COMMERCIAL DRIVER'S LICENSE RULES

OF

THE GEORGIA DEPARTMENT OF MOTOR VEHICLE SAFETY

~~570-25-.01 Applications.~~

~~(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 or receiving a Commercial Driver's License.~~
~~(2) All items of information on the application must be completed in full or the application may be returned or rejected.~~
~~(3) An applicant may be exempted (Grandfathered) from the driving skills test if they can certify that during the two years preceding the CDL application date they:~~
~~(a) have not had more than one commercial driver's license; and~~
~~(b) have not had a license revocation, suspension, or cancellation; and~~
~~(c) have not been involved in a chargeable accident; or~~
~~(d) have not received any citations which would initiate a suspension, revocation, cancellation, or disqualification; and~~
~~(e) has been regularly employed in a job requiring the operation of a commercial motor vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.~~
~~(4) Applicants for the issuance of a commercial driver's license who operate a school bus shall be exempted from the $35.00 application fee. (City, County, State or Federal)~~
~~(5) No application, driving skills test, or licensing fee will be required from applicants possessing a veteran's status license or those who have qualified through the Veteran's Administration. Such qualification shall be submitted in writing with the form DPS-516 and must be attached to the commercial driver's license application when submitted to the Department. Veterans are not exempt from the fee charged for taking the driving skills test if administered by a third party tester.~~
~~(6) Out of state CDL applicants are not exempt from the $35.00 application fee unless:~~
~~(a) The applicant is employed by a city, county, state, or federal school system as a school bus operator.~~
~~(b) A veteran's eligibility certificate (DPS-516) is attached to their commercial driver's license application.~~
~~(c) The applicant has previously held a Georgia veteran's license and proof is shown accordingly.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Applications" adopted F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

1-1-.01 Applications.

(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 or receiving a Commercial Driver's License.

(2) All items of information on the application must be completed in full or the application may be returned or rejected.

(3) An applicant may be exempted (Grandfathered) from the driving skills test if they can certify that during the two years preceding the CDL application date they:

(a) have not had more than one commercial driver's license; and

(b) have not had a license revocation, suspension, or cancellation; and

(c) have not been involved in a chargeable accident; or

(d) have not received any citations which would initiate a suspension, revocation, cancellation, or disqualification; and

(e) have ~~has~~ been regularly employed in a job requiring the operation of a commercial motor vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.

(4) Applicants for the issuance of a commercial driver's license who operate a school bus shall be exempted from the $35.00 application fee. (City, County, State or Federal)

(5) No application, driving skills test, or licensing fee will be required from applicants possessing a veteran's status license or those who have qualified through the Veteran's Administration. Such qualification shall be submitted in writing with the form D~~P~~S-516 and must be attached to the commercial driver's license application when submitted to the Department. Veterans are not exempt from the fee charged for taking the driving skills test if administered by a third party tester.

(6) Out of state CDL applicants are not exempt from the $35.00 application fee unless:

(a) The applicant is employed by a city, county, state, or federal school system as a school bus operator.

(b) A veteran's eligibility certificate (D~~P~~S-516) is attached to their commercial driver's license application.

(c) The applicant has previously held a Georgia veteran's license and proof is shown accordingly.

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.01 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~570-25-.02 Commercial Driver's License Exemptions.~~

~~(1) 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).~~
~~(2) Firefighters and operators of emergency equipment are exempt from having a commercial driver's license provided their vehicles are equipped with audible and visual signals and are operated by a person in the employ of a volunteer or paid freighting 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.~~
~~(3) Farm vehicle operators are exempt from having a commercial driver's license provided:~~
~~(a) The vehicle is controlled and operated by a farmer;~~
~~(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 a person's farm.~~
~~(4) Operators of recreational vehicles are exempt from having a commercial driver's license.~~
~~(5) Drivers who are exempted from having a commercial driver's license must comply with examinations and be licensed in the appropriate Class A, B or C non-commercial drivers license. Applicants for Class A and B 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.~~
~~(6) 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, driving skills test, and license fees unless:~~
~~(a) They hold a veteran's driver's license.~~
~~(b) Attach a DPS-516 to the commercial driver's license application.~~
~~(c) Employed as a school bus driver with a city, county, state or federal school system.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Commercial Driver's License Exemptions" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

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

(1) 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).

(2) Firefighters and operators of emergency equipment are exempt from having a commercial driver's license provided their vehicles are equipped with audible and visual signals and are operated by a person in the employ of a volunteer or paid freight~~ing~~ 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.

(3) Farm vehicle operators are exempt from having a commercial driver's license provided:

(a) The vehicle is controlled and operated by a farmer;

(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 a person's farm.

(4) Operators of recreational vehicles are exempt from having a commercial driver's license.

(5) Drivers who are exempted from having a commercial driver's license must comply with examinations and be licensed in the appropriate Class A, B or C non-commercial drivers license. Applicants for Class A and B 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.

(6) 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, driving skills test, and license fees unless:

(a) They hold a veteran's driver's license.

(b) Attach a D~~P~~S-516 to the commercial driver's license application.

(c) Employed as a school bus driver with a city, county, state or federal school system.

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.02 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~570-25-.03 Affidavit for Changes on CDL.~~

~~Any change of the applicant's name, sex, 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 change. The examiner will execute an affidavit which will be forwarded by the examiner on a daily basis to the CDL Unit, Department of Public Safety, P.O. Box 1456, Atlanta, Georgia 30371-2303. 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 $15.00 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 drivers license or DPS-516.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Affidavit for Changes on CDL" adopted. F. Aug, 6, 1992; eff. Aug. 26, 1992.~~
Repealed.

1-1-.03 **Affidavit for Changes on CDL**.

