; use of an unsafe vehicle; or any other action determined by the department to significantly compromise the integrity of the test process or public safety
    - (1) First Occurrence: Termination of testing authority
  - c) Fraud: Abuse of authority granted to gain profit through issuance of a license to an applicant that has not passed a complete skills test; falsification of records or information; refusal to allow access to all documents, papers, letters, and materials subject to the provisions of the TPT program; or engaging in an act that, in the view of the department, compromises the integrity of the program
    - (1) First Occurrence: Termination of testing authority
5. Prior to the imposition of any penalties, the department will afford the affected party(ies) the opportunity to request a hearing in accordance with the Administrative Procedures Act §1-23-310, *et seq.* unless the agency finds that public health, safety, or welfare requires immediate action. A request for such a hearing must be filed with the South Carolina Office of Motor Vehicle Hearings within thirty days after receipt of the department's notification to the affected party(ies). Pursuant to S.C. Code §56-1-360, the giving of notice by mail is complete ten days after the deposit of the notice in

## Section 5: Penalties and Appeals

the United States mail with postage prepaid addressed to the affected party(ies) at the address contained in the department's records for the party(ies), even if that notice is not received by the addressee.

6. Appeals regarding decisions of the department shall be handled in accordance with the Administrative Procedures Act.
  - a) The Office of Motor Vehicle Hearings (OMVH) was created in 2005 and is an office within the South Carolina Administrative Law Court. There are five hearing officers, one of whom will be assigned to hear each case. The hearing officers conduct hearings in accordance with Title 1, Chapter 23, Article 3, the Administrative Procedures Act, and the rules of procedure for the Administrative Law Court.
7. The OMVH provides a neutral forum for fair, prompt, and objective hearings for persons affected by an action or proposed action of the SCDMV.
8. The filing fee is \$200. Cases will not be processed until the \$200 fee is received.

Office of Motor Vehicle Hearings  
Edgar A. Brown Building  
1205 Pendleton Street, Suite 325  
Columbia, S.C. 29201  
Voice: (803) 734-3201  
Fax: (803)734-3200

**Note:** The department will have sole discretion to determine the level of non-compliance and substandard testing for **permanent** removal from the program.

**Federal Regulations regarding third-party testing may be found in FMCSA Regulations 383.75.**