

COMMERCIAL DRIVER'S LICENSING REQUIREMENTS CHAPTER 1

COMMERCIAL DRIVER'S LICENSE RULES OF THE GEORGIA DEPARTMENT OF DRIVER SERVICES

CHAPTER 1

COMMERCIAL DRIVER'S LICENSING REQUIREMENTS

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1-1-.01 Applications. Amended.

~~1. All applications for the issuance of a commercial driver's license should be submitted at least 60 days and not more than 150 days prior to testing for or receiving a commercial driver's license.~~

~~12. All items of information sections on the Department of Driver Services application must be completed in their full entirety, or the application may be returned or rejected.~~

~~23. Unless otherwise exempted in these rules or by law, each applicant must pay the applicable application, testing, and license fees prior to the issuance of his or her a commercial driver's license.~~

~~34. Applicants for the issuance of a commercial driver's license for the purpose of operating a public school bus for a city, county, or state school system shall be exempted from the \$35.00 application fee. (City, County, State or Federal)~~

~~45. No application fee, driving skills test fee, or licensing fee will be required from applicants possessing a veteran's type driver's license or those who are have qualified for such pursuant to O.C.G.A. §40-5-36 and Ga. Comp R. & Regs. r. Ga. Admin. Comp. Ch. 375-3-1-~~

~~.16. Such qualification shall be submitted in writing with the form DS-516 and must be attached to the commercial driver's license provided when submitting an application when submitted to the Department of Driver Services. Veterans are not exempt from the fee~~

charged for taking the driving skills test if administered by a third party tester.

~~56. Customers Applicants~~ shall pay one application fee for each class of commercial driver's license, which shall be paid prior to the customer's first attempt at any applicable written test. If no written test is required, the customer shall pay the application fee and skills test fee prior to attempting any applicable skills testing (i.e. to remove a restriction. If no skills' testing is required the customer shall pay the application fee prior to issuance of the commercial driver's license.

6. Each applicant applying for a CLP commercial or noncommercial instruction permit for Class A, B, C, or M driver's license shall pay the applicable license fee prior to attempting the knowledge test for the instruction permit sought. If said person fails to achieve a passing score on the knowledge test, the license fee paid shall be considered a testing fee and retained by the department. Any person failing to achieve a passing score on the knowledge test for an instructional permit shall pay the applicable license fee on each subsequent attempt until successful, at which time the fee shall be his or her license fee.

7. Applicants providing false information during the application process or who are convicted of fraud related to the testing and issuance of a Commercial License Permit (CLP) or Commercial Driver's License (CDL) are subject to the penalties set forth in O.C.G.A. §40-5-147(f)(1)-(3);

Authority: O.C.G.A. §40-5-156., O.C.G.A. §40-5-147; 49C.F.R. §383.71

~~O.C.G.A. § 40-5-156~~

~~Effective Date: 9/2/2009~~

1-1-.02 Commercial Driver's License Exemptions. Amended.

1. The following drivers are exempt from the requirement of obtaining a commercial driver's license prior to operating a commercial motor vehicle:
 - A. Active duty military personnel, members of the ~~Reserves~~ and ~~National Guard~~ on active duty (including personnel on full time ~~National Guard~~ duty), personnel on part-time training, and ~~National Guard~~ military technicians (civilians who are required to wear military uniforms and are subject to the code of military justice);
 - B. Firefighters and operators of emergency equipment operating vehicles equipped with audible and visual signals while in the employ of a volunteer or paid firefighting organization. Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter, or other vehicles used only in response to emergencies are included;
 - C. Farm vehicle operators, provided, the vehicle is:
 - a. Controlled and operated by a farmer, farm employee, or farmer's family member;

- b. Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm;
- c. Not used in the operations of a common or contract motor carrier; and
- d. Used within 150 miles of the farmer's farm;
- e. Registered in this state or another state
- d.f. Must be equipped with either a license plate or possess such other special designation issued by the state where such vehicle is registered and the license plate or special designation must indicate that such vehicle is a covered farm vehicle.

D. Operators of recreational vehicles;

2. Drivers who are exempted from having a commercial driver's license must comply with examinations and be licensed in the appropriate shall obtain licensure in the following classes of non-commercial licenses; Class E, F or C non-commercial driver's license. Applicants for Class E and F noncommercial must furnish an affidavit in lieu of a road test showing a minimum of 3 months or 3,000 miles driving experience in a vehicle which represents that class.

A. Class E – Truck trailer or tractor-trailer combination with a gross combined weight rating of more than 26,001 pounds and the vehicle being towed is in excess of 10,001 pounds;

B. Class F – Straight truck or truck trailer combination with a gross combined weight rating.

2. Applicants applying for a Class E or F noncommercial license must furnish an affidavit in lieu of a road test showing a minimum of 3 months or 3,000 miles driving experience in a vehicle which represents that class or obtain a permit.

3. If members of the ~~h~~National ~~g~~Guard, military personnel, firefighters and other operators of emergency equipment, farmers and operators of recreational vehicles apply for a commercial driver's license, they will be required to pay the application ~~fee~~, driving skills test, and license fees unless:

a) ~~a.~~ _____ They hold a veteran's driver's license (veterans that served during wartime and veterans that honorably served outside of wartime or a military conflict where the President committed troops).

b) ~~b.~~ _____ Attach ~~a~~Submit a completed DS-516 (Veteran's Driver's License/Identification Card Form) to the commercial driver's license application ~~or~~ already hold or have held a Veteran's driver's license or permit.

c) ~~e.~~ _____ They are ~~E~~employed as a school bus driver with a city, county, state or federal school system.

Authority: O.C.G.A. §§ 40-5-156; 40-5-142 and ~~40-6-15.~~

Effective Date: 8/1/2011

1-1-.03 Affidavit for Changes on Commercial Driver's License. Amended.

Any change of the applicant's name, gender, date of birth, or social security number will require the applicant to appear before an examiner at a driver's license facility with proof of the change. ~~The examiner will execute an affidavit which will be forwarded by the examiner on a daily basis to the CDL Unit, Department of Motor Vehicle Safety, P.O. Box 80447, Conyers, Georgia 30013. The CDL Unit shall confirm the changes and return the necessary paperwork to the applicant for him/her to appear at a driver's license facility for necessary change(s) to be made on the commercial driver's license. A fee of \$20.00 \$32.00 shall be charged for the renewal of a license, unless this is the initial issuance of a license or applicant has a veteran's status driver's license or DS-516 (Veteran's Driver's License/Identification Card Form).~~

Authority: O.C.G.A. §§ 40-5-156 ~~and 40-6-15.~~

1-1-.04 Minimum Physical Requirements Required to Obtain a Commercial Driver's License. Amended.

(1) Any person applying for a CLP; renewing, upgrading, adding endorsements to a CDL or transferring a CDL license from another state will be required to self-certify to a single type of commercial operation and provide a copy of their Medical Certificate and any applicable variance documents (i.e. Vision waivers, Hearing waivers, Skills Performance waivers, Diabetic waivers, Seizure waivers).

- a) Each individual hold a CLP or CDL license will be responsible for providing new copies of Medical Examiner Certificates and any applicable variances (i.e. Vision waivers, Hearing waivers, Skills Performance waivers, Diabetic waivers, Seizure waivers) prior to expiration of the previous documents.
- b) The Department of Driver Services shall within 10 calendar days of the driver's medical certification status expiring or a medical variance expiring or being rescinded, update the medical certification status of that driver as "not-certified".
- c) The Department of Driver Services shall notify the CLP or CDL holder of his/her CLP/CDL "not certified" medical certification status and that the CMV privileges will be removed the CLP or CDL unless the driver submits a current medical certificate and/or medical variance.
- d) The CLP or CDL downgrade must be completed by the Department of Driver Services and recorded in the person's driving record within 60 days of the driver's medical certification status becoming "not-certified" to operate a CMV.
- e) Failure to provide valid medical certificates and/or variances may require retesting and additional fees to restore CLP or CDL privileges. Test scores are valid for one (1) year.