Any change of the applicant's name, sex, 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 change. The examiner will execute an affidavit which will be forwarded by the examiner on a daily basis to the CDL Unit, Department of ~~Public Safety~~ Motor Vehicle Safety, ~~P.O. Box 1456, Atlanta, Georgia 30371-2303~~ 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 $15.00 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 drivers license or D~~P~~S-516.

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.03 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~570-25-.04 Minimum Physical Requirements Required to Obtain a Commercial Driver's License.~~
~~(1) Applicants must comply with minimum Federal requirements as set forth in Federal Motor Carrier Safety Regulations, Sec. 391-41.~~
~~(2) Applicants 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.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Minimum Physical Requirements Required to Obtain a Commercial Driver's License" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

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

(1) Applicants must comply with minimum Federal requirements as set forth in Federal Motor Carrier Safety Regulations, Sec. 391-41.

(2) Applicants 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.

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.04 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~**570-25-.05 Exemptions from Medical Requirements.**~~

~~(1) Operators of city, county, state, or federal vehicles are exempt from the medical requirements.~~
~~(2) Drivers who operate on an occasional basis, receive no compensation and are not involved in commercial enterprise.~~
~~(3) Hauling of personal property, human corpses or the sick or injured.~~

~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Exemptions from Medical Requirements" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

1-1-.05 Exemptions from Medical Requirements.

(1) Operators of city, county, state, or federal vehicles are exempt from the medical requirements.

(2) Drivers who operate on an occasional basis receive no compensation and are not involved in commercial enterprise.

(3) 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).

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.05 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~570-25-.06 Driver Qualifications.~~

~~(1) 21 years of age.~~
~~(a) Applicants between ages 18-20 years of age upon completion of an application and required testing shall be issued a commercial drivers license with a "Georgia Only" restriction.~~
~~(2) Pass all applicable written tests, if required;~~
~~(3) Pass all driving skills tests in a vehicle representative of the class applied for, if required;~~
~~(4) Comply with the minimum federal standards as set forth in Federal Motor Carrier Safety Regulations Sec. 391.41.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Driver Qualifications" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

1-1-.06 **Driver Qualifications.**

(1) 21 years of age.

(a) Applicants between ages 18-20 years of age upon completion of an application and required testing shall be issued a commercial drivers license with a "Georgia Only" restriction.

(2) Pass all applicable written tests, if required;

(3) Pass all driving skills tests in a vehicle representative of the class applied for, if required;

(4) Comply with the minimum federal standards as set forth in Federal Motor Carrier Safety Regulations Sec. 391.41.

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.06 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~**570-25-.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 Public Safety.~~
~~(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.~~
~~(3) Nolo pleas will not be recognized by the Department of Public Safety on offenses which may generate a driver's license suspension.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Suspensions"adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

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 Public Safety~~ Department of Motor Vehicle Safety.

(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.

(3) Nolo contendere pleas will not be recognized by the ~~Department of Public Safety~~ Department of Motor Vehicle Safety on offenses which may generate a driver's license suspension.

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.07 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~570-25-.08 Failures Written/Skills Test.~~

~~(1) Upon a first failure, the applicant must wait until the next day before taking 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 30 days before retaking the examination.~~
~~(4) After a fourth failure, the applicant must reapply through the Commercial Driver's License Unit.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Failures Written/Skill Test" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

1-1-.08 Failures Written/Skills Test.

(1) Upon a first failure, the applicant must wait until the next day before taking 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 30 days before retaking the examination.

(4) After a fourth failure, the applicant must reapply through the Commercial Driver's License Unit.

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.08 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~570-25-.09 Knowledge Test and Endorsement Tests.~~

~~(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 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 per 49 CFR Part 383.~~
~~(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 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 knowledge test to maintain this endorsement. If applicants apply for a higher class of commercial drivers license or additional endorsements, the necessary test(s) will be required.~~
~~(4) Applicants for commercial driver's license and commercial instructional permits of classes A and B, whose vehicles are equipped with air brakes, must pass the Air Brakes test.~~
~~(5) Applicants may take the written test a total of four times before being required to pay another application fee.~~
~~(6) Applicants must pass the specific endorsement written test before the endorsement can be applied to the license.~~
~~(7) The initial license issuance fee, regardless of how many endorsements are added, will be $15.00.~~
~~(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 $15.00 license renewal fee.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Knowledge Test and Endorsement Tests" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

1-1-.09 Knowledge Test and Endorsement Tests.

(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 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 per 49 CFR Part 383.

(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 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 knowledge test to maintain this endorsement. If applicants apply for a higher class of commercial drivers license or additional endorsements, the necessary test(s) will be required.

(4) Applicants for commercial driver's license and commercial instructional permits of classes A and B, whose vehicles are equipped with air brakes, must pass the Air Brakes test.

(5) Applicants may take the written test a total of ~~four~~ two times before being required to pay another application fee.

(6) Applicants must pass the specific endorsement written test before the endorsement can be applied to the license.

(7) The initial license issuance fee, regardless of how many endorsements are added, will be $15.00.

(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 $15.00 license renewal fee.

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.09 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~570-25-.10 Vehicle Requirements - Commercial Driver's License Skills Test.~~

~~(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) 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:~~
~~at least 4/32 tread on front; and~~
~~at least 2/32 tread on all other tires;~~
~~(f) Horn;~~
~~(g) Windshield;~~
~~(h) Windshield wipers;~~
~~(j) Rear vision mirrors; Coupling Devices;~~
~~(k) Wheel and Rims;~~
~~(l) Emergency equipment;~~
~~(m) Doors;~~
~~(n) Exhaust System;~~
~~(o) Frame;~~
~~(p) Fuel Tank.~~
~~(4) Skills test will be given in order of increasing difficulty.~~
~~(5) Skills test may be given in all weather conditions; provided the weather creates no hazard for the applicant or the examiner.~~
~~(6) Prior to the Department giving a skills test, the applicant must pay a $50.00 test fee, unless applicant has veteran's status and is tested by the state. An applicant may take the test four times without paying another $50.00 fee.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Vehicle Requirements- Commercial Driver's License Skills Test" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

1-1-.10 Vehicle Requirements - Commercial Driver's License Skills Test.

