

THIRD PARTY CERTIFIER AGREEMENT

49 CFR 383.75, NAC 483

I understand the authorization to administer commercial skills tests, pursuant to the provision of NRS 483.912 and NAC 483, is dependent upon my agreement to the following:

1) INSPECTIONS/AUDITS

- a) The Federal Motor Carrier Safety Administration, its representatives, and the Nevada Department of Motor Vehicles (DMV) may conduct random examinations, inspection and audits without prior notice.
- b) At a minimum, the Nevada DMV will conduct covert and overt audits of all Third Party Certifiers at least once every two years.
- c) At a minimum, the Nevada DMV will conduct covert and overt audits of all Third Party Certifiers that also instruct any portion of the skills tests at least once a year.
- d) Allow the Department to do any of the following:
 1. Have State employees covertly take the tests administered by the Third Party Certifier as if the State employee were a test applicant; or
 2. Have State employees co-score along with the Third Party Certifier during CDL skills tests to compare pass/fail results; or
 3. Have the Department re-test a sample of drivers who were examined by the Third Party Certifier.
 4. Maintain proper records at its principal place of business for each skills test administered by a Third Party Certifier associated to the Third Party Company or School.
 5. Maintain the Third Party records/CDL skills test scoring sheet for the current year and the past two calendar years.
 6. Maintain a current copy of the State Certificate authorizing the third party company to administer a CDL skills testing program for the classes and types of commercial motor vehicles listed.

2) STANDARDS

- a) The Third Party Company or School is to use only commercial driver's license (CDL) skills examiners who have successfully completed a formal CDL skills test examiner training course, as prescribed by state training curriculum, and have been certified by the state as a CDL Third Party Certifier qualified to administer CDL skills tests:
 1. The test given will be the same as that administered by the Nevada Department of Motor Vehicles; and
 2. Third Party Certifiers are fingerprinted and pass a nationwide background checked for:
 - a) Any felony conviction within the last 10 years; or
 - b) Any conviction involving fraudulent activities.
- b) The skills test training course includes:
 1. Initial certification – complete a 40-hour course provided by the DMV for administering skills test for a commercial driver's license.
 2. Recertification – within four years, must complete a 40-hour course provided by the DMV.
 - a) If expired over 90 days they must start the application process as if a new certifier.

- c) Using the Commercial Skills Test Information Management System (CSTIMS) to transmit skills tests schedules and scores is required.
- d) A Third Party Certifier to only use:
 - 1. Approved locations for testing vehicle inspections; and
 - 2. Basic skills test pad exercise dimensions that have been approved by the Department; and
 - 3. Designated road test routes approved by the Department.
- e) Must only conduct skills test in vehicles that are inspected annually and the results recorded on a Department approved form.
- f) A Third Party Certifier must maintain a valid driver license in the same class he/she is authorized to certify other drivers.
- g) May only perform skills tests for no more than two different Third Party Company's or Schools with Department approval.
- h) Must ensure that vehicles used to perform are maintained and safe to use prior to skills testing.
- i) Must ensure the CLP holder adheres to the requirements pertaining to the CLP.
- j) Must ensure the base license and CLP are not expired prior to skills testing.
- k) While administering a skills test, shall remain alert and be in a physical and mental state that renders them capable of taking physical control of the vehicle, if necessary.
- l) At a minimum Third Party Certifiers must perform 10 skills tests for 10 different applicants annually.
Exception: A Third Party Certifier that does not perform the minimum skills test **may** be offered one of the following by the Department:
 - 1. Take a 40 hour skills test refresher; or
 - 2. Have a state examiner ride along to observe the Third Party Certifier successfully administer at least one skills test.
- m) An exception must be completed within 90 days or the certifier must start the entire process over to become a Third Party Certifier.

3) NOTIFICATIONS

- a) The DMV will be notified within ten days if:
 - 1. The Third Party certifier does not maintain a valid driver license in the same class he/she is authorized to certify other drivers.
 - 2. The Third Party Company or School changes address or the basic control skills testing location.

4) PROHIBITIONS

- a) Third Party Certifiers employed by a Third Party School may only certify the driving ability of students enrolled in their respective drive school.
- b) Third Party Certifiers employed by a Third Party Company may only certify its own employees.
- c) A Third Party Certifier who is also a skills instructor will not skills test individuals that he/she trained.
- d) Third Party Certifiers must not have had a driver's license, suspended or revoked in any state in the past 7 years.
- e) A Third Party Certifier may only perform vehicle inspections at locations approved by the Department CDL Third Party Coordinator.
- f) A Third Party Certifier may only perform backing control skills tests at locations approved by the Department's CDL Third Party Coordinator. Backing Control Skills testing pad dimensions must meet the requirements of the 2005 CDL examiners manual.