~~(2) Any person applying for a license to operate a commercial motor vehicle as defined in O.C.G.A. §40-5-142, 49 C.F.R. §390.5, and/or compatible regulations of the Department of Driver Services or Department of Public Safety must comply with minimum Federal requirements as set forth in 49 C.F.R. §391.41.~~

(3) Except as provided in paragraph (3) of this regulation, any person applying for a license to operate a commercial motor vehicle as defined in O.C.G.A. §40-5-142, 49 C.F.R. §390.5, and/or similar compatible regulations of the Department of Driver

~~Services~~ or ~~Department of Public Safety~~ shall have a distant visual acuity of at least 20/40 in each eye without corrective lenses or visual acuity separately corrected to 20/40 or better with corrective lenses; distant binocular acuity of at least 20/40 in both eyes; or without corrective lenses, field of vision of at least 70 in the horizontal meridian in each eye; and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

(4)

(4) Any person applying for a CLP or CDL license to operate a commercial motor vehicle as defined in O.C.G.A. §40-5-142, 49 C.F.R. §390.5, ~~and/or similar compatible~~ regulations of the Department of Driver Services or ~~Department of Public Safety~~ solely within the State of Georgia who has lost some or all of the vision in one (1) eye may be exempted from the vision standard set forth in paragraph (2) of this regulation by providing the Department of Driver Services with medical evidence satisfactory to the Department of Driver Services that said ~~person's~~ applicant's vision in the other eye satisfies the requirements set forth in paragraph (2) of this regulation. Said medical evidence shall include ~~the following a signed statement on letterhead completion of the~~ CDL Vision Exemption Form (DDS VE1) from an certified ophthalmologist or optometrist who has examined the applicant within three (3) months of the date of the application which:

- a. Identifies and defines the nature and duration of the vision deficiency;
- b. States the date of examination;
- c. Certifies that the visual deficiency is stable;
- d. Identifies the visual acuity of each eye, corrected and uncorrected;
- e. Identifies the field of vision of each eye, including central and peripheral fields, testing to at least 120° in the horizontal. (Formal perimetry is required. The doctor must submit the formal perimetry for each eye and interpret the results in degrees of field of vision.)~~;~~
- f. Identifies if the applicant has the ability to recognize the colors of traffic control signals and devices showing red, green, and amber; ~~and~~
- g. Certifies that in his/her medical opinion, the applicant has sufficient vision to perform the driving tasks required to operate a commercial ~~motor~~ vehicle;~~;~~

h. A three (3) year motor vehicle report MVR will be obtained on each applicant applying for a vision waiver. Waivers will only be granted to those ~~applicants~~ individuals whose records contain no suspensions, withdrawals, or revocations for the operation of any motor vehicle (including personal vehicles); contains no involvement in an accident for which they contributed or received a citation for a moving traffic violation; contains no convictions for a disqualifying offense, as defined in 49 CFR § 383.51 (b)(2), or more than one serious traffic violation as defined in 49 CFR § 383.51, while driving a CMV during the three year period, which disqualified or should have disqualified the applicant in accordance with the driver qualification provisions of 49 CFR § 383.51; contains no more than two convictions for any other moving traffic violations;~~;~~

i. An exemption may be issued for a maximum of two (2) years, but may be renewed at the discretion of the Department of Driver Services; and

(2)——

i. A driver after holding a state waiver for three (3) years is eligible to apply for a federal vision exemption waiver in accordance with 49 CFR § 381.300.

~~(3) (5) An exemption may be issued for a maximum of 2 years, but may be renewed at the discretion of the Department.~~

(65) A driver who does not meet the physical qualification standards in 49 CFR §391.41 may continue to be qualified to operate a commercial motor vehicle in intrastate commerce if he or she meets the following conditions:

(a) The driver was qualified under existing State law or regulation at the time the State adopted physical qualification standards compatible with the Federal standards in 49 CFR 391.41.

(b) The otherwise non-qualifying medical or physical condition has not substantially worsened.

(c) No other non-qualifying medical or physical condition has developed.

(d) The driver has not downgraded to a lesser class license since being taking the required CDL knowledge test(s) 'Grandfathered' from a Class 5 license to a CDL license. Note: 'Grandfathered' means by taking the required CDL knowledge test(s).

Authority: O.C.G.A. §§ 40-5-156 and ~~40-6-15(c)~~.

Effective Date: 9/14/2011

~~1-1-.05 Exemptions from Exemptions from Medical Requirements.~~

The following situations or professions are exempted from having to comply with Medical Requirements.

- ~~1. Operators of city, county, state, or federal vehicles are exempt from the medical requirements.~~Transportation performed by a federal government, state, or political subdivision;
- ~~2. Drivers who operate on an occasional basis receive no compensation and are not involved in commercial enterprise.~~Occasional transportation of personal property;
3. Transporting a Human corpse, sick or injured person(s)'
4. City, County or State School bus operations;
5. Fire truck or rescue vehicle;
6. Custom farm harvesting operations;
7. Drivers of migrant workers;
8. Private motor carrier of passengers for non-business purposes;
9. 9-15 passenger van (<26,001 pounds);
10. Controlled and operated by a farmer but is not a combination vehicle (no hazardous materials);
11. Emergency delivery of propane;
12. Beekeeper in the seasonal transportation of bees.

~~2.~~

~~Hauling of personal property, human corpses or the sick or injured. Authority: O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).~~

Authority: O.C.G.A. §40-5-156; 49 C.F.R. §390.3(f)

1-1-.06 Driver Qualifications. Amended.

In order to be eligible for issuance of a CDL commercial driver's license, each applicant must:

1. Be at least 21 years of age. Applicants who are between 18-20 years of age and otherwise satisfy all other requirements for issuance of a commercial driver's license may be issued a commercial driver's license valid for intrastate use only and bearing an "Intrastate Commerce Georgia Only" restriction.
2. Pass the skills test which is comprised of the vehicle inspection, basic skills maneuvers, and road test; all applicable written tests, if required;
3. ~~—~~
 - a. ~~—~~Pass all driving skills tests in a vehicle representative of the class applied for, or
 - b. ~~a. At~~ the discretion of the Department, the driving skills test may be waived only for an applicant who currently holds a valid non-commercial driver's license at the time of his or her application for a commercial driver's license and substituted the applicant's driving record and military personnel only documentation of either previously passing an acceptable driving skills test or documentation of certain who provide a completed application signed by their commanding officer documenting their driving experience and meeting all requirements which include passing all required knowledge test(s) set forth in that application. a. In order to be eligible for this exemption, the applicant must certify that during the two-year period immediately prior to making his or her application for a commercial driver's license that he or she:
 1. Has not had more than one driver's license or one driver's license and instructional permit; and
 2. Has not had a license revocation, suspension, or cancellation; and
 3. Has not been involved in a chargeable accident; or
 4. Has not received any citations which would initiate a suspension, revocation, cancellation, or disqualification;
 5. Has not had more than one conviction for a serious traffic violation within the previous two years;
 6. Has been regularly employed in a job requiring the operation of a commercial motor vehicle representative of the commercial motor vehicle class and type the driver applicant operates or expects to operate; and
 7. If transferring his or her driver's license from another state, took and passed a behind-the-wheel skills test in another state in a representative vehicle for that applicant's driver's license classification.;

Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records.

