

Third Party Testing Bulletin

July 2008

Michigan
Department
of State

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Secretary
of State

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New requirement: email communication

The third party testing agreement authorizes the Department of State to prescribe business standards that each organization must meet. Those standards are described in the third party testing manual issued to each organization. Standards may be revised by notice to each testing organization. This article serves as notice of an upcoming change to business standards.

Effective September 1, 2008, each third party testing organization must maintain an email address for

communication with the department. If you have not already done so, please notify the department of your email address in a message to **ThirdPartyTesting@Michigan.gov**. Revised pages for your third party testing manual are available for downloading from the department's Web site at **www.Michigan.gov/sos**.

Bulletins will no longer be printed and mailed; in the future, they will be posted on the department's Web site. Organizations will be notified by email when bulletins are posted.

Fingerprint-based criminal background check

The Michigan Vehicle Code requires that third party testing examiners, designated representatives, and owners complete a fingerprint-based criminal history check through the Michigan State Police and the Federal Bureau of Investigation.

The Michigan State Police has contracted with a private vendor, L-1 Identity Solutions (formerly known as Identix Identification Services) for this service. A protocol for completing the request from testing organizations has been established. A how-to guideline was distributed with the new manuals.

The fingerprint-based check will be valid for five years. It replaces the name-based search, which was valid for two years. Examiners, designated representatives and owners who have a fingerprint-based criminal history report on file as a driver education instructor or driver education provider do not need to submit another report. Simply notify the Third Party Testing Section that the examiner's criminal history record was completed to meet the requirements for his or her driver education instructor or provider certificate.

Criminal history reports on file with other state, federal or local government agencies--such as for a hazardous materials endorsement, public school employment, or a concealed weapons permit--are not available to the Department of State. It will, therefore, be necessary to have a new set of fingerprints taken for a background check every five years.

The Department of State is prohibited from sharing its criminal history reports with any other persons or agencies.

CDL language proficiency requirement

Questions have arisen concerning the level of English language proficiency a CDL test applicant must exhibit. Federal Motor Carrier Safety Regulation 49 CFR 391.11(b)(2) provides guidance. A CDL applicant is considered to be qualified if he or she, "Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records."

The federal rule is cited for informational purposes only. Examiners should not consider this language requirement as part of the skills test and an examiner may not fail an applicant solely for lack of English language proficiency. However, English language proficiency is indirectly tested during the skills test; an applicant lacking the required English language proficiency will have difficulty passing the test. The applicant must use English to explain each inspection item or test component, addressing each element in the scoring standards.

Interpreters are allowed to assist only before and after a skills test. An examiner may note the applicant's difficulty communicating in the English language on the score sheet's "Comments" section, if the examiner believes it was a factor in the applicant's inability to pass the test.

BAM update

Third party testing organizations were briefed about the department's Business Application Modernization project (BAM) during meetings in 2006. Work on BAM continues and the department hopes to implement the first phase of the project in 2009.

Third party testing info online

The Secretary of State's Web site now includes additional third party testing information. Third party testing organizations and examiners may now access and download the third party testing manual, bulletins, and third party testing forms.

To access this information, go to the Secretary of State's home page, www.Michigan.gov/sos. Click the link "Driver License & State ID," then "Driving Skills Testing."

Safety belt use by examiners

The Michigan Vehicle Code requires that the driver and front seat passengers of a motor vehicle being operated on a street or highway wear properly adjusted and fastened safety belts. The Michigan Vehicle Code also requires the Secretary of State to adopt a program to encourage compliance with safety belt usage laws. While the law does not require safety belt use when a vehicle is being operated on private property, which would include most third party testing sites, examiners should encourage safety belt use and set good examples by wearing them. Needless to say, this same common sense should also be applied to helmet use while operating a motorcycle on private property of a testing site.

FMCSA notice to third party testers

The Federal Motor Carrier Safety Administration has determined that third party testing organizations that offer CDL skills testing must implement a program to subject examiners to testing for controlled substances and alcohol. Federal regulations require employers of persons driving a vehicle that requires a CDL to have a testing program. Read the full notice in the "Information for Testing Organizations & Examiners" on the "Driving Skills Testing" page on the Secretary of State's Web site, www.Michigan.gov/sos.