(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) 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:
at least 4/32 tread on front; and
at least 2/32 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.

(4) Skills test will be given in order of increasing difficulty.

(5) Skills test may be given in all weather conditions; provided the weather creates no hazard for the applicant or the examiner.

(6) Prior to the Department giving a skills test, the applicant must pay a $50.00 test fee, unless applicant has veteran's status and is tested by the state. An applicant may take the test ~~four~~ two times without paying another $50.00 fee.

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.10 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~**570-25-.11 Skills Test Disqualifications.**~~

~~(1) An applicant for a Commercial Driver's License shall be immediately disqualified on his driving skills test for the following:~~
~~(a) 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) 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 observer to aid in controlling the vehicle; stalling the vehicle in a busy intersection: or driving two wheels over a curb or onto a sidewalk.~~
~~(c) 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.~~
~~(d) Lack of cooperation, refusal to perform, or refusal to try to maneuver; offering bribes or gratuities; arguing about the score.~~
~~(e) For failure to perform air brakes check during the engine start procedure of the Vehicle Inspection Test, if so equipped.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Skills Test Disqualifications" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

1-1-.11 Skills Test Disqualifications.

(1) An applicant for a Commercial Driver's License shall be immediately disqualified on his driving skills test for the following:

(a) 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) 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 observer to aid in controlling the vehicle; stalling the vehicle in a busy intersection: or driving two wheels over a curb or onto a sidewalk.

(c) 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.

(d) Lack of cooperation, refusal to perform, or refusal to try to maneuver; offering bribes or gratuities; arguing about the score.

(e) For failure to perform air brakes check during the engine start procedure of the Vehicle Inspection Test, if so equipped.

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.11 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~570-25-.12 Skills Test for Commercial Driver's License.~~

~~(1) Vehicle must meet safety standards as established by the Department of Public Safety.~~
~~(2) Vehicle Inspection Test (all vehicles except Class C).~~
~~(3) All items will be credited on the score form, except those items pertaining to air brakes which have been calculated into the final score, if the vehicle is not equipped with those items.~~
~~(a) One point credit is given for inspecting each of the following items in each category listed for all vehicles:~~

~~1.~~ **~~Engine Compartment~~**

~~oil level~~
~~coolant level~~
~~power steering fluid~~
~~water pump~~
~~alternator~~
~~air compressor~~
~~any 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~~

~~(b) One point credit is given for inspecting each of the following items in each category listed for Truck/School Bus and Tractor:~~

~~1.~~ **~~Front Suspension~~**

~~spring~~
~~spring mount~~
~~shock absorber~~

2. ~~**Front Brake**~~

~~rims~~
~~hub oil seal~~
~~tires~~
~~lug nuts~~

3. ~~**Front Brake**~~

~~slack adjustor~~
~~chamber~~
~~hoses~~
~~drums~~

4. ~~**Driver/Fuel Area**~~

~~door, mirror~~
~~fuel tank~~
~~leaks~~

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

~~rims~~
~~tires~~
~~axle seals~~
~~lug nuts~~
~~spacers~~

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

~~springs~~
~~spring mounts~~
~~torsion, shocks~~

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

~~slack adjustor~~
~~chamber~~
~~hoses~~

~~drum~~

8. ~~**Front of Vehicle**~~

~~lights~~
~~steering box~~
~~steering linkage~~

9. ~~**Under Vehicle - Rear of Tractor**~~

~~drive shaft~~
~~exhaust system~~
~~frame~~

10. ~~**School Bus Only**~~

~~passenger entry~~
~~emergency exits~~
~~seating~~

11. ~~**Tractor Only**~~

~~air/electric lines~~
~~catwalk~~

~~Coupling System~~
- ~~mounting bolts~~
- ~~safety latch~~
- ~~platform~~
- ~~release arm~~
- ~~kingpin/apron~~

~~Sliding 5th Wheel~~
- ~~locking pins~~
- ~~lights, reflectors~~
- ~~splash guards~~

12. ~~**Rear of Vehicle**~~

~~lights, reflectors~~
~~signal/brake lights~~

~~(c) One point credit is given for inspecting each of the following items in each category listed~~

~~for a Trailer:~~

1. ~~**Trailer Front**~~

   ~~air/electric connect~~
   ~~header board~~

   ~~lights/reflectors~~

2. ~~**Side Trailer**~~

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

   ~~frame~~

3. ~~**Wheels** (front or front and rear if applicable)~~

   ~~rims~~
   ~~tires~~

   ~~axle seals~~

   ~~lug nuts~~

   ~~spacers~~

4. ~~**Suspension** (front or front and rear if applicable)~~

   ~~springs~~
   ~~spring mounts~~

5. ~~**Brakes** (front or front and rear if applicable)~~

   ~~slack adjustor~~
   ~~chamber~~

   ~~hoses~~

   ~~drum~~

6. ~~**Rear or Trailer**~~

~~straight line backing~~
~~alley dock~~
~~sight side parallel park~~
~~conventional parallel park~~

~~2.~~ ~~Form 2~~

~~right turn~~
~~alley dock~~
~~conventional parallel park~~
~~backward serpentine~~

~~3.~~ ~~Form 3~~

~~straight line backing~~
~~alley dock~~
~~conventional parallel park~~
~~backward serpentine~~

~~(b) The six exercises are scored as follows:~~

~~1.~~ ~~Right Turn~~

~~-pullup (1 to 5 points for each pullup)~~
~~-encroachments (1 to 5 points for each encroachment)~~
~~-clearance (1 to 5 points for each 6" or more from first 6" line)~~