- g) A Third Party Certifier may only perform road tests on routes approved by the Department's CDL Third Party Coordinator.
- h) A Third Party Certifier may not certify the driving ability of a driver unless they have at their disposal at least one vehicle requiring the same type and class of driver's license as the type and class of the CLP holder.
- i) License restrictions:
 1. A Third Party Certifier may test a company employee that holds a Commercial Learner Permit (CLP) with a Y restriction. The vehicle is not required to be equipped with an Ignition Interlock Device (IID). The CLP holder must carry a letter, on company letterhead, in the vehicle stating that the company is aware of the restriction. (NRS 484C.460)

Note: This IID exemption does not apply if the motor vehicle is owned by a business which is all or partly owned or controlled by the CLP holder.
 2. A Third Party Certifier may only test a student that holds a CLP with a Y restriction, if the vehicle is equipped with an IID since the student is not an employee of the school. (NRS 484C.460)

5) COMMERCIAL SKILLS TESTING INFORMATION MANAGEMENT SYSTEM (CSTIMS)

- a) All CLP holders must be scheduled into CSTIMS prior to skills testing.
- b) All CLP holders must carry a base license and be issued and hold a CLP for 14 days prior to being administered any CDL skills tests.
- c) All CLP holders must be scheduled to skills test no less than four days prior to performing skills testing, whether original or retesting skills testing will be performed.
- d) All CDL skills test scores must be entered into CSTIMS by the Third Party Certifier that administered the test.
- e) Third Party Company, School or Certifiers shall collect and submit to CSTIMS only such PII from CDL applicants that are believed to be accurate, complete, timely and relevant as required to accomplish their responsibilities.
- f) Driver personally identifiable information (PII) entered and maintained in CSTIMS may not be disclosed except by the Department.
- g) Access to CSTIMS and the ability to perform CDL skills tests may be discontinued if at any time the Third Party Company, School or Certifier becomes expired, canceled, suspended, revoked or if the Department determines it is the best interest to stop CDL skill testing.
- h) Contact the CDL Third Party Coordinator if having problems using CSTIMS.
- i) All CSTIMS users must complete an annual CSTIMS privacy awareness training.
- j) Only a Third Party Certifier is permitted to enter scores into CSTIMS.
- k) Test scores must be recorded into CSTIMS immediately after the skills test is administered.
- l) Skills tests must be administered within 30 minutes of their scheduled appointment time or the test must be canceled and rescheduled. Exception: A Third Party Certifier may contact the Third Party CDL Coordinator for approval if circumstances out of their control prevent the test from being administered at the scheduled time but can be administered on the same day. Comments must be recorded into the "Comments box" in CSTIMS.
- m) Skills test scores entered into CSTIMS may only be updated within one day of entry.
- n) Once a score is entered into CSTIMS, the CDL Third Party Coordinator must be informed of any changes made to that score within the one day time period.
- o) After the one day time has elapsed, the CDL Third Party Coordinator must be contacted if information is entered incorrectly so it can be corrected.
- p) Once a Third Party Certifier is provided access to CSTIMS, it is forbidden to share this access with

anyone.

- q) A Third Party Certifier must have an email address in order for CSTIMS access to be assigned.
- r) Third party Certifiers must enter test scores in CSTIMS from the Company location or a location approved by the Department. Scores are not to be entered from another location. I.e. home, coffee house, etc.
- s) A Third Party Responsible Party (RP) or another Third Party Certifier cannot enter scores on behalf of the Third Party Certifier that administered the skills test. If an RP or another Third Party Certifier enters a score in error, the CDL Third Party Coordinator must be contacted immediately. If an RP to another Third Party Certifier continues to record scores for tests they did not administer both the RP and/or the other Certifier and the certifier that administered the skills test may be suspended for up to 30 days.
- t) Third Party certifiers that fail to meet the 10 test requirement will be made inactive in CSTIMS until an observation drive has been performed or a 40 hour recertification class has been completed if the Department approves the exception to the 10 test requirement.
- u) Certifiers that are inactive for more than 90 days must start the entire process over to become a Third Party Certifier.

6) PROMPT AND REMEDIAL ACTION

The Nevada DMV reserves the right to take immediate, prompt and appropriate remedial actions against any Third Party Company, School, certifier, owner, instructor or employee in the event the Third Party Company, School or Certifier fails to comply with the state or federal standards for the Commercial Driver License testing program, or with any other terms of this agreement.

7) CONFIDENTIALITY

Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required by this Contract. To the extent the party observes, receives or possesses "personal information" from the files and records of the Department of Motor Vehicles, the party shall keep this information confidential and shall not disclose any "personal information" from the files and records of the Department of Motor Vehicles for a use not permitted by NRS 481.063. There are criminal and civil penalties attached to the unlawful use and/or disclosure of this information. "Personal information" is the information that reveals the identity of a person, including, without limitation, a photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition.

I certify all statements on this application are true and correct, and that I am authorized representative of the company or school for training drivers named on this application. I hereby agree to comply with the provisions listed above.

Company or School Name: _____

Certifier Name: _____ Title: _____

Signature: _____ Date: _____

Certifier email address: _____

Third Party Coordinator: _____

Third Party Coordinator Signature: _____ Date: _____