

## **COMMERCIAL DRIVER LICENSE EXAMINATION PROGRAM COMPLIANCE REQUIREMENTS**

### **Purpose**

To provide information regarding non-compliance issues and associated corrective action procedures

### **Terms**

“Authorized Third Party Commercial Driver License Examiner” means an entity that has written permission from the Division to operate a business under A.R.S. Title 28, Chapter 13 for the purpose of administering the Commercial Driver License Examination.

### **Policy**

#### **Authorized Third Party Commercial Driver License Examiner**

- A. An Authorized Third Party Commercial Driver License Examiner has the responsibility to fulfill the obligations of the Third Party Authorization Agreement and comply with all Federal and State Laws, Rules, Policies, and Guidelines, in the administration of Commercial Driver License Examinations.
- B. The Authorized Third Party Commercial Driver License Examiner has the responsibility to fulfill the obligations of the Third Party Authorization Agreement. Contractual violations will result in corrective action. The Motor Vehicle Division/Commercial License and Specialty Services Program has the right to determine the type of corrective action based on the severity of the violation, the previous record of the Authorized Third Party Commercial Driver License Examiner, and other relevant information. The progression of sanctions, from warnings to more severe penalties, is imposed to correct deficiencies and to provide training.
- C. On determining that grounds for suspension or cancellation of the Authorization exist, the Division is required to give written notice to the Authorized Third Party Commercial Driver License Examiner to appear at a hearing to show cause why their Authorization should not be suspended or canceled. After consideration of the evidence presented at the hearing, the Division is required to notify the Authorized Third Party Commercial Driver License Examiner of the Division’s findings. When an Authorized Third Party Commercial Driver License Examiner Authorization and/or the Certified Examiner Certification is suspended or canceled, the Authorized Third Party Commercial Driver License Examiner may appeal the decision to the Superior Court pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- D. On determining that grounds for suspension or cancellation of the Certification exist, the Division is required to give notice to the Authorized Third Party Commercial Driver License Examiner. The Certified Examiner should cease at testing until the cause is removed. When the cause for the suspension is removed, the Authorized Third Party Commercial Driver

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License Examiner must notify the Commercial Driver License Examination Program to reinstate the Certification.

E. The process for handling investigations is as follows:

- Investigations of a non-criminal nature will be conducted by Commercial License and Specialty Services (CLASS) personnel whenever possible. When an administrative investigation becomes overly complicated, the Office of Inspector General (OIG) may enter the case at the request of the Program Administrator, with agreement by the Deputy Inspector and approval by the Director.
- If an investigation by CLASS uncovers what appears to be criminal activity, OIG shall be contacted immediately and no further action will be taken until a course of action is determined and approved by the Director.
- Any civil or administrative action against a provider as a result of an investigation will be the responsibility of CLASS.
- Determination regarding submission of a criminal case for prosecution may be made by OIG.

**Cease and Desist**

F. The Division may issue a Cease and Desist order to any Authorized Third Party Commercial Driver License Examiner for any violations of A.R.S. Title 28, violation of Administrative Rule or violation of the Agreement. On receipt of the Cease and Desist order, the person shall immediately cease and desist, as provided in the contract between the Division and the Authorized Third Party from further engaging in any activity that is authorized pursuant to this article and that is specified in the Cease and Desist order.

G. On failure of the person to comply with the Cease and Desist order, the Division may conduct a hearing.

25 September 2013  
Date

  
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STACEY K. STANTON  
Division Director

Authority: A.R.S. Title 12, Chapter 7, Article 6, A.R.S. Title 28, Chapter 13, A.R.S. §§ 28-5100, 28-5101, 28-5102, 28-5109, R17-7-601, R17-7-602, R17-7-609, R17-7-706