

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 sections on the Department of Driver Services application must be completed in their entirety.
2. 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 a commercial driver's license.
3. 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.
4. No application fee, driving skills test fee, or licensing fee will be required from applicants possessing a veteran's license or those who are qualified for such pursuant to O.C.G.A. §40-5-36 and Ga. Comp R. & Regs. r. 375-3-1-.16. Such qualification shall be submitted with the form DS-516 and must be provided when submitting an application 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.
5. 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) be subject to the penalties set forth in O.C.G.A. § 40-5-147(f)(1)-(3):

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
 - 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 shall obtain licensure in the following classes of non-commercial licenses.
 - 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 of 26,001 pounds or more and the vehicle being towed does not weigh more than 10,000 pounds

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 National 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. 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. 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 license, permit, or Drivers License.
 - c. They are employed as a school bus driver with a city, county, state school system.

Authority: O.C.G.A. § 40-5-156; § 40-5-142
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.. A fee of \$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

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 holding 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 the 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 will be updated 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 from 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 Department of Driver Services and recorded in the persons 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 must comply with the 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, or similar regulations of the Department of Driver Services 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) Any person applying for a CLP or CDL to operate a commercial motor vehicle as defined in O.C.G.A. §40-5-142, 49 C.F.R. §390.5, or similar regulations of the Department of Driver Services 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 persons vision in the other eye satisfies the requirements set forth in paragraph (2) of this regulation. Said medical evidence shall include completion of the CDL Vision Exemption Form (DDS VE1) from a 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;
 - 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 will be obtained on each applicant applying for a vision waiver. Waivers will only be granted to those applicants 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 violation;
 - 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
 - j. 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
- (5) 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) from a Class 5 license to a CDL license.

Authority: O.C.G.A. § 40-5-156.

Effective Date: 9/14/2011

1-1-.05 Exemptions:

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

1. Transportation performed by a federal government, state, or political subdivision
2. 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

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, 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 a "Intrastate Commerce" restriction.
2. Pass all applicable written tests;
3. Pass the skills test which is comprised of the vehicle inspection, basic skills maneuvers, and road test
 - a. Pass all driving skills tests in a vehicle representative of the class applied for, or
 - b. At the discretion of the Department, the driving skills test may be waived only for military personnel only who provide a completed Military Skills Test Waiver 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.. 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 recordsComply with the minimum federal standards for physical qualifications for drivers as set forth in 49 C.F.R. §391.41.

Authority: O.C.G.A. § 40-5-156, § 40-16-5, 49 C.F.R. § 391.41 and 49 C.F.R. § 391.11

1-1-.07 Failures of Written or Skills Tests.

1. Upon the first and all subsequent failures, the applicant must wait two (2) calendar days before retaking the examination.
2. The skills test must be administered and successfully completed in the following order: Pre-trip inspection, basic 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 retaken.

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

1-1-.08 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. .
 - a. The Commercial Learners 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 which 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
 - e.
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 application 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 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 CLP 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 a passing scores 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, and "S" endorsement shall 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 \$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 \$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 CFR 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: 8/1/2011

1-1-.09 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 skills test being administered, the applicant must pay a \$50.00 testing fee for each attempt. 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 that do not operate fully on air brakes will result in the commercial driver's license being issued with an air brake restriction.
 9. Tests taken in vehicles with automatic transmissions 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 the CDL
 11. Tests taken in 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 commerce only.
 15. Valid farm waiver (Restricted CDL for certain drivers in farm-related service industries)
 - (i) Agri-chemical businesses;
 - (ii) Custom harvesters;
 - (iii) Farm retail outlets and suppliers;
 - (iv) Livestock feeders.
 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.
 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.

1-1-.10 Skills Test Disqualifications. Amended.

1. An applicant for a Commercial Driver's License shall immediately be disqualified on the driving skills test for the following:
 - a. Not wearing safety belt/seat belt

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

1-1-.11 Skills Test for Commercial Driver's License. Amended.

- 1. Vehicles used for commercial driving skills testing must meet safety standards as established by DDS 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 vehicle inspection 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.

Authority: O.C.G.A. § 40-5-156, § 40-6-15. C.F.R. § 383.113

1-1-.12 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. 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 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.
 - 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, shall not be 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 purpose 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 a 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. (i) Must pass all CDL Knowledge and Endorsement Tests prior to attending the CDL Certification training Class.
 - 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 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 recertification within one (1) year 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) year 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. Must conduct skills tests examinations of at least ten different CDL applicants per calendar year, and the first test must be administered within the first six 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 years to maintain CDL certification.