~~2.~~ ~~Alley Dock~~

~~-pullups (1 to 5 points for each pullup)~~
~~-encroachments (1 to 5 points for each encroachment)~~
~~-clearance (1 to 5 points for each 6" or more from first 6" line)~~

~~3.~~ ~~Straight Line Backing~~

~~-pullup (1 to 5 points for each pullup)~~
~~-encroachments (1 to 5 points for each encroachment)~~
~~-stop line (2') (1 point)~~

~~4.~~ ~~Back Serpentine~~

~~-pullup (1 to 5 points for each pullup)~~
~~-encroachments (1 to 5 points for each encroachment)~~

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

~~-pullup (1 to 5 points for each pullup)~~
~~-encroachments (1 to 5 points for each encroachment)~~
~~-inside (1 point~~
~~-rear (18") (1 point)~~

~~6. Sight Side Parallel Park~~

~~-pullups (1 to 5 points for each pullup)~~
~~-encroachments (1 to 5 points for each pullup)~~
~~-inside (1 point)~~
~~-rear (18") (1 point)~~

~~(c) Passing scores for the Basic Control Skills Test are as follows:~~

~~FORM 1~~	~~-~~	~~16 errors or less~~
~~FORM 2~~	~~-~~	~~14 errors or less~~
~~FORM 3~~	~~-~~	~~12 errors or less~~

~~(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~~
~~- two stop intersections~~
~~- one railroad crossing (actual or simulated)~~
~~- one curve, either to the left or to the right~~
~~- section of expressway **OR** two-lane rural or semi-rural road~~
~~- downgrade~~
~~- simulated downgrade~~
~~- upgrade~~
~~- downgrade for stopping~~
~~- upgrade for stopping~~
~~- one underpass, or low clearance, or a bridge~~

~~(b) Maneuvers are scored as follows:~~
~~1. Left and right turns (1 point each for each 4 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 (1 point each)~~

~~- 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. Start/Stop on Grade (1 point each for upgrade and downgrade)~~

~~**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. Curve (1 point for each item listed)~~

~~speed: enter, through~~

~~stay in lane~~

~~traffic checks~~

~~5. Drive Up Grade (1 point for each item listed)~~

~~proper gear~~

~~keep right, 4-ways if slow~~

~~traffic checks~~

~~6. Drive Down Grade (1 point for each actual and simulated)~~

~~in proper gear~~

~~brake, clutch~~

~~steady speed~~

~~traffic checks~~

~~7. Railroad Crossing (1 point for each item listed)~~

~~traffic check~~

~~law, gears, stop~~

~~8. Bridge/Underpass (1 point for each item listed)~~

~~knew weight/clearance~~

~~9. Expressway (1 point for each item listed)~~

~~**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~~

~~10. General Driving Behavior (1 point for each category listed)~~

~~- used clutch properly (shifting, double clutched,~~

~~didn't ride)~~
~~- used gears properly (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.~~

~~(c) Passing score for road test is 25 errors or less for all vehicles.~~

~~(d) One point credit is given for inspecting each of the following items in each category listed for Coach/Transit Buses:~~

1. ~~**Front of Vehicle**~~

   ~~lights~~

   ~~Passenger Items~~

   ~~passenger entry~~

   ~~emergency exits~~

   ~~seating~~

2. ~~**Driver/Entry Area**~~

   ~~window/door mirror~~

3. ~~**Front Brakes/Suspension**~~

   ~~air leak~~

4. ~~**Front Wheel**~~

   ~~rims~~
   ~~hub oil seal~~

   ~~tires~~

   ~~lug nuts~~

5. ~~**Fuel Tank Area**~~

   ~~fuel tank~~

6. ~~**Baggage Compartments**~~

~~emergency equipment~~
~~doors secure~~

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

~~rims~~
~~tires~~
~~axle seals~~
~~lug nuts~~
~~spacers~~

~~8.~~ ~~**Brakes/Suspension** (front or front and rear if applicable)~~

~~air leaks~~

~~9.~~ ~~**Rear of Vehicle**~~

~~lights, reflectors~~
~~signals/brake lights~~

~~(e) Passing scores for the Vehicle Inspection Test are as follows:~~
~~1. Tractor-Trailer Passing Scores~~

~~With air brakes~~
~~3 axle tractor, 2 axle trailer 84~~
~~3 axle tractor, 1 axle trailer 76~~
~~2 axle tractor, 2 axle trailer 76~~
~~2 axle tractor, 1 axle trailer 66~~

~~No air brakes~~
~~3 axle tractor, 2 axle trailer 75~~
~~3 axle tractor, 1 axle trailer 71~~
~~2 axle tractor, 2 axle trailer 71~~
~~2 axle tractor, 1 axle trailer 66~~

~~2. Straight Truck/Bus Passing Scores~~

	~~Straight Truck~~	~~School Bus~~	~~Coach/Transit Bus~~
~~With air brakes~~			
~~3 axles~~	~~55~~	~~58~~	~~37~~
~~2 axles~~	~~46~~	~~48~~	~~33~~

~~No air brakes~~			
~~3 axles~~	~~52~~	~~55~~	~~36~~
~~2 axles~~	~~39~~	~~42~~	~~32~~

~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Skills Test for Commercial Driver's License" adopted. F. Aug. 6, 1992; eff. Aug. 26, 1992.~~

Repealed.

1-1-.12 **Skills Test for Commercial Driver's License.**

(1) Vehicle must meet safety standards as established by the ~~Department of Public Safety~~ Department of Motor Vehicle Safety.

(2) Vehicle Inspection Test (all vehicles except Class C).

(3) All items will be credited on the score form, except those items pertaining to air brakes which have been calculated into the final score, if the vehicle is not equipped with those items.