4. Comply with the minimum federal standards for physical qualifications for drivers as set forth in 49 C.F.R. §391.41.

a. ~~§ 391.41 Physical qualifications for drivers~~

- b. ~~(2) Has no impairment of:(i) A hand or finger which interferes with prehension or power grasping; or(ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a skill performance evaluation certificate pursuant to § 391.49.(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a commercial motor vehicle safely;(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a commercial motor vehicle safely;(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and operate a commercial motor vehicle safely;(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a commercial motor vehicle safely;(10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;(11) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.(12)(i) Does not use any drug or substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or other habit-forming drug.(ii) Does not use any non-Schedule I drug or substance that is identified in the other Schedules in 21 part 1308 except when the use is prescribed by a licensed medical practitioner, as defined in §382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.(13) Has no current clinical diagnosis of alcoholism.~~

Authority: O.C.G.A. §§ 40-5-156, §40-6-15, and 49 C.F.R. §-391.41 and 49C.F.R. §391.11.

~~**1-1.07—Suspensions.**~~

- ~~1. A lifetime period of suspension may be reduced to 10 years after an applicant furnishes proof of rehabilitation, approved by the Department of Motor Vehicle Safety.~~

~~A.~~

- ~~2. Drivers possessing a commercial driver's license that is suspended, revoked or canceled shall not be issued a limited permit or probationary license to operate a commercial vehicle.~~

~~Authority: O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).~~

1-1-.078 Failures of Written/Written or Skills Test(s).

- ~~1. Upon thea first and all subsequent failures, the applicant must wait two (2) calendar days before until the next day before retaking the examination.~~
- ~~2. Upon a second failure, the applicant must wait 7 days before retaking the examination.~~
- ~~3. Upon the third failure, the applicant must wait 7 days before retaking the examination.~~
- ~~4. After a fourth failure, the applicant must reapply through the Commercial Driver's License Unit.~~
2. The skills test must be administered and successfully completed in the following order: Pre-trip inspection, basis vehicle control skills, and on-road skills. If an applicant fails one segment of the skills test:
 - a. The applicant cannot continue to the next segment of the test; and
 - b. Scores for the passed segments of the test are only valid during the initial issuance of the commercial learner's permit (CLP).
 - c. If the commercial learner's permit (CLP) is renewed, all three segments of the skills test must be taken.

~~Authority: O.C.G.A. Sec. §40-5-156, and O.C.G.A. Sec. §40-16-5(c) and C.F.R. §383.133(c)(6)(ii).~~

1-1-.089 Knowledge Test and Endorsement Tests. Amended.

1. Applicants attempting to obtain a commercial driver's license and/or instructional permit of any class shall be required to take and pass the commercial driver's license (CDL) general knowledge test.
- 2. Applicants for all classes of commercial driver's license, including instructional permits, must receive a grade of at least 80 percent out of a possible 100 percent on the appropriate knowledge test(s). Test scores are considered valid for one (1) year. as required in 49 C.F.R. Part 383.
 - a. The Commercial Learner's Permit (CLP) must be valid for no more than 180 days from the date of issuance. The State may renew the CLP for an additional 180 days without requiring the CLP holder to retake the general and endorsement knowledge tests;
 - b. The issuance of a CLP is a precondition to the initial issuance of a CDL. The issuance of a CLP is also a precondition to the upgrade of a CDL if the upgrade requires a skills test.
 - c. The only endorsements that will be allowed on a CLP are the "P" (passenger), and "S" (school bus). The passenger endorsement will require that the CLP have a "P" restriction with prohibits passengers in CMV bus and "N" (tank), the "N" endorsement will require that the CLP have a "X" restriction which prohibits any cargo in the CMV tank vehicle;

d. The CLP holder is not eligible to take the CDL skills test in the first 14 days after initial issuance of the CLP

3. Out of state applicants who move to Georgia and have a commercial driver's license issued from their prior state of residence will be required to apply for a Georgia CDL by completing a CDL making application through the CDL Unit and paying the appropriate fee. However, these licenses will be exchanged one for one, with the exception of the H endorsement. Applicants will be required to pass the hazardous materials knowledge test to maintain this endorsement. If applicants apply for a higher class of commercial driver's license or additional endorsements, the necessary test(s) and applicable fees will be required.
4. Applicants for commercial driver's license and ~~commercial instructional permits~~ CLPs of classes A and B, whose vehicles are equipped with air brakes, must pass the Air Brakes test.
5. Applicants are required to pay the fee for issuance of a Class A, B, or C ~~commercial instructional~~ CLP permit prior to attempting the written test(s) required for such permit. If the applicant does not achieve a passing score, the issuance fee shall be retained by the Department as a testing fee, and such fee shall be pre-paid by the applicant on each successive attempt until ~~he or she achieves a passing score~~ a passing score is achieved at which time such fee shall be considered the fee for issuance of the instructional permit.
6. Applicants must pass the written test and skills test, if required for the specific endorsement sought before the endorsement can be applied to the license. A "P" endorsement may be applied to a commercial Class A, B or C instructional permit upon satisfactory completion of the applicable written test "S" endorsements shall ~~not~~ be applied to any class instructional permit and may only be applied to commercial driver's licenses granted upon satisfactory completion of both the written test and skills test for such endorsement.
7. The initial license issuance fee, regardless of how many endorsements are added, will be ~~\$20.00~~ \$32.00 for a term of eight (8) years.
8. After the initial commercial driver's license issuance, additional endorsements may be added upon passing the test(s) for the additional endorsements requested. A fee of \$5.00 for each additional endorsement may be assessed, plus a ~~\$20.00~~ \$32.00 license renewal fee.
9. To add the Passenger "P" endorsement to a license the applicant must take and pass both the appropriate knowledge test and the skills test in the type of bus applicant plans to operate (i.e. transit bus, church bus, school bus).
10. Upon passing the required knowledge test(s) an individual will be issued a CDL permit (CLP). A CLP is considered a valid CDL for purposes of behind-the-wheel training on public roads or highways, if all of the following minimum conditions are met. The CLP holder is at all times accompanied by the holder of a valid CDL who has the proper CDL class and endorsement(s) necessary to operate the CMV. The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision. The CLP holder holds a valid driver's license issued by the same jurisdiction that issued the CLP. **The CLP holder does not operate a commercial motor vehicle transporting hazardous materials as defined in 49 C.F.R. §383.5.**
11. When issued to a CDL holder, a CLP serves as authorization for accompanied behind-the-wheel training in a CMV for which the holder's current CDL is not valid.

12. All applicants must meet the medical requirement of 49 C.F.R. §391.41 and provide a copy of the DOT Medical Certificate at the time of application for initial issuance of a CLP, renewal of a CDL or transfer of a CDL from another state unless exempt under CDL Rule 1-1-.05.

Authority: O.C.G.A. §40-5-156.

