

9. The class of testing and endorsements for which the applicant is applying.

10. If applicable, the total number of Wisconsin licensed drivers employed to operate CMVs.

11. A designated skills test route or routes acceptable to the department which shall include all of the following:

a. The address of each Wisconsin location where the applicant intends to conduct the CDL skills tests.

b. A description of the off-road facilities as well as a map, drawing or written description of each test route that will be used for the on-road portion of the CDL skills test.

12. A \$100 application fee.

(2) The department will evaluate the materials submitted by the third party tester applicant, and if the application materials are satisfactory, the department shall schedule an on-site inspection and audit of the applicant's third party testing program.

(3) As a condition of any grant of authority, an approved third party tester shall:

(a) Continue to satisfy all the terms and conditions required in the application process.

(b) Not exceed the fee set by the department for applicants taking a CDL skills test or the prorated fee for any portion of the test.

(c) Allow FHWA and the department to conduct scheduled and unscheduled examinations, inspections and audits.

(d) Maintain at the primary place of business an alphabetical driver file listing each CDL skills test conducted, whether the driver passes or fails the test. Each record shall be maintained for a minimum of 2 years and include all of the following:

1. The driver's complete name, social security number, address, phone number and employer.

2. The driver's current license number, license class, license endorsements, license restrictions, expiration date and issuing jurisdiction.

3. The dates the driver took the CDL skills tests.

4. The CDL classification, endorsements and restrictions applied for by the CDL applicant.

5. The test score sheets showing the results of the CDL skills tests.

6. The name and certificate number of the third party examiner conducting the CDL skills test.

7. Copies of receipts for fees collected from CDL applicants.

8. The make and registration number of the CMVs used during the testing.

9. A copy of the written agreement, if applicable, with any person being tested.

(e) Maintain at the primary place of business an annual log of CDL skills tests conducted, whether the driver passes or fails the test. Each record shall be maintained for a minimum of 2 years and include all of the following:

1. The date of the skills test.
2. The drivers name.
3. The CDL classification, endorsements and restrictions applied for by the CDL applicant.
4. The name and certificate number of the third party examiner conducting the CDL skills test.
5. The results of the CDL skills test.

(f) Maintain a record, at the primary place of business, for each third party examiner in the employ of the third party tester. Each record shall be maintained for a minimum of 5 years and include all of the following:

1. A copy of a valid certificate.
2. A copy of the third party examiner's current driving record, which must be updated annually.
3. Evidence that the third party examiner is an employe of the third party tester.

(g) Ensure that the CDL skills tests are conducted in accordance with the requirements of ch. Trans 104 and the instructions provided by the department.

(h) Provide proof of successful test completion, on a form provided by the department, to each driver applicant who passes the required CDL skills test. This CDL skills test certification form shall provide a record of all tests or portions of tests passed or failed. The driver applicant shall present this form to the department as a condition of obtaining a CDL.

(i) Notify the department of each driver applicant who fails the basic controls and road test portion of the CDL skills test in the following manner:

1. By first class mail.
2. Within 72 hours.
3. On a CDL skills test score sheet form provided by the department.

(j) Ensure that vehicles used for CDL skills tests are properly registered and meet minimum safety requirements of federal and state law.

(k) Administer a minimum of 25 CDL skills tests per year.

(l) Request and obtain authorization from the department for any proposed changes in the CDL skills test route, test content, or test procedures.

(m) Notify the department in writing of any of the following:

1. Any change of third party tester name or address 30 days prior to the change.

2. Discontinuation of business in Wisconsin as a third party tester.
3. Any third party examiner who fails to comply with any of the department's CDL skills test requirements.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. (1) (a) 7., am. (3) (d) (intro.), 8. and (e) (intro.), Register, June, 1992, No. 438, eff. 7-1-92.

Trans 115.05 Requirements for third party examiners. (1) To be granted an examiner identification certificate, a third party examiner shall:

- (a) Make application to the department.
- (b) Possess a valid Wisconsin CDL with classification and endorsements necessary for operation of the class and type of CMV used in the CDL skills tests conducted by the examiner.
- (c) Have 2 years licensed experience operating the class of CMV used in the CDL skills test conducted by the examiner.
- (d) Have successfully passed and paid all fees for a department sanctioned CDL examiner training course.
- (e) Within 4 years prior to application have had no convictions for operating any motor vehicle while intoxicated.
- (f) Within 4 years prior to application have had no operator's license suspensions, revocations, cancellations or disqualifications for a traffic offense other than parking violations.
- (g) Within 4 years prior to application and subject to ss. 111.321, 111.322 and 111.335, Stats., have had no felony convictions.
- (h) Meet all of the following physical standards:

1. Have no impairment of a hand, arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a CMV or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a CMV.

2. Vision - acuity of 20/40 in either eye and at least 20/100 in the other eye with or without corrective lenses and a horizontal, temporal field of vision of 70 degrees or more from the center in each eye and ability to recognize the colors of traffic signals.

3. Hearing - The applicant shall hear normal spoken voice with or without corrective help.

(2) Application for an examiner's identification certificate shall be made on a form supplied by the department including the following:

- (a) Full name, home and business addresses, date of birth, social security number, operator's license number, and telephone number.

- (b) Driving history, including class of current license and any endorsements, and restrictions.

- (c) Name, address and telephone number of the applicant's employers who applied for or received authority as a third party tester.

- (d) Employer's recommendation of the applicant for an examiner's identification certificate.

(e) Date and place applicant successfully passed department sanctioned CDL examiner training course. An original application shall be accompanied by written proof verifying passage of the course.

(f) The class of testing and endorsements for which the applicant is applying.

(g) A \$25.00 application fee.

(3) The department may require a report of medical examination, completed within the past 90 days, to determine the applicant's ability to perform normal tasks associated with operating a commercial motor vehicle. The cost of obtaining the required medical information is the responsibility of the third party examiner.

(4) The department will evaluate the materials submitted by each third party examiner applicant including the applicant's driving record and may test him or her for knowledge and skill.

(5) As a condition of a grant of an examiner's identification certificate, a third party examiner shall:

(a) Continue to satisfy all the terms and conditions in subs. (1) and (2).

(b) Take part in all department required training courses, workshops, and seminars. A person who has not had a valid certificate in the past 4 years shall retake department sanctioned CDL training.

(c) Conduct a minimum of 12 CDL skills tests per year in accordance with this chapter and current instructions provided by the department.

(d) Notify the department in writing within 10 days of any of the following:

1. Any change of employment with third party testers.

2. Any change in class of commercial drivers license testing authorization.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (b) and (5) (c), Register, June, 1992, No. 438, eff. 7-1-92.

Trans 115.06 Authority and certificates. (1) An authorization document shall be issued to each qualified third party tester.

(2) An examiner's identification certificate shall be issued to each qualified examiner of the third party tester.

(3) A copy of the examiner's identification certificate shall be displayed in the primary place of business of the third party tester.

(4) The authorization document issued by the department to a third party testing program shall be displayed in the primary place of business of the third party tester.

(5) A third party tester authorization or examiner identification certificate shall be non-transferable.

(6) Each authorization document or examiner identification certificate shall be effective on the date of issuance and shall expire at the end of the