

# Third-Party Testing



## news bulletin

### Keep it simple

When providing proof that a CDL examiner meets the required medical standards, submit **only** the physician's certificate. You do not need to provide the "long form," aka the "Medical Examination Report for Commercial Driver Fitness Determination."

The medical examiner's certificate is found on the last page of the long form. For privacy reasons, the long forms are not



maintained in Third-Party Testing Section files. When a long form is received, we remove the certificate for filing and put the rest of the form in a secured disposal container to be shredded.

Save time and effort by remembering to keep it simple and send only the certificate.

### Unannounced inspections

The testing agreement provides for unannounced business inspections and covert observations of testing.

Unannounced inspections and covert observations have proven to be a valuable tool for finding testing organizations and examiners operating out of compliance and putting the program at risk.

*(Continued on page 3)*

### Making a change? Let us know



You are required to notify the Third-Party Testing Section of certain changes regarding your business. The following must be reported **in writing**:

- ▶ New contact information associated with the business, including phone number, fax number, email address or mailing address.
- ▶ Relocation of the place of business or the testing records.
- ▶ Change in status of examiner availability, such as departing on or returning from a leave or other extended absence.
- ▶ Changes to features at a testing location that could affect testing, such as a new structure, resurfacing, traffic patterns or other possible hazards.

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## Reporting crashes

As a skills test provider, you must report any collision or crash that takes place during a test, including any of the following.

- ▶ The test vehicle collided with another vehicle.
- ▶ The test vehicle struck a pedestrian.
- ▶ The test vehicle struck an object on private property resulting in damage to the vehicle or property, excluding cones, poles or cables that are part of the testing site apparatus.
- ▶ The test vehicle struck a sign, fixture or other object that is legally upon or adjacent to a roadway, resulting in damage to the vehicle or property.

Any collision or accident that is required to be reported under the Michigan Vehicle Code.

The crash or accident must be reported within 24 hours of the incident.

The report may be emailed to **thirdpartytesting@michigan.gov** or faxed to 517-373-0964.

It is not necessary to submit a police report. Report the following information.

- ▶ The name of the applicant.
- ▶ The examiner's name and examiner number.
- ▶ The type of test being administered.
- ▶ The date of the incident.
- ▶ The location of the incident (make reference to the location on the testing route).

- ▶ The number injured, if any, and whether any were transported by ambulance.
- ▶ A description of the damage to vehicles and private or public property, including signs and other fixtures.
- ▶ A very brief description of the incident, including the examiner's determination of whether the applicant's actions contributed to the crash and whether the test was continued.



## An accident does not always mean failure

The "CDL Skills Test: Automatic Failures" list offers the following statement regarding crashes or accidents:

*"Any accident is grounds for immediate failure."*

While any accident is grounds for immediate failure, you, as the examiner, are **not required** to terminate the test. You should use the same guidance offered to auto examiners in the examiner manual (Chapter A, Section 6, page 23).

*"Any crash for which the applicant's actions were con-*

*tributory results in termination of the test. Crashes for which the applicant's actions were non-contributory may result in termination of the test depending upon the applicant, examiner, and vehicle condition."*

Guidance is uniform for both auto and CDL examiners. The test may be resumed if the examiner determines that:

1. The applicant's actions did not contribute to the crash;
2. Both the applicant and examiner are willing and capable of continuing; and

3. The vehicle is in safe condition.

Make a note of the incident in the comments section of the score sheet and report it to the Third-Party Testing Section.



(“Changes” continued from page 1)

- ▶ Changes on a test route, including but not limited to any changes to scored locations, new lane configurations, construction, etc.
- ▶ Change in availability of testing at a site, such as when testing will not be regularly offered at a testing site, and updates to fee and refund policies.

Email the change to your assigned analyst and copy **third-partytesting@michigan.gov**. We will email a confirmation that it was received.

If you do not receive a response confirming receipt of your notice within two business days, call your analyst.

Review your third-party testing agreement and manual for other situations that require written notification when a change is made.

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(“Inspections” continued from page 1)

Unannounced inspections have revealed a lack of control of skills test certificate inventory, incomplete score sheets and a failure to maintain records at some testing organizations.

Covert observations have uncovered improper testing procedures.

Records are subject to inspection during regular business hours or any time that the organization is open to conduct testing.