O.C.G.A. §-40-5-156; 49 C.F.R. Part 383
Effective Date/Effective Dates: 8/1/2011

**1-1-.910 Vehicle Requirements - Commercial Driver's License Skills Test.
Amended.**

1. No commercial driver's license skills test shall be given in a vehicle loaded with cargo.
2. The vehicle shall be furnished by the applicant and will have a safe passenger seat for the examiner. Vehicle shall be insured pursuant to Georgia law.
3. The vehicle shall have a data plate or applicant must have a letter from the manufacturer containing the Gross Vehicle Weight Rating (GVWR) for the vehicle. The GVWR will be checked to ensure that the vehicle in which the applicant takes the skills test is representative of the vehicle group the applicant expects to operate.
4. All vehicles used in skills test must be in safe operating condition. Any defects in the following items will constitute an unsafe vehicle and will disqualify the vehicle from being utilized in the skills test.
 - a. Service Brakes, including trailer brake connection;
 - b. Parking Brake;
 - c. Steering mechanisms;
 - d. Lighting Devices and mechanisms;
 - e. Tires:
 - i. Must have at least 4/32 of an inch of tread on front tires; and
 - ii. Must have at least 2/32 of an inch of tread on all other tires;
 - f. Horn;
 - g. Windshield;
 - h. Windshield wipers;
 - i. Coupling Devices
 - j. Rear vision mirrors;
 - k. Wheel and Rims;
 - l. Emergency equipment;
 - m. Doors;
 - n. Exhaust System;
 - o. Frame;
 - p. Fuel Tank.
5. Skills test will be given in order of increasing difficulty.
6. Skills test may be given in all weather conditions; provided the weather creates no hazard for the applicant or the examiner.
7. Prior to the ~~Department giving a skills test, being administered,~~ the applicant must pay a \$50.00 testing fee ~~for each attempt, unless applicant has veteran's status and is tested by the state. An applicant may take the test two times without paying~~

another \$50.00 fee). If the test is administered by the state and the applicant has a veterans' status the fee is waived (veterans that served during wartime and veterans that honorably served outside of wartime or a military conflict where the President committed troops) as defined. If the test is administered by a CDL Third Party Tester the fee may not exceed \$100 provided the applicant supplies his or her own commercial motor vehicle or a fee not to exceed \$150 if the Tester supplies the vehicle for testing purposes.

8. Skills tests taken in vehicles without that do not operate fully on air brakes will result in the commercial driver's license being issued with an air brakes restriction.
9. Test taken in vehicles with automatic transmission will result in a 'no manual transmission equipped CMV' restriction being placed on the CDL.
10. Tests taken in truck trailer combinations will result in a 'no tractor trailer CMV; restriction being placed on CDL.
11. Tests taken in a vehicle that have air over hydraulic brakes will result in a 'no full air brake' restriction being placed on the CDL.
12. Tests taken in a Class B passenger vehicle will result in a 'No Class A passenger bus' restriction being placed on the CDL.
13. Tests taken in a Class C passenger vehicle will result in a 'No Class A or Class B passenger bus' restriction being placed on the CDL.
14. Intrastate commerce only (Within a State and you do not meet any of the description for Interstate commerce). The cargo on the vehicle must have originated in the state and will not leave the state, driver is under the age of 21, or the driver does not meet the medical requirements to operate in interstate commerce and has been granted a medical variance that allows him/her to operate in intrastate.
15. Valid farm waiver (Restricted CDL for certain drivers in farm-related service industries)
 - o Agri-chemical businesses;
 - o Custom harvesters;
 - o Farm retail outlets and suppliers;
 - o Livestock feeders.
 - i. Restricted CDL holders are limited to operating Class B and C vehicles. Restricted CDL holders may not hold an unrestricted CDL at the same time.

9. 16 Medical variance (applicant requires state or federal waiver to meet medical requirements to operate CMV).

Authority: O.C.G.A. §§40-5-156 and 40-16-5(e).

1-1-.~~1011~~ Skills Test Disqualifications. Amended.

1. An applicant for a Commercial Driver's License shall ~~be~~ immediately by disqualified on ~~his or her~~ the driving skills test for the following:
 - a. Not wearing safety belt/seat belt.
 - ~~a.~~b. Accident, including contact with another motor vehicle, pedestrian, other property, including running off the road unless, in the opinion of the examiner, the applicant was not at fault.
 - ~~b.~~c. Any act considered dangerous, including actions which require defensive driving by another to prevent an accident, or dodging by a pedestrian, or which require the examiner to aid in controlling the vehicle; stalling the

vehicle in a busy intersection: or driving two wheels over a curb or onto a sidewalk.

~~e.d.~~ Any traffic law violation, including any act for which the applicant could be arrested, or any act which might make the applicant liable for damages in case of an accident.

~~e.e.~~ Lack of cooperation, refusal to perform, or try to perform any maneuver; offering bribes or gratuities; arguing about the score.

~~e.f.~~ For ~~f~~ Failure to perform air brakes check (in the proper order) during the engine start procedure of the Vehicle Inspection Test, if so equipped.

Authority: O.C.G.A. §§40-5-156 and 40-16-5(e).

1-1-.~~112~~ Skills Test for Commercial Driver's License. Amended.

1. Vehicles used for commercial driving skills testing must meet safety standards as established by the ~~DDS~~ Department of Driver Services and be representative of the class and type for which the applicant seeks to be licensed as defined by C.F.R. §383.113;
2. Each applicant must successfully complete a ~~V~~vehicle ~~I~~inspection ~~T~~test.
3. Skills testing will be in accordance with, and based upon, applicable Federal and State law, as well as the most current version of the DDS CDL driver's manual. All items will be credited on the score form, except those items pertaining to air brakes, which are denoted with an (*); these items are not to be scored if a vehicle is not equipped with air brakes.
 - a. ~~One point credit is given for correctly inspecting each of the following items from category A, B or C or Full Form and All Combination Vehicles as directed by the Examiner:~~
 1. ~~Engine Compartment~~
 - ~~oil level~~
 - ~~coolant level~~
 - ~~power steering fluid~~
 - ~~alternator~~
 - ~~air compressor~~
 - ~~leaks &~~
 2. ~~Engine Start~~
 - ~~clutch/gearshift~~
 - ~~air buzzer sounds~~
 - ~~oil pressure builds~~
 - ~~ammeter/voltmeter~~
 - ~~air brake check~~
 - ~~steering play~~
 - ~~parking brake~~
 - ~~mirrors~~
 - ~~windshield wipers~~
 - ~~lighting indicators~~

horn heater/defroster
safety/emergency equipment

3. ~~Front Suspension~~

~~spring
spring mount
shock absorber~~

4. ~~Front Brake~~

~~rims
hub oil seal
tires
lug nuts~~

5. ~~Front Brake~~

~~* slack adjuster
* chamber
hoses
drums~~

6. ~~Driver/Fuel Area~~

~~door, mirror
fuel tank
leaks~~

7. ~~Rear Wheels (front or front and rear if applicable)~~

~~rims
tires
axle seals
lug nuts
spacers~~

8. ~~Rear Suspension (front or front and rear if applicable)~~

~~springs
spring mounts
torsion, shocks~~

9. ~~Rear Brakes (front or front and rear if applicable)~~

~~* slack adjuster
* chamber
hoses~~

~~10. Front of Vehicle~~

~~lights and reflectors
steering box
steering linkage~~

~~11. Under Vehicle—Rear of Tractor~~

~~drive shaft
exhaust system
frame~~

~~12. School Bus Only~~

~~passenger entry
emergency exits
seating~~

~~13. Tractor~~

~~air/electric lines
catwalk
Coupling System
mounting bolts
safety latch
platform
release arm
kingpin/apron
Sliding 5th Wheel
locking pins
lights, reflectors
splash guards~~