3. Minimum Requirements for Testers
 - a. Must have an established business.
 - b. (a) Must have a fleet of not less than 25 registered commercial motor vehicles or (b) be a Technical/Vocational School or a Public School System.
 - c. Must maintain adequate driver records reflecting the annual driver history of each Examiner.
 - d. Must enter into a Commercial Driver's License Third Party Tester Agreement with the Department.
 - e. Must agree to have the Third Party Tester Program monitored by the Department and the Federal Motor Carrier Safety Administration.
 1. The skills test plan used must be the one provided by the Department. All Examiners must submit to the Compliance Analyst and the CDL Program Manager a testing schedule for all testing to be conducted. This schedule must be submitted no later than two (2) weeks in advance of the scheduled test. A 24-hour notice 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 Compliance Analyst may approve changes in schedules as necessary. Testing at times and dates not submitted on the schedule or Compliance Analyst approved changes will violate the agreement between the Tester and the Department.
 2. The Third Party Tester 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 to 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.
 - f. 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.
 - g. Must provide a surety bond in the amount of \$10,000.00 (not applicable to state or governmental entities) per location.
 - h. 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
 - f. Must not test relatives (by blood or marriage), friends or co-workers
 - g. Prohibited from administering a skills test to an applicant who was trained by that examiner
5. Records to be maintained by Examiner:
- a. Third Party Tester Record:
 - 1. A copy of each Examiner's current DDS certification card along with a copy of their driver's license and the Third Party Agreement.
 - 2. A copy of Examiner's motor vehicle report (by the anniversary of certification).
 - 3. Tester Certifications must be displayed on a wall within the school.
 - 4. Tester must maintain these records on an Examiner for at least two (2) years after that Examiner is no longer employed by that Tester.
 - b. 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 and driver's license
 - 3. A signed copy of the CDL Skills Testing Information Agreement Form.
 - 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, address, and or contact information.
 - 2. Notify the Department in writing within ten 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, and cancelation 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 road test route(s), or Examiner administrative procedures.
 - b. The Examiner shall notify the Department within ten 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.
 - 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
 - 5. Failure to fully cooperate with the Compliance Analyst, including failure to provide the Compliance Analyst access to:
 - i. All Third Party Tester Program documents and records;
 - ii. Any facility where testing is performed; or
 - iii. For the Examiner, driver's license suspension, revocation, recall, or disqualifications.
- 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 mail. Such notice shall be deemed received three (3) days after mailing.
 - 2. The notification shall notify the Tester or Examiner of the following:
 - i. That the Tester or Examiner may, within 10 days of receipt of the notice, request a hearing. The request must be in writing and received by the Department within the period specified.
 - ii. That if the Department does not receive a written hearing request within the 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 10 day period.
 - 3. Upon receipt of a timely, written hearing request, the Department shall 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 not continue to administer CDL testing pending issuance of a final decision by the Administrative Law Judge.
- 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:
 - i. The Emergency Order is effective upon receipt of the Order.
 - ii. The Tester or Examiner may, within 10 days of receipt of the notice, request a hearing. The request must be in writing and received by the Department within the period specified.

- iii. If the Department does not receive a written hearing request within the 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 mail.
- 4. Upon receipt of a timely, written hearing request:
 - i. The Department shall forward the request to the Office of State Administrative Hearings (OSAH).
- 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, § 40-16-5(c) and C.F.R. § 384.201

1-1-.13 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 year.
 - b. Second violation - a period of not less than two years and not more than five years.
 - c. Third or subsequent violation - a period of not less than three years and not more than five years.
 - d. A period of not less than 180 days nor more than two 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.
 - e. A period of not less than three years nor more than five years if, during any ten 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.
 - 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 60 days if convicted of two serious traffic violations arising from separate incidents occurring within a three-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-year period as measured from the dates of arrests for which convictions were obtained.
- 3) Any person is disqualified from driving a commercial motor vehicle for a period of three 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 in O.C.G.A. §40-5-142(18.2) as noted below.
 - a. First conviction – one 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. §40-5-151, 40-16-5(c), 40-5-142 and C.F.R. § 383.51

1-1-.14 School Bus Endorsement; Waiver. Amended.

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 tests shall examine the driver's knowledge of the following areas:
 - 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. Emergency exits and procedures for safely evacuating passengers in an emergency.
 - 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. 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, 40-16-5(c); and 49 C.F.R. §383.
Effective Date: 8/1/2011