(a) One point credit is given for inspecting each of the following items in each category listed for all vehicles:

1. **Engine Compartment**

oil level
coolant level
power steering fluid
water pump
alternator
air compressor
any 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

(b) One point credit is given for inspecting each of the following items in each category listed for Truck/School Bus and Tractor:

1. **Front Suspension**

spring
spring mount
shock absorber

2. **Front Brake**

rims
hub oil seal
tires
lug nuts

3. **Front Brake**

slack adjustor
chamber
hoses
drums

4. **Driver/Fuel Area**

door, mirror
fuel tank
leaks

5. **Rear Wheels** (front or front and rear if applicable)

rims
tires
axle seals
lug nuts
spacers

6. **Rear Suspension** (front or front and rear if applicable)

springs
spring mounts
torsion, shocks

7. **Rear Brakes** (front or front and rear if applicable)

slack adjustor
chamber
hoses
drum

8. **Front of Vehicle**

lights
steering box
steering linkage

9. **Under Vehicle - Rear of Tractor**

drive shaft
exhaust system
frame

10. **School Bus Only**

passenger entry
emergency exits
seating

11. **Tractor Only**

air/electric lines
catwalk

Coupling System
- mounting bolts
- safety latch
- platform
- release arm
- kingpin/apron

Sliding 5th Wheel
- locking pins
- lights, reflectors
- splash guards

12. **Rear of Vehicle**

lights, reflectors

signal/brake lights

(c) One point credit is given for inspecting each of the following items in each category listed for a Trailer:

1. **Trailer Front**

air/electric connect

header board

lights/reflectors

2. **Side Trailer**

landing gear

lights/reflectors (doors, tiers)

frame

3. **Wheels** (front or front and rear if applicable)

rims

tires

axle seals

lug nuts

spacers

4. **Suspension** (front or front and rear if applicable)

springs

spring mounts

5. **Brakes** (front or front and rear if applicable)

slack adjustor

chamber

hoses

drum

6. **Rear or Trailer**

lights/reflectors

doors, ties

(4) Basic Control Skills Test (all vehicles except Class C):

(a) There are three forms of the Basic Control Skills Test, each containing four exercises out of a possible six:

1. Form 1

   straight line backing
   alley dock
   sight side parallel park
   conventional parallel park

2. Form 2

   right turn
   alley dock
   conventional parallel park
   backward serpentine

3. Form 3

   straight line backing
   alley dock
   conventional parallel park
   backward serpentine

(b) The six exercises are scored as follows:

1. Right Turn

   -pullup (1 to 5 points for each pullup)
   -encroachments (1 to 5 points for each encroachment)
   -clearance (1 to 5 points for each 6" or more from first 6" line)

2. Alley Dock

   -pullups (1 to 5 points for each pullup)
   -encroachments (1 to 5 points for each encroachment)
   -clearance (1 to 5 points for each 6" or more from first 6" line)

3. Straight Line Backing

   -pullup (1 to 5 points for each pullup)
   -encroachments (1 to 5 points for each encroachment)

-stop line (2') (1 point)

4. Back Serpentine

-pullup (1 to 5 points for each pullup)
-encroachments (1 to 5 points for each encroachment)

5. Conventional Parallel Park (blind side)

-pullup (1 to 5 points for each pullup)
-encroachments (1 to 5 points for each encroachment)
-inside (1 point
-rear (18") (1 point)

6. Sight Side Parallel Park

-pullups (1 to 5 points for each pullup)
-encroachments (1 to 5 points for each pullup)
-inside (1 point)
-rear (18") (1 point)

(c) Passing scores for the Basic Control Skills Test are as follows:

FORM 1	-	16 errors or less
FORM 2	-	14 errors or less
FORM 3	-	12 errors or less

(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
- two stop intersections
- one railroad crossing (actual or simulated)
- one curve, either to the left or to the right
- section of expressway **OR** two-lane rural or semi-rural road
- downgrade
- simulated downgrade
- upgrade
- downgrade for stopping
- upgrade for stopping
- one underpass, or low clearance, or a bridge

(b) Maneuvers are scored as follows:

1. Left and right turns (1 point each for each 4 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 (1 point each)

- 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. Start/Stop on Grade (1 point each for upgrade and downgrade)

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. Curve (1 point for each item listed)
speed: enter, through
stay in lane
traffic checks
5. Drive Up Grade (1 point for each item listed)
proper gear
keep right, 4-ways if slow
traffic checks
6. Drive Down Grade (1 point for each actual and simulated)
in proper gear
brake, clutch
steady speed
traffic checks
7. Railroad Crossing (1 point for each item listed)
traffic check
law, gears, stop
8. Bridge/Underpass (1 point for each item listed)
knew weight/clearance
9. Expressway (1 point for each item listed)

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

10. General Driving Behavior (1 point for each category listed)

- used clutch properly (shifting, double clutched, didn't ride)
- used gears properly (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.

(c) Passing score for road test is 25 errors or less for all vehicles.

(d) One point credit is given for inspecting each of the following items in each category listed for Coach/Transit Buses:

1. **Front of Vehicle**

lights

Passenger Items

passenger entry

emergency exits

seating

2. **Driver/Entry Area**

window/door mirror

3. **Front Brakes/Suspension**

air leak

4. **Front Wheel**

rims

hub oil seal

tires

lug nuts

5. **Fuel Tank Area**

fuel tank

6. **Baggage Compartments**

emergency equipment
doors secure

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

rims
tires
axle seals
lug nuts
spacers

8. **Brakes/Suspension** (front or front and rear if applicable)

air leaks

9. **Rear of Vehicle**

lights, reflectors
signals/brake lights

(e) Passing scores for the Vehicle Inspection Test are as follows:

1. Tractor-Trailer Passing Scores

With air brakes
3 axle tractor, 2 axle trailer 84
3 axle tractor, 1 axle trailer 76
2 axle tractor, 2 axle trailer 76
2 axle tractor, 1 axle trailer 66