~~14. Rear of Vehicle~~

~~lights, reflectors
signal/brake lights~~

~~15. Trailer Front~~

~~air/electric connect
header board
lights/reflectors~~

~~16. Side Trailer~~

~~landing gear
lights/reflectors (doors, tiers)
frame~~

~~17. Wheels (front or front and rear if applicable)~~

~~rims
tires
axle seals
lug nuts
spacers or budd spacing~~

~~18. Suspension (front or front and rear if applicable)~~

~~springs
spring mounts~~

~~19. Brakes (front or front and rear if applicable)~~

~~* slack adjustor
* chamber
hoses
drum~~

~~20. Rear or Trailer~~

~~lights/reflectors
doors/ties/~~

~~21. All Passenger Vehicles~~

~~passenger entry & lift
emergency exists
seating~~

~~4. Basic Control Skills Test:~~

~~a. During the test, drivers will all be tested on a subset of the following Basic Control Skills Exercises:~~

- ~~1. Straight Line Backing~~
- ~~2. Offset Back Left~~
- ~~3. Offset Back Right~~
- ~~4. Sight Side Parallel Park~~
- ~~5. Conventional Parallel Park~~
- ~~6. Alley Dock~~

~~b. The Basic Skills Course will include one exercise from each of the three categories listed:~~

- ~~1. The Straight Line Backing maneuver; AND~~
- ~~2. The Offset Back Left OR the Offset Back Right; AND~~
- ~~3. The Sight Side Parallel Park OR the Conventional Parallel Park OR the Alley Dock Maneuver~~

c. ~~The exercises are scored as follows:-~~

~~1. Straight-Line Backing~~

- ~~—pull-ups— the driver is allowed one free pull-up~~
- ~~—encroachments— each encroachment counts as two points~~
- ~~—looks— the driver is permitted to exit the vehicle to check position a maximum of one time~~
- ~~—final position— 10 points added if the driver does not attempt to put the vehicle in the indicated position~~

~~2. Alley Dock~~

- ~~—pull-ups— two free pull-ups~~
- ~~—encroachments— two points for each encroachment~~
- ~~—looks— the driver is permitted to exit the vehicle to check position a maximum of two times~~
- ~~—final position— 10 points added if not within 3ft box (mark as an encroachment if the vehicle goes past the clearance line)~~

~~3. Off-Set Backing (Left)~~

- ~~—pull-up— two free pull-ups~~
- ~~—encroachments— two points for each encroachment~~
- ~~—looks— the driver is permitted to exit the vehicle to check position a maximum of two times~~
- ~~—final position— 10 points added if the driver does not attempt to put the vehicle in the indicated position~~

~~4. Off-Set Backing (Right)~~

- ~~—pull-up— two free pull-ups~~
- ~~—encroachments— two points for each encroachment~~
- ~~—looks— the driver is permitted to exit the vehicle to check position a maximum of two times~~
- ~~—final position— 10 points added if the driver does not attempt to put the vehicle in the indicated position~~

~~5. Conventional Parallel Park (blind side)~~

- ~~—pull-up— two free pull-ups~~
- ~~—encroachments— two points for each encroachment~~
- ~~—looks— the driver is permitted to exit the vehicle to check position a maximum of two times~~
- ~~—Inside Parallel— vehicle must be completely in the space (check along sides, in front and rear of vehicle)— if outside the space, add 10 points~~

~~6. Sight Side Parallel Park~~

- ~~—pull-ups two free pull-ups~~
- ~~—encroachments two points for each encroachment~~
- ~~—looks—the driver is permitted to exit the vehicle to check position a maximum of two times~~
- ~~—Inside Parallel—vehicle must be completely in the space (check along sides, in front and rear of vehicle)—if outside the space, add 10 points~~

~~d. Passing score for the Basic Control Skills Test is: 12 points or less (all vehicles).~~

~~e. Skills tests shall be conducted:~~

- ~~1. At facilities operated or designated by the Department. In order for a location other than a facility not operated by the Department to be approved for testing, the following spatial criteria must be met:

 - ~~i. Straight Line Backing—100 feet in length. The testing area must have additional clearance on each end of the maneuver for the entire length of the motor vehicle in which the applicant is being tested to back completely out of the required 100 feet. For example, if the vehicle used for testing is 70 feet in length, the minimum required space for straight line backing would be 240 feet.~~
 - ~~ii. Off-set Backing—100 feet in length. The testing area must have additional clearance for the vehicle to pull forward to do the maneuver; 140 feet for Class A vehicles and 100 feet for Class B vehicles.~~
 - ~~iii. Parallel Parking—100 feet. The testing area must exceed the length of the vehicle by at least fifteen (15) feet.~~
 - ~~iv. Alley Dock—40 feet for the alley dock. The testing area must allow additional clearance for the vehicle to line up for the 90 degree backing maneuver. There is a boundary at 50 feet for Class B vehicles and at 70 feet for Class A vehicles, so the area must allow at least 110 feet for the alley dock maneuver).~~~~

~~2. During daylight hours only; and~~

~~5. Road Test (all vehicles)~~

~~a. A road test route should contain the following maneuvers:~~

- ~~—four left turns~~
- ~~—four right turns~~
- ~~—straight section of urban business street~~
- ~~—intersections two through intersections and two intersections where a stop has to be made (a stop sign is preferred)—Cannot be included in urban section~~
- ~~—one railroad crossing (actual or simulated)~~
- ~~—two curves, one curve to the left and one curve to the right~~
- ~~—section of expressway OR two-lane rural or semi-rural road~~
- ~~—student discharge—used only for school bus drivers~~
- ~~- roadside stop/start~~
- ~~—low clearance, weight restriction, or traffic sign~~

~~b. Maneuvers are scored as follows—1 point for each unsatisfactory performance:~~

1. ~~Left and right turns~~

Approach

~~traffic check~~

~~signal, deceleration coast, lane~~

~~If Stop necessary, gap stop line~~

~~full stop, wheels straight~~

Turning

~~traffic check~~

~~both hands, gears~~

~~speed, wide/short~~

Complete Turn

~~traffic check~~

~~correct lane~~

~~signal, accelerate, right~~

2. ~~Urban/Rural sections~~

~~regular traffic checks~~

~~selects proper lane~~

~~keeps vehicle in lane~~

~~lane changes, traffic check, signal, space, smooth change to left~~

~~lane changes, traffic check, signal, space, smooth change to right~~

3. ~~Roadside Start/Stop~~

Approach

~~traffic check~~

~~signal on~~

~~correct lane, deceleration~~

~~not coast~~

Stop

~~parallel, not roll~~

~~signal off/4 ways on~~

~~parking brake on~~

Resume

~~traffic check, 4 ways off~~

~~signal, parking brake~~

~~not stall engine~~

~~traffic check, accelerate~~

4. ~~Curves (left and right curves)~~

~~speed: enter, through~~

~~stay in lane~~

~~traffic checks~~

5. ~~Student Discharge~~

Approach

traffic check

activates all flashers at least 200 feet before the stop

State law

Moves to the right of the roadway

Activates stop arm

Stopping

in Neutral

keeps foot on brake

ensures stop arm is extended

ensures all flashers are operating

Discharge

informs students of discharge procedures

tells students when they can exit the bus

Traffic Check

checks traffic ahead and to the rear and especially to the left side before

allowing students to exit the bus

Open Door

Student Check

counts the students as they disembark

accounts for all students once they have left the bus

checks all mirrors for students

Traffic Check

checks traffic ahead and to the rear and especially to the left side before

allowing students to cross in front of the bus

Student Crossing

Student communication

informs all students to stay 10 feet from the side of the school bus and to stay in plain view

directs students to walk forward of the bus ten feet but to still stay clear of the bus

directs students to cross the street

Student Check

accounts for all students who have exited the bus

Resume

deactivates stop arm

turns off all warning lights

shuts all doors

traffic check

accelerates back into traffic

6. ——— Railroad Crossing

traffic check

law, gears, stop

7. ——— Low clearance, weight restriction, or traffic sign

knew weight/clearance

8. ——— Expressway

Merge-On

~~traffic check, signal, spacing, no stop, merge, cancel signal~~

Lane Changes

~~traffic check, signal, spacing, smooth change, cancel signal to left
traffic check, signal, spacing smooth change, cancel signal to right~~

