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(iii) General scoring procedures.  
(iv) Administering the test.  
(v) Calculating the score.  
(5) Road test:  
(i) Setting up the road test.  
(ii) Required maneuvers.  
(iii) Administering the road test.  
(iv) Calculating the score.  
(e) Require all third party skills test examiners to successfully complete a formal CDL test examiner training course and examination before certifying them to administer CDL skills tests. The training course must cover at least the five units of instruction in paragraph (d) of this section.  
(f) Require State and third party CDL test examiners to successfully complete a refresher training course and examination every four years to maintain their CDL test examiner certification. The refresher training course must cover at least the following:  
(1) For CDL knowledge test examiners, the three units of training described in paragraph (c) of this section.  
(2) For CDL skills test examiners, the five units of training described in paragraph (d) of this section.  
(3) Any State specific material and information related to administering CDL knowledge and skills tests.  
(4) Any new Federal CDL regulations, updates to administering the tests, and new safety related equipment on the vehicles.  
(g) Complete nationwide criminal background check of all skills test examiners prior to certifying them to administer CDL skills tests.  
(h) Complete annual nationwide criminal background check of all test examiners.  
(i) Maintain a record of the results of the criminal background check and CDL examiner test training and certification of all CDL test examiners.  
(j) Rescind the certification to administer CDL tests of all test examiners who:  
(1) Do not successfully complete the required refresher training every four years; or  
(2) Do not pass annual nationwide criminal background checks. Criteria for not passing the criminal background check must include at least the following:  
(i) Any felony conviction within the last 10 years; or  
(ii) Any conviction involving fraudulent activities.  
(k) The six units of training described in paragraphs (c) and (d) of this section may be supplemented with State-specific material and information related to administering CDL knowledge and skills tests.  
(76 FR 26895, May 9, 2011)  
§ 384.229 Skills test examiner auditing and monitoring.  
To ensure the integrity of the CDL skills testing program, the State must:  
(a) At least once every 2 years, conduct unannounced, on-site inspections of third party testers’ and examiners’ records, including comparison of the CDL skills test results of applicants who are issued CDLs with the CDL scoring sheets that are maintained in the third party testers’ files. For third party testers and examiners who were granted the training and skills testing exception under section 383.75(a)(7), the record checks must be performed at least once every year;  
(b) At least once every two years, conduct covert and overt monitoring of examinations performed by State and third party CDL skills test examiners. For third party testers and examiners who were granted the training and skills testing exception under §383.75(a)(7), the covert and overt monitoring must be performed at least once every year;  
(c) Establish and maintain a database to track pass/fail rates of applicants tested by each State and third party CDL skills test examiner, in order to focus covert and overt monitoring on examiners who have unusually high pass or failure rates;  
(d) Establish and maintain a database of all third party testers and examiners, which at a minimum tracks the dates and results of audits and monitoring actions by the State, the dates third party testers were certified by the State, and name and identification number of each third party CDL skills test examiner;  
(e) Establish and maintain a database of all State CDL skills examiners, which at a minimum tracks the dates and results of monitoring action by the
§ 384.301 Substantial compliance-general requirements.

(a) To be in substantial compliance with 49 U.S.C. 31311(a), a State must meet each and every standard of subpart B of this part by means of the demonstrable combined effect of its statutes, regulations, administrative procedures and practices, organizational

necessary to the implementation and enforcement of the disqualifications called for in §§384.215 through 384.219, and 384.221 through 384.224 of this part.


§ 384.232 Required timing of record checks.

The State shall perform the record checks prescribed in §§384.205, 384.206, and 384.220, no earlier than 10 days prior to issuance for licenses issued before October 1, 1995. For licenses issued after September 30, 1995, the State shall perform the record checks no earlier than 24 hours prior to issuance if the license is issued to a driver who does not currently possess a valid CDL from the same State and no earlier than 10 days prior to issuance for all other drivers.

[68 FR 23850, May 5, 2003]

§ 384.234 Driver medical certification recordkeeping.

The State must meet the medical certification recordkeeping requirements of §383.73(b)(5) and (o) of this chapter.

[77 FR 26989, May 8, 2012]