No air brakes
3 axle tractor, 2 axle trailer 75
3 axle tractor, 1 axle trailer 71
2 axle tractor, 2 axle trailer 71
2 axle tractor, 1 axle trailer 66

2. Straight Truck/Bus Passing Scores

	Straight Truck	School Bus	Coach/Transit Bus
With air brakes			
3 axles	55	58	37
2 axles	46	48	33
No air brakes			
3 axles	52	55	36
2 axles	39	42	32

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.12 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~570-25-.13 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 Public Safety.~~
~~(d) Examiner. Any natural person, not an employee of the Department of Public Safety, who is certified by the Department of Public Safety as a Third Party Examiner to administer Commercial Driver's License testing through a Third Party Tester.~~
~~(e) Monitor. Department of Public Safety 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 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. Shall not be a convicted felon.~~
~~4. Shall not have been convicted of any serious moving violation as defined under the Commercial Motor Vehicle Safety Act of 1988 within three (3) years prior to application.~~
~~5. Shall not have been enrolled or participated in a state approved Risk Reduction Program.~~
~~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 on the first day of the training session.~~
~~(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.~~
~~8. Must possess a current and valid certification identification card with photograph which shall be evidence of the Examiner's certification status. Examiners must obtain certification identification cards from a driver's license examiner at a Department driver's license facility according to the following schedule:~~

~~(i) Examiner applicants first certified after July 1, 2000 shall be issued a certification identification card upon completion of the Department's CDL course. These cards shall expire two (2) years from the date of issuance and must be renewed biannually thereafter.~~
~~(ii) For Examiners first certified prior to July 1, 2000, certification shall expire at midnight on the 30th day after the date that the Examiner is next monitored by a Monitor, and must be renewed biannually thereafter. These Examiners must obtain their first certification identification card by submitting the following documents:~~
~~(A) Original certificate or certification card and~~
~~(B) The Monitor's written renewal authorization.~~
~~(iii) Subsequent renewals may be obtained by:~~
~~(A) Surrendering the Examiner's certification identification card and~~
~~(B) Submitting a Monitor's written renewal authorization.~~
~~9. An Examiner whose certification has expired shall not administer any part of the CDL examination until completion of one of the following:~~
~~(i) An Examiner with expired certification may be recertified within two (2) years after expiration by performing a CDL examination to the satisfaction of the Department.~~
~~(ii) If more than two (2) years has lapsed since expiration, the Examiner must successfully complete the Department's prescribed course in CDL classroom instruction and behind the wheel examination for recertification.~~
~~10. Must conduct at least ten (10) CDL tests per calendar year. Failure to do so will result in suspension from conducting further CDL tests.~~
~~(3) Minimum Requirements for Testers.~~
~~(a) Must have an established business.~~
~~(b) Must have a fleet of not less than 25 commercial motor vehicles registered in Georgia or be a Technical/Vocational School, an approved Commercial Training School or a Public School System.~~
~~(c) Must maintain adequate driver records reflecting the driver history of each Examiner.~~
~~(d) Must enter into a Commercial Driver's License Third Party Tester Agreement with the Department.~~
~~(e) Agree to have the Third Party Tester Program monitored by the Department and the Federal Highway Administration.~~
~~1. The skills test plan must be approved by an authorized member of the Department prior to being used.~~
~~2. All Examiners must submit to the Monitor a testing schedule for all testing to be conducted. This schedule will be submitted and received on Friday prior to the week of testing. A 24-hour notice will be given for cancellation. The Monitor may approve changes in schedule as necessary. Testing at times and dates not submitted on the schedule or Monitor approved changes will violate the agreement between the Tester and the Department.~~
~~(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.~~
~~(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. 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) 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 the Examiner's certification identification card is current and valid and the Examiner is wearing or visibly displaying the card on the Examiner's person.~~
~~(5) Record Files to be maintained by Tester:~~
~~(a) Third Party Examiner file:~~
~~1. A copy of each Examiner's current certification identification card with photograph.~~
~~2. A copy of Examiner's MVR (current update, a minimum of once per year).~~
~~3. Examiner and Tester Certifications must be displayed.~~
~~4. Tester must maintain these records for the previous two (2) years and for the current year.~~
~~5. Tester must maintain these records on an Examiner for at least two (2) years after that Examiner leaves the Tester's employment.~~
~~(b) CDL applicants tested:~~
~~1. A copy of DPS 1235 (score sheet) on each applicant tested (passing or failing copies).~~
~~2. A copy of DPS-1800 (letter of authorization for testing from Department); or a current MVR (three months minimum) and current physical or D.O.T. health card.~~
~~(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.~~
~~2. Notify the Department in writing within two 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 skills test(s) route(s), test content, or Examiner administrative procedures.~~
~~(b) The Examiner shall notify the Department within ten days of leaving the employ of a Tester.~~
~~(c) Reports to the Department:~~
~~1. A copy of skills test roster of applicants tested.~~
~~2. A copy of test schedules.~~
~~(d) All fines for the previous two (2) years and for the current year shall be maintained.~~
~~(7) Denial/Suspension/Revocation/Cancellation of Third Party Testing Program Certification.~~
~~(a) The Department may deny 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.~~
~~(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 fully cooperate with the Monitor, including providing the Monitor access to:~~
~~(i) all Third Party Tester Program documents and records;~~
~~(ii) any facility where testing is performed; or~~
~~5. 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) 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 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 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 hearings request, the Department shall schedule a hearing before a designated hearing officer of the Department.~~
~~4. The hearing and appeal procedures shall be as specified in Ga. Admin. Comp. Ch. 570-1-.05.~~
~~5. A Tester or Examiner who timely requests a hearing may continue to administer CDL testing pending issuance of a final decision by the Department hearing officer.~~
~~(g) 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 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 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 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.~~
~~(h) Reinstatement. A Tester or Examiner may apply for certification reinstatement at the end of a suspension period.~~
~~Authority O.C.G.A. Sec. 40-5-156. **History.** Original Rule entitled "Qualifications for Third Party Tester/Examiner" adopted F. Aug. 6, 1992; eff. Aug. 26, 1992. **Amended:** F. Apr. 18, 1994; eff. May 8, 1994. **Amended:** F. Feb. 2, 1995; eff. Feb. 22, 1995. **Amended:** F. Jul. 14, 1995; eff. Aug. 3, 1995. **Repealed:** New Rule entitled "Third Party Tester Program. Amended." adopted F. Feb. 16, 2000; eff. Mar. 7, 2000.~~

Repealed.