Exit

~~traffic check, signal
smooth merge to exit lane
decelerate in exit lane
ramp speed, spacing, cancel signal~~

9. ~~General Driving Behavior~~

~~used clutch properly (shifting, double clutched, didn't ride)
used gears properly (didn't over rev/lug engine, clash gears, coast)
used brakes properly (smooth braking, no riding or pumping)
proper steering (both hands on wheel, no over/under control)
obeyed all traffic signs and signals
drove without an accident
never put vehicle over sidewalks, lanes, stop lines, etc.~~

10. ~~Reserved.~~

- ~~c. Passing score for road test is 30 errors or less for all vehicles.~~
- ~~d. Passing scores for the Vehicle Inspection Test are as follows:~~

Combination Vehicles & Straight Trucks

Pre-trip Form	Vehicle			
	Class A		Class B	
	Airbrakes	No Airbrakes	Airbrakes	No Airbrakes
-				
Form A				
Form B	35	33	27	24
Form C				
Full Form	67	61	43	39

Coach/Transit & School Bus

Pre-trip	Pre-trip Form	Vehicle			
		Coach/Transit		School Bus	
		Airbrakes	No Airbrakes	Airbrakes	No Airbrakes
(Total is number of correct answers)	-				

	Form A	30	27	33	31
	Form B				
	Full Form	46	42	49	45

Authority: ~~O.C.G.A. §§ 40-5-156 and 40-6-15.~~

1-1-.123 Third Party Tester Program. Amended.

1. Definitions.

- a. Cancellation. A Tester's or Examiner's certification is terminated by the Department because of some error defect in the certification or because the Tester or Examiner is no longer entitled to such certification. The cancellation of certification is without prejudice, and application for a new certification may be made at any time after such cancellation.
- b. CDL. A commercial driver's license issued pursuant to O.C.G.A. §40-5-140, et seq. which authorizes an individual to operate a class of commercial motor vehicles.
- c. Department. The Georgia Department of Driver Services.
- d. Examiner. Any natural person, not an employee of the Department of Driver Services, who is certified by the Department of Driver Services as a Third Party Examiner to administer Commercial Driver's License testing through a Third Party Tester.
- e. ~~Monitor~~ Monitor Compliance Analyst. Department of Driver Services employee responsible for conducting random examinations, inspections and audits of Third Party Testers and Examiners for compliance with federal and state laws and regulations.
- f. Revocation. A Tester's or Examiner's certification is terminated by formal action of the Department, which privilege shall not be subject to renewal or restoration, except that an application for a new certificate~~license~~ may be presented to and acted upon by the Department after the expiration of the applicable period of time prescribed by the Department. A revocation shall be for a period of at least one (1) year or indefinitely.
- g. Suspension. A Tester's or Examiner's certification is temporarily withdrawn by formal action of the Department, which temporary withdrawal shall be for a period specifically designated by the Department.
- h. Tester. Any employer or school engaged in conducting commercial driver's license testing through Third Party Examiners.

2. Minimum Requirements for Examiners.

- a. Must be trained and certified to conduct skills testing for CDL's by the Department ~~or its authorized representatives.~~
- b. Must comply with the following:
 - 1. Must have a high school diploma or its equivalent.
 - 2. Must be a regular employee of the employer and recommended by the employer or must be a contracting Trainer/Examiner.
 - 3. Based on the results of a national criminal history background check, Sshall not be a convicted of a felony or any other crime involving violence or a crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law unless he or she has received a

pardon and can produce evidence of same. For the purpose of this subsection, a plea of nolo contendere shall be considered a conviction. For the purposes of this subsection, a conviction for which a person has been free from custody and free from supervision or at least ten (10) years will not be considered, unless the conviction is for an offense which is sexually violent offense as defined in O.C.G.A. §42-1-12(7) or the criminal offense was committed against a victim who was a minor at the time of the offense.

4. Shall not have been convicted of any serious moving violation as defined in O.C.G.A. §40-5-142 within three (3) years prior to application.
 5. Shall not have been enrolled or participated in a state approved Risk Reduction Program within the past ten (10) years.
 6. Must be qualified as a Commercial Motor Vehicle Operator and must either possess or be eligible for a CDL of the classification for which the Examiner will be conducting tests.
 7. Must successfully complete the Department's prescribed course in CDL classroom instruction and behind the wheel examination.
 - i. Must pass all CDL Knowledge and Endorsement Tests prior to attending on the CDL -Certification first day of the training session/class.
 - 7.ii. (ii) Upon completion of specialized training in classes A, B, and C, the Examiner will be issued a certification card qualifying them to examine applicants for skills in license classes equal to their training certification. Examiner certification will be valid for four (4) years unless suspended, revoked or cancelled.
 8. Must possess a valid certification ~~identification~~ card which shall be evidence of the Examiner's certification status.
 9. An Examiner whose certification has expired or has been surrendered shall not administer any part of the CDL examination until completion of one of the following:
 - i. An Examiner with expired certification or who has surrendered his or her certification may apply for ~~reactivation of their~~ recertification within one (1) two (2) years after the expiration or surrender date of the previously issued certification by performing a CDL examination to the satisfaction of the Department.
 - ii. If more than one (1) two (2) years has lapsed since expiration or surrender, the Examiner must successfully complete the Department's prescribed course in CDL classroom instruction and behind the wheel examination to become recertified. This is consistent with active engagement rules in other regulated programs.
 - ~~10. 10.~~ Must conduct skills tests examinations of at least ten (10) different CDL applicants at least ten CDL tests per calendar year, and the first must be administered within the first six (6) months of becoming certified. Failure to do so will result in suspension from conducting further CDL tests.
 11. Must successfully complete a refresher training course and examination every four (4) years to maintain CDL certification.
3. Minimum Requirements for Testers.
- a. Must have an established business.

- ~~b.~~ Must have a fleet of not less than 25 registered commercial motor vehicles registered in Georgia or be a Technical/Vocational School, or a Public School System.
 - ~~b.c.~~ Be a Technical/Vocational School or Public School System
 - ~~e.d.~~ Must maintain adequate driver records reflecting the annual driver history of each Examiner.
 - ~~d.e.~~ Must enter into a Commercial Driver's License Third Party Tester Agreement with the Department.
 - ~~e.f.~~ Must Agree to have the Third Party Tester Program monitored by the Department and the Federal Motor Carrier Safety Administration.
 - 4.—The skills test plan used must be the one provided by the Department. An authorized member of the Department must approve any changes to the skills test prior to the changes being implemented.
 - 1. All Examiners must submit to the Monitor/Compliance Analyst and the CDL Program Manager a testing schedule for all testing to be conducted. This schedule must will be submitted no later than two (2) weeks in advance of the scheduled test. A 24-hour notice will must be given for cancellation or any changes to the schedule. The Third Party Examiner must immediately contact his/her assigned DDS Compliance Analyst, by telephone or e-mail, upon notification from the student of a test cancellation. The Monitor may approve changes in schedules as necessary. Testing at times and dates not submitted on the schedule or Monitor/Compliance Analyst approved changes will violate the agreement between the Tester and the Department.
 - 2. The Third Party Test agrees to notify the Department within ten (10) days of any resurfacing of the skills course or remarking of the lines or markers in order for the Department of measure the skills test course for accuracy. However, the Third Party Tester does not have to notify the Department regarding repairs and maintenance to an existing skills course. The Department shall review any modifications to the course within thirty (30) days of receipt of the Third Party Tester's notice informing the Department of such modifications.
 - ~~g.~~ Must ensure that all examiners employed by the Tester are certified by the Department and that the Examiners comply with the Department Rules and Regulations, all applicable state and federal laws, and Department instructions and have passed a nationwide criminal background check
 - ~~h.~~ Must provide a surety bond in the amount of \$10,000.00 (not applicable to state or governmental entities) per location
 - ~~f.i.~~ Shall maintain records, which shall be available for inspection by the Department during normal business hours. Normal business hours shall be between 8:30 a.m. and 4:30 p.m. daily. One hour of flexibility in the time may be observed as long as the school is open eight (8) hours per day.
4. Test Administration
- a. Skill tests will be conducted strictly in accordance with policy used by the Department CDL Examiners. Such instruction may include information on skills test content, route selection/revision, test forms, Examiner procedures, and administration procedures and/or changes.
 - b. Skills tests shall be conducted:
 - 1. Only on test routes approved by the Department.
 - 2. In a vehicle representative of the class and type of vehicle for which the CDL applicant seeks to be certified and for which the Examiner is qualified to test.

