

THIRD PARTY COMPANY/SCHOOL AGREEMENT

49 CFR 383.75, NRS 483.912, NAC 483.121

I understand the authorization to administer commercial skills tests, pursuant to the provision of 49 CFR 383.75, NRS 483.912 and NAC 483.121, is dependent upon my agreement to the following:

1) INSPECTIONS/AUDITS

- a) The Federal Motor Carrier Safety Administration (FMCSA), its representatives, and the Nevada Department of Motor Vehicles (DMV) may conduct random examinations, inspection and audits of its records, facilities, and operations without prior notice.
- b) At a minimum the DMV will conduct an announced and unannounced, onsite inspection at least once every two years.
- c) Allow the DMV 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 State re-test a sample of drivers who were examined by the Third Party Certifier
- d) Maintain the following records at the Third Party Company's principal place of business for each skills test administered by a Third Party Certifier associated to the Third Party Company or School:
 1. Third Party records/CDL skills test scoring sheet for the current year and the past two calendar years;
 2. 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;
 3. A copy of the current Third Party Agreement;
 4. A copy of the Third Party tester's State-approved road test routes; and
 5. A copy of each Third Party certifiers training record
- e) Allow the inspection of each vehicle permitted to perform skills tests. Vehicles must be accessible and in operating condition.

2) STANDARDS

- a) The Third Party Company or School is to use only CDL skills test 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 DMV as a CDL Third Party Certifier qualified to administer CDL skills tests:
 1. The skills test given will be the same as that administered by the Nevada Department of Motor Vehicles; and
 2. Third Party Certifiers and responsible parties are fingerprinted and pass a nationwide background checked for :
 - a. Any felony conviction within the last ten years; or
 - b. Any conviction involving fraudulent activities
- b) The skills test training course includes:
 1. Initial certification – complete a forty-hour course provided by the DMV for administering skills test for a commercial driver's license.

2. Recertification – within four years, must complete a forty-hour course provided by the DMV.
 - a. If expired over ninety days they must start the application process as if a new certifier
- c) Use of CSTIMS to transmit skills tests schedules and scores is required.
- d) A Third Party Company or School may only use:
 1. Approved locations for testing vehicle inspections; and
 2. Basic skills test pad exercise dimensions that have been approved by the Nevada Department of Motor Vehicles; and
 3. Designated road test routes approved by the Nevada Department of Motor Vehicles.
- e) Must pay the appropriate fees annually.
- f) Must have the minimum number of vehicles as required by NAC 483.1223.
- g) Must have vehicles used for skills testing inspected annually and the results recorded on a Department approved form.
- h) Newly leased or purchased vehicles to be used for skills testing must be inspected within thirty days of purchase or lease and before being approved for skills testing.
- i) Maintain a Third Party Certifier to remain as a Third Party Company or School.
- j) A single registered Third Party Certifier registered with a Third Party Company or School must perform ten skills tests for ten different applicants annually.
- k) Maintain the proper bond amount described in NAC 483.12234. (Government entities are exempt from bonding requirements)
- l) Must renew within thirty days of expiration or reapply.
- m) Must maintain a sufficient number of certifiers to ensure that each certifier is able to meet the ten test minimum.

3) NOTIFICATIONS

- a) The DMV will be notified within ten days if:
 1. The number of vehicles owned or leased by the Company or School falls below the minimum requirement of vehicles in NAC 483.1223;
 2. A Third Party Certifier does not maintain a valid driver license in the same class he/she is authorized to certify other drivers;
 3. The Third Party Company or School changes address or the basic control skills testing location
 4. The bond amount is no longer enough to cover the amount of skills tests performed and must be increased.

4) PROHIBITIONS

- a) Advertising will not violate NAC 483.772 “School for training drivers: Restrictions on advertising and solicitation of business.”
- b) Third Party Schools may only certify the students enrolled in their drive school.
- c) Third Party Companies may only certify its own employees
- d) A Third Party Certifier who is also a skills instructor will not skills test individuals that he/she trained.
- e) Third Party Certifiers must not have had a driver’s license, suspended or revoked in any state for the past seven years.
- f) A Third Party Company or School may only perform vehicle inspections at locations approved by the Department’s CDL Third Party Coordinator.

- g) A Third Party Company or School may only perform backing control skills tests at locations approved by the Department CDL Third Party Coordinator. Backing Control Skills testing pad dimensions must meet the requirements of the 2005 CDL examiners manual.
- h) A Third Party Company or School may only perform road tests on routes approved by the Department CDL Third Party Coordinator.
- i) A Third Party Company or School may not allow an unauthorized person to administer any part of the skills test.
- j) License restrictions:
 - 1. A Third Party Company may test an 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 School may only test a CLP holder 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)
- k) Under no circumstances is a jurisdiction permitted to release copies of any Skills Test Score Sheet, Scoring Criteria, exercise dimensions, etc. to an applicant/driver; or post to any website/public domain. All materials related to CDL Skills Testing for both class and endorsements must be kept secure.

5) COMMERCIAL SKILL TEST INFORMATION MANAGEMENT SYSTEM (CSTIMS)

- a) All CLP holders must be scheduled into CSTIMS prior to skills testing.
- b) All CLP holders must also carry a base license and must be issued a CLP for fourteen days prior to being administered any CDL skills tests.
- c) All CLP holders must be scheduled to skills test four days prior to performing skills testing.
- d) All applicants who pass or fail skills tests administered by a Third Party Certifier must be recorded in CSTIMS by the Third Party Certifier that administered the test.
- e) A person assigned as a Third Party Company or Schools responsible party (RP) may schedule appointments but may not record scores into CSTIMS.
- f) Driver Personally Identifiable Information (PII) in CSTIMS may not be disclosed except by the Department.
- g) 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.
- h) 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, suspended, revoked or if the Department determines it is the best interest to stop CDL skill testing.
- i) Contact the CDL Third Party Coordinator if having problems using CSTIMS.
- j) All CSTIMS users must annually complete CSTIMS privacy awareness training.
- k) 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 or the other Certifier and the certifier that administer the skills may be suspended for up to thirty days.

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 the Third Party Company or School agreement.

Failure to administer vehicle inspection tests at approved locations, use of unapproved backing controls skills test locations or use of unapproved road test routes will lead to the suspension, or revocation of the Third Party Company, School or Certifier.

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: _____

Responsible Party Name: _____ Title: _____

Signature: _____ Date: _____

Email address: _____

Third Party Coordinator: _____

Third Party Coordinator Signature: _____ Date: _____