1-1-.13 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 ~~Public Safety~~ Motor Vehicle Safety.

(d) Examiner. Any natural person, not an employee of the Department of ~~Public Safety~~ Motor Vehicle Safety, who is certified by the Department of ~~Public Safety~~ Motor Vehicle Safety as a Third Party Examiner to administer Commercial Driver's License testing through a Third Party Tester.

(e) Monitor. Department of ~~Public Safety~~ Motor Vehicle Safety 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 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. Shall not be a convicted felon.

4. Shall not have been convicted of any serious moving violation as defined under the Commercial Motor Vehicle Safety Act of 1988 within three (3) years prior to application.

5. Shall not have been enrolled or participated in a state approved Risk Reduction Program.

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 on the first day of the training session.

(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.

8. Must possess a current and valid certification identification card with photograph which shall be evidence of the Examiner's certification status. Examiners must obtain certification identification cards from a driver's license examiner at a Department driver's license facility according to the following schedule:

(i) Examiner applicants first certified after July 1, 2000 shall be issued a certification identification card upon completion of the Department's CDL course. These cards shall expire two (2) years from the date of issuance and must be renewed biannually thereafter.

(ii) For Examiners first certified prior to July 1, 2000, certification shall expire at midnight on the 30th day after the date that the Examiner is next monitored by a Monitor, and must be renewed biannually thereafter. These Examiners must obtain their first certification identification card by submitting the following documents:

(A) Original certificate or certification card and

(B) The Monitor's written renewal authorization.

(iii) Subsequent renewals may be obtained by:

(A) Surrendering the Examiner's certification identification card and

(B) Submitting a Monitor's written renewal authorization.

9. An Examiner whose certification has expired shall not administer any part of the CDL examination until completion of one of the following:

(i) An Examiner with expired certification may be recertified within two (2) years after expiration by performing a CDL examination to the satisfaction of the Department.

(ii) If more than two (2) years has lapsed since expiration, the Examiner must successfully complete the Department's prescribed course in CDL classroom instruction and behind the wheel examination for recertification.

10. Must conduct at least ten (10) CDL tests per calendar year. Failure to do so will result in suspension from conducting further CDL tests.

(3) Minimum Requirements for Testers.

(a) Must have an established business.

(b) Must have a fleet of not less than 25 commercial motor vehicles registered in Georgia or be a Technical/Vocational School, ~~an approved Commercial Training School~~ or a Public School System.

(c) Must maintain adequate driver records reflecting the driver history of each Examiner.

(d) Must enter into a Commercial Driver's License Third Party Tester Agreement with the Department.

(e) Agree to have the Third Party Tester Program monitored by the Department and the Federal Highway Administration.

1. The skills test plan must be approved by an authorized member of the Department prior to being used.

2. All Examiners must submit to the Monitor a testing schedule for all testing to be conducted. This schedule will be submitted and received on Friday prior to the week of testing. A 24-hour notice will be given for cancellation. The Monitor may approve changes in schedule as necessary. Testing at times and dates not submitted on the schedule or Monitor approved changes will violate the agreement between the Tester and the Department.

(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.

(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. 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) 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 the Examiner's certification identification card is current and valid and the Examiner is wearing or visibly displaying the card on the Examiner's person.

(5) Record Files to be maintained by Tester:

(a) Third Party Examiner file:

1. A copy of each Examiner's current certification identification card with photograph.

2. A copy of Examiner's MVR (current update, a minimum of once per year).

3. Examiner and Tester Certifications must be displayed.

4. Tester must maintain these records for the previous two (2) years and for the current year.

5. Tester must maintain these records on an Examiner for at least two (2) years after that Examiner leaves the Tester's employment.

(b) CDL applicants tested:

1. A copy of DPS 1235 (score sheet) on each applicant tested (passing or failing copies).

2. A copy of DPS-1800 (letter of authorization for testing from Department); or a current MVR (three months minimum) and current physical or D.O.T. health card.

(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.

2. Notify the Department in writing within two 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 skills test(s) route(s), test content, or Examiner administrative procedures.

(b) The Examiner shall notify the Department within ten days of leaving the employ of a Tester.

(c) Reports to the Department:

1. A copy of skills test roster of applicants tested.

2. A copy of test schedules.

(d) All fines for the previous two (2) years and for the current year shall be maintained.

(7) Denial/Suspension/Revocation/Cancellation of Third Party Testing Program Certification.

(a) The Department may deny 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 fully cooperate with the Monitor, including providing the Monitor access to:

(i) all Third Party Tester Program documents and records;

(ii) any facility where testing is performed; or

5. 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) 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 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 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, w ritten hearings request, the Department shall schedule a hearing before a designated hearing officer of the Department.

4. The hearing and appeal procedures shall be as specified in Ga. Admin. Comp. Ch. 570-1-.06~~05~~.

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 ~~Department hearing officer~~.

(g) 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 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 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 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.

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

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

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.13 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~**570-25-.14 Commercial Driver Out-of-Service Notification.**~~

~~DPS Form 1256 shall be used by all law enforcement officers who are empowered to enforce the traffic laws in this state. DPS 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 Public 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. **History.** Original Rule entitled "Commercial Driver Out-of-Service Notification" adopted. F. Nov. 15, 1995; eff. Dec. 12, 1995.~~

Repealed.

