

1 19A NCAC 03B .0709 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 03B .0709 ON-SITE INSPECTIONS AND AUDITS**

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5 (a) All applicants for a Third Party Tester Certificate shall permit the FHWA or the Division to inspect and audit its
6 operations, ~~facilities~~ facilities, and records as they relate to its Third Party Testing program, for the purpose of
7 determining whether the applicant is qualified to be certified.

8 (b) Third Party Testers who have been certified shall permit the Division or FHWA to periodically inspect and audit
9 its Third Party Testing program to determine whether it remains in compliance with the certification requirements.

10 (c) The Division and FHWA ~~will~~ shall perform inspections and audits with or without prior notice to the Third Party
11 Tester.

12 (d) Inspections and audits ~~will~~ shall include, at a minimum, an examination of:

- 13 (1) ~~Records~~ records relating to Third Party Testing program;
- 14 (2) ~~Evidence~~ evidence of compliance with the FMCSR's;
- 15 (3) ~~Skills~~ skills testing procedures practices and operations;
- 16 (4) ~~Vehicles~~ vehicles used for testing;
- 17 (5) ~~Qualifications~~ qualifications of Third Party Examiners;
- 18 (6) ~~Effectiveness~~ effectiveness of the skills test program by either testing a sample of drivers who have
19 been issued skills test certificates by the Third Party Tester or having Division employees take the
20 skills tests from a Third Party Examiner; and
- 21 (7) Any ~~other aspect of the~~ Third Party Tester's operation that the Division determines is necessary to
22 verify that the Third Party Tester meets the requirements for the certification.

23 (e) The Division ~~will~~ shall prepare a written report of each inspection and audit report of the results of each inspection
24 and audit. A copy of the report ~~will~~ shall be provided to the Third Party Tester.

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26 *History Note: Authority G.S. 20-37.22;*
27 *Eff. September 1, 1990;*
28 *Amended Eff. December 1, ~~1993~~ 1993;*
29 *Readopted Eff. _____, 2021.*

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