

# Occupational Licensing Industry News

## OLIN 2021-02

### ETP Examiners with Multiple Employers

DIGITAL INFORMATION BRANCH • CUSTOMER SERVICES DIVISION • © 2021 STATE OF CALIFORNIA, DEPARTMENT OF MOTOR VEHICLES. ALL RIGHTS RESERVED.

**Issue Date: September 9, 2021**

#### **Employer Testing Program (ETP) Examiner Employment**

The purpose of this memo is to clarify the provisions outlined in *California Code of Regulations* (CCR) §25.22(d)(1)(A), which allows a certified ETP commercial skills examiner to work for more than one employer concurrently, as long as they are under written contract with **each** ETP employer. The examiner's cumulative number of commercial skills tests administered during a calendar year will be counted toward the minimum number of skills tests required to maintain certification.

An employer **must** do the following to contract with an examiner:

- Enroll the examiner under its Employer Pull Notice (EPN) number for the duration of the contract.
- Enter into a written contract with the examiner before administering any testing. The written contract shall be made available to the Department of Motor Vehicles (DMV) upon request, and contain at a **minimum** the following provisions, stating an examiner must:
  - Have held a valid California Class A or Class B commercial driver's license (CDL) for at least three consecutive years with the appropriate classification and endorsement for new and reinstated examiners.
  - Currently hold a valid California Class A or Class B CDL with the appropriate classification and endorsements for the requested testing authority prior to being approved to attend training.
  - Have attended and passed examiner training conducted by DMV.
  - Allow the employer to enroll them under the employer's EPN number.
  - Verify the driver has acquired a commercial learner's permit from the DMV prior to testing.
  - Certify the driver successfully completed the required commercial drive test (which includes the vehicle inspection, basic control skills test, and road test).
  - Certify the correct type of commercial vehicle(s) was used for the drive test.
  - Provide the employer with the original ETP CDL Vehicle Inspection and Basic Control Skills Evaluation Score Sheets (DL 65 ETP) form, Parts I and II, used during the skills test of drivers.
  - Be available, between the hours of 8 a.m. to 5 p.m., with notice, to participate in the monitoring of the employer's third-party testing program for the duration of the examiner's contract and for a period of one year after contract termination.
  - Not conduct commercial drive tests if their California CDL is not valid or is on probation for negligent operation of a motor vehicle.
  - Maintain their examiner eligibility by attending required training and conducting skills tests on a minimum of 10 different drivers per calendar year.

**Employer Testing Program (ETP) Examiner Employment, *continued***

- Maintain a log of all drive tests conducted, including failed drive tests, and utilize the Commercial Skills Testing Information Management System (CSTIMS) for retention and transmission of skills test results.
- Not act as an examiner for their own relative, supervisor, or for themselves.
- Not sign a Certificate of Driving Skill (DL 170 ETP) form for their own relative, supervisor, or themselves.
- Not knowingly sign a false or incorrect DL 170 ETP.

**Background**

Federal regulations require DMV to revoke the skills testing certification of any third-party commercial skills examiner who does not conduct skills test examinations of at least 10 different applicants per calendar year. This includes 10 vehicle inspections, 10 basic control skills tests, and 10 road tests.

**References**

*Code of Federal Regulations*, Title 49 §§383.75(c)

*California Code of Regulations* §§25.19(g)(1) through (14), 25.22(d)(1)(A), and 25.22(e)

**Distribution**

Notification that this memo is available at **dmv.ca.gov** was made via the California DMV Automated Email Alert System in September 2021 to the following:

- Employer Pull Notice (EPN) Accounts
- Employer Testing Program

**Contact**

Questions regarding this memo may be directed to Occupational Licensing ETP Operations (916) 229-3154.