1-1-.14 Commercial Driver Out-of-Service Notification.

D~~P~~S Form 1256 shall be used by all law enforcement officers who are empowered to enforce the traffic laws in this state. D~~P~~S 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 ~~Public Safety~~ 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).

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.14 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

~~570-25-.15 Disqualification From Driving A Commercial Motor Vehicle.~~

~~Any person is disqualified from driving a commercial motor vehicle based on the following violations of out-of-service orders.~~
~~(a) A driver who is convicted for a first violation of an out-of-service order is disqualified for a period of 90 days.~~
~~(b) A driver who is convicted of two violations of out-of-service orders, in separate incidents, is disqualified for a period of one year.~~
~~(c) A driver who is convicted of three or more violations of out-of-service orders, in separate incidents, is disqualified for a period of three years.~~
~~(d) A 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 Hazardous Materials Transportation Act (49 U.S.C. app. 1801-1813), or while operating a motor vehicle designed to transport more than 15 passengers, including the driver.~~
~~(e) A 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 Hazardous Materials Transportation Act (49 U.S.C. app. 1801-1813), or while operating a motor vehicle designed to transport more than 15 passengers, including the driver.~~
~~Authority O.C.G.A. Sec. 40-15-156.~~ **~~History.~~** ~~Original Rule entitled "Disqualification From Driving A Commercial Motor Vehicle" adopted F. Nov. 15, 1995; eff. Dec. 12, 1995.~~

Repealed.

1-1-.15 Disqualification From Driving A Commercial Motor Vehicle.

Any person is disqualified from driving a commercial motor vehicle based on the following violations of out-of-service orders.

(a) A driver who is convicted for a first violation of an out-of-service order is disqualified for a period of 90 days.

(b) A driver who is convicted of two violations of out-of-service orders, in separate incidents, is disqualified for a period of one year.

(c) A driver who is convicted of three or more violations of out-of-service orders, in separate incidents, is disqualified for a period of three years.

(d) A 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 Hazardous Materials Transportation Act (49 U.S.C. app. 1801-1813), or while operating a motor vehicle designed to transport more than 15 passengers, including the driver.

(e) A 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 Hazardous Materials Transportation Act (49 U.S.C. app. 1801-1813), or while operating a motor vehicle designed to transport more than 15 passengers, including the driver.

Authority O.C.G-A. Sec. 40-15-156 and O.C.G.A. Sec. 40-16-5(c).

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

As a result, this rule has been repealed and adopted under the Rules for Commercial Driver's Licenses for the Georgia Department of Motor Vehicle Safety. Theses rules may be viewed at the Department's website, www.dmvs.ga.gov or through public inspection at 2206 East View Parkway, Conyers, Georgia 30013.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-25-.15 is repealed in its entirety. The regulation is to be published with the commercial driver's license regulations of the Department of Motor Vehicle Safety.

The Commissioner of the Department of Motor Vehicle Safety is granted the authority to adopt by administrative order without compliance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act", the regulations governing commercial driver's licenses.

1-1-.16 School Bus Endorsement; Waiver

(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) Notwithstanding the provisions set forth in paragraph (1) above, any person who currently possesses a driver's license with a passenger vehicle endorsement to operate a school bus as of September 30, 2003, shall not be required to obtain a school bus endorsement until either the renewal date of the commercial driver's license or September 30, 2005, whichever first occurs.

(3) Any person who desires to operate a school bus who does not possess a commercial driver's license with a passenger vehicle endorsement as of September 30, 2003, shall be required to obtain a passenger vehicle endorsement and a school bus endorsement.

(4) 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 knowledge test. This test 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.

(c) Pass the skills test. The driver must take a driving skills test in a school bus that is of the same vehicle group of the school bus the driver will operate.

(5) Between October 1, 2003 and September 30, 2005, the Department may grant a driver a waiver from fulfilling the requirements of the driving skills test if the driver is currently licensed, has experience driving a school bus, has a good driving record, and satisfies the following requirements:

(a) The driver must certify that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:

(i) Held a valid commercial driver's license with a passenger vehicle endorsement to operate a school bus representative of the group he or she will drive;

(ii) Has not had his or her driver's license or commercial driver's license suspended, revoked, or canceled or been disqualified from operating a commercial motor vehicle;

(iii) Has not been convicted of any of the disqualifying offenses set forth in 49 C.F.R. 383.51(b) while operating a commercial motor vehicle or of any offense in a non-commercial

motor vehicle that would be disqualifying under 49 C.F.R. 383.51(b) if committed in a commercial motor vehicle;

(iv) Has not been convicted of any offense in a non-commercial motor vehicle that would be a serious traffic offense under O.C.G.A §40-5-151(a) if committed in a commercial motor vehicle;

(v) Has not had more than one (1) conviction of any of the serious traffic violations defined in 49 C.F.R. 383.5, while operating any type motor vehicle;

(vi) Has not had any conviction for a violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident;

(vii) Has not been convicted of any motor vehicle traffic violation that resulted in an accident; and,

(viii) Has been regularly employed as a school bus driver, has operated a school bus representative of the group the applicant seeks to drive, and provides evidence of such employment.

Authority: O.C.G.A. Sec. 40-5-142, O.C.G.A. Sec. 40-5-150, O.C.G.A Sec. 40-16-5(c), 49 C.F.R. 383.

SYNOPSIS

STATEMNT OF PURPOSE AND MAIN FEATURE OF PROPOSED RULE

The purpose of this proposed amendment is to adopt the requirements set forth in 49 C.F.R. 383 regarding school bus endorsements and to provide for a new endorsement for the commercial driver's license as required by S.B. 173.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE

This is a new regulation. There is no existing regulation.