

WAC 308-100-140 Third-party tester. (1) The department may enter into an agreement with third-party testers to conduct the commercial driver's license classified skill examination.

(a) An agreement will only be made where the department has determined that a need for a third-party tester exists in the location covered by the third-party tester, and that the third-party tester is otherwise qualified. In counties where there are no third-party testers, or where not extending or renewing an agreement would result in no third-party testers, the department will not base the determination of need solely on the expected number of applicants for a commercial driver's license in those locations. The department may suspend an agreement with a third-party tester for any length of time upon a showing of good cause.

(b) An agreement between the department and a third-party tester will be valid for no more than two years, provided that the department may extend an agreement for up to an additional two years at its discretion.

(c) The department may renew an agreement if it has determined that a need for a third-party tester still exists in the location covered by the third-party tester.

(2) Allow the department and/or FMCSA to conduct announced and unannounced audits.

(3) Allow the department and/or FMCSA co-score along with the third-party examiner during a CDL skills test.

(4) Must initiate and maintain a bond in an amount determined by the department. Not required for a third-party tester that is a government entity.

(5) Must only use third-party examiners who have successfully completed a formal CDL skills test examiner training course as prescribed by the state and have been certified by the state to conduct skills test.

(6) Must only use third-party examiners with an active status maintained by the department.

(7) Must submit skills testing appointments to the state no later than three days prior to conducting test.

(8) Must maintain copies of the following records at its principal place of business.

(a) A copy of the state certificate authorizing to administer CDL skills tests for the classes and types of CMVs listed;

(b) A copy of the current third-party agreement;

(c) A copy of each completed CDL skills test scoring sheet for the current year and the past two calendar years;

(d) A copy of the state approved test route(s); and

(e) A copy of each third-party examiner's training record.

(9) Must submit skills test scores within the same day as the test conducted.

(10) Prohibit a third-party examiner from:

(a) Testing other third-party examiners.

(b) Testing a driver who has been trained by the examiner, regarding commercial vehicle operation or skills test practice.

(c) Testing any family member, relative or friend.

(d) Having another examiner who is a family member conduct tests for your school or organization.

(e) Testing a driver who has attended a school owned or operated by the same ownership organization you work for except for government owned and operated organizations.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, 46.25.140 and 49 C.F.R., Parts 380, 383, and 384. WSR 19-01-078, § 308-100-140, filed 12/17/18, effective 1/17/19. Statutory Authority: RCW 46.01.110 and 46.25.060. WSR 02-04-076, § 308-100-140, filed 2/1/02, effective 3/4/02; WSR 01-09-062, § 308-100-140, filed 4/16/01, effective 5/17/01. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. WSR 00-18-068, § 308-100-140, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. WSR 89-18-003, § 308-100-140, filed 8/24/89, effective 9/24/89.]