3. Using the Department approved content, forms, and scoring procedures.
 4. Only on approved days of the week during daylight hours only.
 - c. Only licensed Georgia drivers or drivers with approval from the Department may be tested.
 - d. Third Party Examiners must complete each CDL test before beginning another test and may not start a test within two (2) hours of starting the previous test.
 - e. Examiners shall not administer any part of a CDL test unless they have a valid DDS certification card/certificate
 - f. Must not test relative (by blood or marriage), friends or co-workers
e.g. Prohibited from administering a skills test to an applicant who was trained by that examiner.
5. Records – Files to be maintained by Examiner/Tester:
- a. Third Party Tester Record/Examiner file:
 1. A copy of each Examiner's current DDS certification identification card along with a copy of their driver's license and the Third Party Agreement/photograph.
 2. A copy of Examiner's Motor Vehicle Record (MVR) (by the anniversary of certification) (current update, a minimum of once per year).
 3. Examiner and-Tester Certifications must be displayed on a wall within the school.
 4. ~~Tester must maintain these records for the previous two (2) years and for the current year.~~
 5. 4. Tester must maintain these records on an Examiner for at least two (2) years after that Examiner leaves the is no longer employed by that Tester's employment.
 - b. CDL applicants tested by each examiner/Third Party Examiner Record:
 1. A copy of DS 1235 (score sheet) on each applicant tested (passing or failing copies).
 2. A copy of CLP instructional permit or and commercial driver's license
 3. A signed copy of the CDL Skills Testing Information Agreement Form.
 3. 4. Must maintain these records for the previous two (2) years and for the current year.
6. Notification Requirements.
- a. Testers must:
 1. Notify the Department in writing 30 days prior to any change in the Tester's name ~~and/or address~~ and contact information.
 2. Notify the Department in writing within ~~two ten~~ (10) days of any change in:
 - i. The Examiners who are employed by the Tester; and
 - ii. Any Examiner's driving status.
 3. Notify the Department in writing within ten days of any of the following occurrences:
 - i. The Tester ceases to do business in Georgia.
 - ii. The Tester fails to comply with any of the Department's requirements.
 - iii. Examiner receives notice from the Department of any driver's license suspension, revocation, disqualification, cancellation or DUI conviction.
 - iv. Any Examiner fails to comply with any of the Department's requirements.

4. Request and obtain approval from the Department of any proposed changes in the ~~skillsroad test(s) route~~ test route(s), ~~test content,~~ or Examiner administrative procedures.
 - b. The Examiner shall notify the Department within ten (10) days of leaving the employ of a Tester and return the DDS Examiner Certification Card.
 - c. Reports to the Department:
 1. A copy of skills test roster of applicants tested.
 2. A copy of test schedules.
7. Denial/Suspension/Revocation/Cancellation of Third Party Testing Program Certification.
- a. The Department may deny or cancel any application for a Tester's or Examiner's certification or cancel certification if the applicant does not qualify for certification under these rules. Misstatements or misrepresentations in the application may be grounds for cancellation.
 - b. Any Tester or Examiner may relinquish a certification upon thirty days written notice to the Department. All forms, manuals, or supplies that the Department has furnished, including certification and certification identification cards of Examiners shall be surrendered.
 - c. The Department may cancel the Third Party Testing Program provided for in these requirements in its entirety or may cancel it in part.
 - d. The Department may suspend or revoke a Tester's or Examiner's certification upon any of the following grounds:
 1. Failure to comply with or satisfy any of the provisions of these requirements, the Department's instructions or the Third Party Tester agreement.
 2. Falsification of any records or information relating to the Third Party Testing Program.
 3. Commission of any act which compromises the integrity of the Third Party Program.
 - ~~3.4.~~ Failure to comply with Federal Motor Carrier Safety Administration (FMCSA) standards – allows a five (5) point maximum difference between examiner scoring and Compliance Analyst scoring during monitoring event
 - ~~4.5.~~ Failure to fully cooperate with the Compliance AnalystMonitor, including failure to provide providing the Compliance AnalystMonitor access to:
 - i. ~~a~~All Third Party Tester Program documents and records;
 - ii. ~~a~~Any facility where testing is performed; or
 - iii. For the Examiner, driver's license suspension, revocation, recall, or disqualifications.
 - ~~e. If the Department determines that grounds for cancellation of certification exists for failure to comply with or satisfy any of these requirements or the Third Party Tester Agreement, the Department may postpone action and allow the Tester or Examiner thirty days to correct the deficiency.~~
 - ~~f.e.~~ Suspension/Revocation and Appeal Procedures.
 1. Upon determining that a Tester's or Examiner's certification should be suspended, revoked, or cancelled the Department shall notify the Tester or Examiner by certified mail, return receipt requested. Such notice shall be deemed received three (3) days after mailing.
 2. The notification shall notify the Tester or Examiner of the following requirements:

- i. That the Tester or Examiner may, within ~~15~~ten (10) days of receipt of the notice, request a hearing. The request must be in writing and received by the Department within the ~~15-day~~ period specified.
- ii. That if the Department does not received a written hearing request within the ~~15~~ten (10) day period:
 - A. Any rights to an appeal and hearing shall be considered to have been waived; and
 - B. The suspension, revocation, or cancellation will be effective upon the expiration of the 15 day period.
3. Upon receipt of a timely, written hearing request, the Department shall ~~schedule a hearing before a designated hearing officer of the Department~~ forward the request to the Office of State Administrative Hearings (OSAH).
4. The hearing and appeal procedures shall be as specified in Ga. Admin. Comp. Ch. 375-3-3-.04.
5. A Tester or Examiner who timely requests a hearing may continue to administer CDL testing pending issuance of a final decision by the Administrative Law Judge.

g.f. Emergency Order.