## FAQS

Third-party testers and examiners regularly contact the Third-Party Testing Section with questions. The following frequently asked questions are being shared to provide guidance for all testers and examiners.

**Q.** *We received a notice of noncompliance because the Third-Party Testing Section did not receive our monthly report by the 15<sup>th</sup> of the month. We always mail the report on the 13<sup>th</sup>; is it our fault it did not get there on time?*

**A.** Late reports delay the reporting and record-keeping processes and cause extra work for the Third-Party Testing Section staff. The business requirement is for testers to mail or ship the monthly report by the 10<sup>th</sup> day of the following month. We will assume the report was submitted on time if it is received by the 15<sup>th</sup>. Organizations are in compliance if they mail or ship the monthly report by the 10<sup>th</sup> regardless of what day it is received by the department.

**Q.** *We were contacted by a customer who uses a bioptic telescopic device and needs a driving skills test. May we test her?*

**A.** No. Special training is required to test persons using a bioptic telescopic device. The test must be conducted by a department analyst. The customer should be referred to the department’s Traffic Safety Division at 888-767-6424.

**Q.** *I can take photos and email with my cell phone. Can I submit failed motorcycle tests by emailing a photo from my cell phone?*

**A.** Yes. Several examiners already use this method to submit their motorcycle failures. Please be careful to ensure that the score sheet is legible in the photo.

**Q.** *We received a notice of noncompliance because an examiner was overdue for a criminal history check. Why doesn’t the Third-Party Testing Section send us a reminder notice?*

**A.** The testing organization is responsible for tracking due dates for their examiners’ criminal histories and medical evaluations, as well as for their general business liability insurance. Well-run testing organizations have business practices in place to comply with this standard without intervention from us.

**Q.** *Is it an automatic failure if a CDL test applicant does not shut down the engine when performing the air brake check in the cab?*

**A.** No, failing to shut down the engine would cause the applicant to miss the “loss” element of the air brake check, but he would still have a chance to avoid an automatic failure by correctly completing one of the remaining two elements of the air brake check.

## Did you know...?

The tables below include various third-party testing program statistics.

**Table 1** presents the change in the number of organizations, sites and examiners over the past four years.

**Table 2** compares the number of skills tests reported for the past four years.

**Table 3** shows the average failure rates of examiners in 2011; designated representatives should use Table 3 to compare their examiners' failure rates against the state averages.

	2012	2011	2010	2009
<b>Organizations: All</b>	154	156	173	179
<b>Auto</b>	145	147	157	162
<b>CDL</b>	67	71	82	84
<b>Motorcycle</b>	73	75	84	83
<b>Sites: All</b>	304	325	352	374
<b>Auto</b>	246	265	284	302
<b>CDL</b>	106	115	130	139
<b>Motorcycle</b>	99	106	115	120
<b>Examiners: All</b>	403	409	448	476
<b>Auto</b>	353	360	387	410
<b>CDL</b>	129	133	155	162
<b>Motorcycle</b>	141	133	158	157

CY	AUTO	CDL	CYCLE
2011	181,102	14,380	8,238
2010	185,314	12,652	8,552
2009	180,028	14,663	9,502
2008	175,808	17,686	15,349

FAILURE TYPE	AUTO	CDL	CYCLE
All reasons	18.9	19.3	11.2
Performance	15.8	17.5	10.1
Document	2.3	1.1	0.9
Equipment	1.4	1.0	0.3
Inspection	NA	8.2	NA
Basic control skills	7.8	6.8	10.1
Drive	8.6	3.6	NA

## Practice tests and examiners

An examiner started a business offering to help applicants prepare for their driving skills tests - and he didn't follow proper procedures.

The problems? The examiner was not a certified instructor and the business was not certified as a driver education provider.

The *Driver Education Provider and Instructor Act* (PA 384 of 2006, MCL 256.621 et seq.) requires a business to be certified as a driver education provider if it prepares an applicant for the driving skills test for either a license or endorsement.

There are exceptions to this rule, such as providing services on an unpaid basis to a friend or relative, but this was not the case in this instance.

It's important to remember that the person providing the service for the business **must be** certified as an instructor.

If the instructor conducting the practice test is also an examiner, he or she **shall not** conduct the customer's driving skills test for the license or endorsement.