1. If the Department determines that a Tester's or Examiner's certification should be suspended, revoked, or cancelled and that the public health, safety, or welfare imperatively requires emergency action, the Department is, upon expressly so finding, authorized to issue an emergency order suspending or revoking the Tester's or Examiner's certification.
2. The Emergency Order shall incorporate such a finding and shall notify the Tester or Examiner of the following ~~requirements~~:
 - i. The Emergency Order is effective upon receipt of the Order.
 - ii. The Tester or Examiner may, within ~~15~~ten (10) days of receipt of the notice, request a hearing. The request must be in writing and received by the Department within the ~~15-day~~ period specified.
 - iii. If the Department does not receive a written hearing request within the ~~15~~ten (10) day period, any rights to an appeal and hearing shall be considered to have been waived.
3. The Order shall be served on the Tester or Examiner by personal delivery or ~~certified mail, return receipt requested~~.
4. Upon receipt of a timely, written hearing request:
 - i. The Department shall forward the request to the Office of State Administrative Hearings (OSAH)~~schedule a hearing before a designated Department hearing officer~~.
 - ii. ~~The hearing shall be scheduled within 30 working days of receipt of the hearing request, unless the Tester or Examiner requests or consents to a continuance.~~
 - iii. ~~This shall be a preliminary hearing at which the hearing officer determines whether the public health, safety, or welfare continues to imperatively require emergency action.~~
 - A. ~~If the emergency action is upheld, the suspension, revocation, or cancellation remains in effect and the appeal procedure shall proceed as set forth above.~~

~~B. If the emergency action is reversed, the Tester or Examiner may be restored to administering CDL testing pending completion of the appeal proceedings.~~

5. A Tester or Examiner who timely requests a hearing may not continue to administer CDL testing pending issuance of a decision by the Department hearing officer.

g. Reinstatement. A Tester or Examiner may apply for certification reinstatement at the end of a suspension period.

h. No employee of the Department, or any spouse, dependent child, dependent stepchild, or dependent adopted child of such employee, shall be certified by the Department as a Third Party Tester or Examiner.

Authority: O.C.G.A. §§40-5-156, and 40-16-5(c) C.F.R. §384.201.

~~1-1.14 Commercial Driver Out of Service Notification.~~

~~DS Form 1256 shall be used by all law enforcement officers who are empowered to enforce the traffic laws in this state. DS Form 1256 shall be used by an officer to place the driver of a commercial motor vehicle out of service, pursuant to O.C.G.A. § 40-5-152. Form 1256 will be a 8.5" wide X 11" long, four part snap out design. The officer shall forward the original copy to the Department of Motor Vehicle Safety. The officer shall mail the second copy to the commercial driver's employer. The officer shall retain the third copy of Form 1256. The officer shall give the fourth copy to the driver as official notification of being placed out of service.~~

~~Authority: O.C.G.A. Sec. 40-5-156 and O.C.G.A. Sec. 40-16-5(c).~~

1-1.135 Disqualification From Driving A Commercial Motor Vehicle. Amended.

Any person is subject to a license suspension and/or commercial driving disqualification in accordance with applicable federal and state law. The following non-exclusive list of Georgia commercial disqualifications will be applied to the driving record.

1. Any person is disqualified from driving a commercial motor vehicle based on the following violations of out-of-service orders:
 - a. First violation – a period of not less than 180 days and not more than one (1) year. A driver who is convicted for a first violation of an out-of-service order is disqualified for a period of 90 days.
 - b. Second violation – a period of not less than two (2) years and not more than five (5) years. A driver who is convicted of a second violation of an out-of-service order in a 10 year period, is disqualified for a period of one year.
 - c. Third or subsequent violation – a period of not less than three years and not more than five. A driver who is convicted of three or more violations of out-of-service orders in a 10 year period, is disqualified for a period of three years.
 - d. A period of not less than 180 days nor more than two (2) years for a first conviction while transporting hazardous materials required to be placarded under the Federal Hazardous Materials Transportation Law (49 U.S.C. Chapter 51), or while operating a motor vehicle designed to transport more than 15 passengers, including the driver is disqualified for a period of 180 days if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Federal Hazardous Materials Transportation Law (49 U.S.C. Chapter 51), or while operating a motor vehicle designed to transport more than 15 passengers, including the driver.

- e. A period of not less than three (3) years nor more than five (5) years if, during any ten (10) year period, any subsequent convictions, while transporting hazardous material required to be placarded under the Federal Hazardous Materials Transportation Law (49 U.S.C. Chapter 51), or while operating a motor vehicle designed to transport more than 15 passengers, including the driver is disqualified for a period of three years if the driver is convicted of any subsequent violations of out of service orders, in separate incidents, while transporting hazardous material required to be placarded under the Federal Hazardous Materials Transportation Law (49 U.S.C. Chapter 51), or while operating a motor vehicle designed to transport more than 15 passengers, including the driver.
- e.f. In addition to any other penalty imposed pursuant to this article, any driver who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than \$2,500.00 for a first offense and not less than \$5,000.00 for a second or subsequent offense.
2. Any person is disqualified from driving a commercial motor vehicle for a conviction of a serious traffic violation as defined in O.C.G.A. §40-5-142(22) as noted below.
- a. Not less than sixty (60) days if convicted of two serious traffic violations arising from separate incidents occurring within a three (3) year period as measured from the dates of arrests for which convictions were obtained.
- b. Not less than 120 days if convicted of a third or subsequent serious traffic violation arising from separate incidents occurring within a three (3) year period as measured from the dates of arrests for which convictions were obtained.
3. Any person disqualified from driving a commercial motor vehicle for a period of three (3) years if convicted of a first violation of using a commercial motor vehicle in the commission of a felony, or a major traffic violation provided that the vehicle being operated or used in connection with such violation or commission of such felony is transporting a hazardous material required to be placarded under Section 105 of the Hazardous Materials Transportation Act, 49 U.C.C. app. 1804.
4. Any person is disqualified from driving a commercial motor vehicle for a conviction of a major traffic violation as defined in O.C.G.A. §40-5-142(18.2) as noted below.
- a. First conviction – one (1) year.
- b. Second or subsequent conviction – lifetime.
5. Any person is disqualified from driving a commercial motor vehicle for life who knowingly uses a motor vehicle in the commission of any felony involving the manufacture, distribution, cultivation, sale, transfer of, trafficking in, or dispensing of a controlled substance or marijuana, or possession with intent to manufacture, distribute, cultivate, sell, transfer, traffic in, or dispense a controlled substance or marijuana.

Authority: O.C.G.A. §§40-15-156, and 40-16-5(c), 40-5-142 and C.F.R. §383.51.

1-1-.146 School Bus Endorsement; Waiver. Amended.

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1. Any person who operates a school bus must possess a commercial driver's license with a passenger vehicle endorsement and a school bus endorsement.
2. A driver must satisfy the following requirements in order to obtain a school bus endorsement:
 - a. Qualify for the passenger vehicle endorsement.
 - b. Pass the passenger and school bus knowledge tests. ~~These~~This tests shall examine the driver's knowledge of the following areas:
 - i. ~~i.~~ Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights and other warning and passenger safety devices required for school buses by Georgia law or federal law or regulation.
 - ii. ~~ii.~~ Emergency exits and procedures for safely evacuating passengers in an emergency.
 - iii. ~~iii.~~ State and Federal laws and regulations related to safely traversing highway rail grade crossings.
 - iv. Applicant will be issued a CLP with both the passenger (P) endorsement and school bus (S) endorsements. The CLP will also have a 'P' restriction which prohibits passengers in CMV bus.
 - c. Pass Upon successful completion of the skills test the applicant will be issued a CDL with both the Passenger (P) and school bus (S) endorsements. The driver must be able to perform a vehicle inspection, pass the basic skills test and pass a driving skills test in a school bus that is of the same vehicle group of the school bus the driver will operate.

O.C.G.A. §§ 40-5-142, 40-5-150, ~~and~~ 40-16-5(c); and 49 C.F.R. §383.
Effective Date: 8/1/2011